



CANADA

TREATY SERIES 1995/44 RECUEIL DES TRAITÉS

NUCLEAR

Exchange of Notes between the Government of **CANADA** and the Government of **AUSTRALIA** constituting an Agreement providing for Re-transfers of Australian Nuclear Material or Material

Ottawa April 10, 1995

In force April 10, 1995

NUCLÉAIRE

Échange de Notes entre le gouvernement du **CANADA** et le gouvernement d'**AUSTRALIE** constituant un Accord prévoyant le réacheminement de matières nucléaires australiennes et autres matières

Ottawa, le 10 avril 1995

En vigueur le 10 avril 1995

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AUSTRALIAN HIGH COMMISSION,
OTTAWA,
CANADA.

April 10, 1995

Honourable André Ouellet
Secretary of State for External Affairs
Ottawa

Sir,

I have the honour to acknowledge receipt of your letter of April 10, 1995 which reads as follows:

"Your Excellency,

I have the honour to refer to the "Agreement between the Government of Canada and the Government of Australia concerning the Peaceful Uses of Nuclear Energy" signed at Ottawa on 9 March 1981 (hereinafter referred to as "the Agreement") and in particular to paragraph (1) of Article VIII of the Agreement and I note that consultations have taken place between the Parties on the application of this provision.

1. Paragraph 1 of Article VIII of the Agreement provides that "Items subject to the Agreement shall be transferred beyond the jurisdiction of the recipient Party only with the prior written consent of the supplier Party". In order to facilitate the implementation of this provision, I have the honour to propose that:

(A) in the case of natural uranium, depleted uranium, other source material, uranium enriched to less than 20 per cent in the isotope U-235 and heavy water, Canada hereby provides its consent to future transfers of such nuclear material and material by Australia beyond its jurisdiction to third parties provided that:

- (1) any such third party be acceptable to Canada and has been so designated in writing;
- (2) Australia, for each such transfer, inform the third party that the nuclear material or material transferred is subject to a nuclear cooperation agreement between Australia and Canada;

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- (3) Australia make subject to the Agreement, upon receipt, nuclear material and material transferred to Australia from a third party identified pursuant to (1) above, when the third party informs Australia that the nuclear material or material is subject to a nuclear cooperation agreement between the third party and Canada; and
 - (4) administrative procedures acceptable to both Parties relating to such transfers have been established by the appropriate governmental authorities.
- (B) transfers other than those transfers referred to in (A) above shall continue to require the written consent of Canada prior to the transfer.

2. Further to paragraph 1 of Article VIII of the Agreement, Canada hereby provides its consent to the transfer by Australia beyond its jurisdiction in any 12 month period, to any State Party to the Treaty on the Non-Proliferation of Nuclear Weapons done at London, Washington and Moscow July 1968, of the following nuclear material and quantities:

- (i) special fissionable material (up to 50 effective grams);
- (ii) natural uranium (up to 500 kilograms);
- (iii) depleted uranium (up to 1000 kilograms);
and
- (iv) thorium (up to 1000 kilograms).

The appropriate governmental authorities shall establish reporting procedures for the purpose of reviewing the implementation of this provision.

3. With reference to paragraph 2 of Article II of the Agreement, I have the honour to propose that, in cases where natural uranium, depleted uranium, other source material, uranium enriched to less than 20 per cent in the isotope U-235 and heavy water are received by Australia from a third party, identified in accordance with sub-paragraph 1(A)(1) above, that informs Australia that the nuclear material or material is subject to a nuclear cooperation agreement between the third party and Canada, this present exchange of Notes shall be regarded as satisfying the requirement for prior notification.

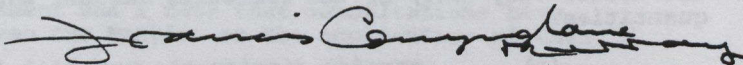
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If the foregoing is acceptable to the Government of Australia, I have the honour to propose that this Note, which is equally authentic in English and French, and your confirmatory reply shall together constitute an agreement between the Government of Canada and the Government of Australia which shall enter into force on the date of your reply and shall remain in force for as long as the Agreement remains in force unless otherwise agreed by the two Governments.

Accept, Your Excellency, the assurances of my highest consideration."

I have further the honour to confirm that the foregoing is acceptable to the Government of Australia which therefore agrees that your letter with the present reply shall constitute an agreement between our two Governments which shall enter into force on the date of the present reply.

I have the honour to convey to you, Sir, the assurance of my highest consideration.



Francis Conyngham Murray
High Commissioner for Australia



THE COMMONWEALTH OF AUSTRALIA

1992, June 21

April 19, 1992

Dear Sir,

Reference is made to your letter of the 12th of April, 1992, in which you requested that the Australian Government should consider the possibility of providing a grant to assist the development of a research project in the area of the effects of the environment on the health of the population. The project is entitled "The Effects of the Environment on the Health of the Population" and is being conducted by the University of Queensland. The project is of a highly interdisciplinary nature and is expected to produce valuable results in the field of environmental health. The Australian Government is pleased to support such projects and will be pleased to consider the possibility of providing a grant to assist the development of this project. I have the honour to acknowledge the receipt of your letter of the 12th of April, 1992, and to inform you that the Australian Government is pleased to support such projects and will be pleased to consider the possibility of providing a grant to assist the development of this project.

Yours faithfully,
The Hon. J. Howard
Minister for Health

Ms. Elizabeth Taylor
High Commissioner for Australia
Ottawa

Enclosed for your information are two copies of the letter of the 12th of April, 1992, and a copy of the letter of the 19th of April, 1992.

The Secretary of State for External Affairs



Secrétaire d'Etat aux Affaires extérieures

April 10, 1995

Your Excellency,

I refer to the "Agreement between the Government of Canada and the Government of Australia concerning the Peaceful Uses of Nuclear Energy" signed at Ottawa on 9 March 1981 (hereinafter referred to as "the Agreement") and in particular to paragraph 1 of Article VIII of the Agreement and I note that consultations have taken place between the Parties on the application of this provision.

1. Paragraph 1 of Article VIII of the Agreement provides that "Items subject to the Agreement shall be transferred beyond the jurisdiction of the recipient Party only with the prior written consent of the supplier Party". In order to facilitate the implementation of this provision, I have the honour to propose that:

- (A) in the case of natural uranium, depleted uranium, other source material, uranium enriched to less than 20 per cent in the isotope U-235 and heavy water, Canada hereby provides its consent to future transfers of such nuclear material and material by Australia beyond its jurisdiction to third parties provided that:
- (1) any such third party be acceptable to Canada and has been so designated in writing;
 - (2) Australia, for each such transfer, inform the third party that the nuclear material or material transferred is subject to a nuclear cooperation agreement between Australia and Canada;

His Excellency Francis Conynghame Murray
High Commissioner for Australia
Ottawa

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Secretary of State for External Affairs



Secrétaire d'Etat aux Affaires extérieures

Canada

10 avril 1995

Monsieur le Haut-commissaire,

J'ai l'honneur de me référer à «l'Accord entre le Gouvernement du Canada et le Gouvernement de l'Australie concernant l'utilisation pacifique de l'énergie nucléaire», signé à Ottawa le 9 mars 1981 (ci-après appelé «l'Accord») et, en particulier, au paragraphe (1) de l'article VIII de l'Accord, et je note qu'il y a eu consultations entre les Parties sur l'exécution de cette disposition.

1. Le paragraphe(1) de l'Article VIII de l'Accord dispose que: «Les articles assujettis au présent Accord ne doivent être transférés au-delà de la juridiction de la Partie prenante qu'avec l'assentiment préalable écrit de la Partie cédante». Afin de faciliter l'exécution de cette disposition, j'ai l'honneur de proposer :

- (A) que dans le cas de l'uranium naturel, de l'uranium appauvri, d'autres matières brutes, de l'uranium enrichi en isotope U-235 dans une proportion inférieure à 20% et de l'eau lourde, le Canada, par les présentes, donne son assentiment aux transferts futurs de ces matières nucléaires et matières par l'Australie, au-delà de sa juridiction, à des tierces parties, à la condition :
- (1) que les tierces parties soient acceptables au Canada et aient été désignées comme telles par écrit;
 - (2) que pour chaque transfert, l'Australie informe la tierce partie que les matières nucléaires ou matières transférées sont assujetties aux dispositions d'un Accord de coopération nucléaire entre l'Australie et le Canada;

Son Excellence Monsieur
Haut-commissaire de l'Australie
Ottawa

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- (3) Australia make subject to the Agreement, upon receipt, nuclear material and material transferred to Australia from a third party identified pursuant to (1) above, when the third party informs Australia that the nuclear material or material is subject to a nuclear cooperation agreement between the third party and Canada; and
 - (4) administrative procedures acceptable to both Parties relating to such transfers have been established by the appropriate governmental authorities.
- (B) transfers other than those transfers referred to in (A) above shall continue to require the written consent of Canada prior to the transfer.

2. Further to paragraph 1 of Article VIII of the Agreement, Canada hereby provides its consent to the transfer by Australia beyond its jurisdiction in any 12 month period, to any State Party to the Treaty on the Non-Proliferation of Nuclear Weapons done at London, Washington and Moscow July 1968, of the following nuclear material and quantities:

- (i) special fissionable material (up to 50 effective grams);
- (ii) natural uranium (up to 500 kilograms);
- (iii) depleted uranium (up to 1000 kilograms); and
- (iv) thorium (up to 1000 kilograms).

The appropriate governmental authorities shall establish reporting procedures for the purpose of reviewing the implementation of this provision.

3. With reference to paragraph 2 of Article II of the Agreement, I have the honour to propose that, in cases where natural uranium, depleted uranium, other source material, uranium enriched to less than 20 per cent in the isotope U-235 and heavy water are received by Australia from a third party, identified in accordance with sub-paragraph 1(A)(1) above, that informs Australia that the nuclear material or material is subject to a nuclear cooperation agreement between the third party and Canada, this present exchange of Notes shall be regarded as satisfying the requirement for prior notification.

...3/

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- (3) que l'Australie assujettisse à l'Accord, dès leur réception, les matières nucléaires et matières qui lui sont transférées par une tierce partie désignée en vertu de la clause (1) ci-dessus, lorsque cette tierce partie informe l'Australie que les matières nucléaires ou matières sont assujetties à un Accord de coopération nucléaire entre cette tierce partie et le Canada;
- (4) qu'une procédure administrative jugée acceptable par les deux Parties concernant les transferts en question ait été établie par les autorités gouvernementales compétentes.

- (B) que, pour les transferts autres que ceux mentionnés en (A) ci-dessus, il demeure nécessaire de demander l'assentiment écrit du Canada avant de les effectuer.

2. Comme suite au paragraphe (1) de l'Article VIII de l'Accord, le Canada, par les présentes, donne son assentiment au transfert par l'Australie, au-delà de sa juridiction et au cours de toute période de 12 mois, à tout Etat partie au Traité sur la non-prolifération des armes nucléaires conclu à Londres, Washington et Moscou en juillet 1968, des matières nucléaires et des quantités suivantes :

- (1) tout produit fissile spécial (jusqu'à 50 grammes effectifs)
- (2) l'uranium naturel (jusqu'à 500 kilogrammes)
- (3) l'uranium appauvri (jusqu'à 1 000 kilogrammes)
- (4) le thorium (jusqu'à 1 000 kilogrammes).

Les autorités gouvernementales compétentes doivent établir des procédures d'établissement de rapports pour l'examen de l'application de cette disposition.

3. En ce qui concerne le paragraphe (2) de l'Article II de l'Accord, j'ai l'honneur de proposer que, dans les cas où l'uranium naturel, l'uranium appauvri, d'autres matières brutes, l'uranium enrichi en isotope U-235 dans une proportion inférieure à 20% et l'eau lourde sont reçus par l'Australie d'une tierce partie, désignée en vertu de l'alinéa 1 (A) (1) ci-dessus, qui informe l'Australie que les matières nucléaires ou autres matières en question sont assujetties à un Accord sur la coopération nucléaire entre la tierce partie et le Canada, le présent Echange de notes soit considéré comme satisfaisant à l'exigence d'une notification préalable.

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If the foregoing is acceptable to the Government of Australia, I have the honour to propose that this Note, which is equally authentic in English and French, and your confirmatory reply shall together constitute an agreement between the Government of Canada and the Government of Australia which shall enter into force on the date of your reply and shall remain in force for as long as the Agreement remains in force unless otherwise agreed by the two Governments.

Accept, Your Excellency, the assurances of my highest consideration.

André Ouellet

- 3 -

Si les dispositions qui précèdent agréent au Gouvernement de l'Australie, j'ai l'honneur de proposer que la présente Note, dont les versions française et anglaise font également foi, ainsi que votre réponse à cet effet constituent un accord entre le Gouvernement du Canada et le Gouvernement de l'Australie, qui entrera en vigueur à la date de votre réponse et demeurera en vigueur tant que l'Accord sera en vigueur, sauf si les deux Gouvernements en conviennent autrement.

Je vous prie d'agréer, Monsieur le Haut-commissaire, les assurances de ma très haute considération.

André Ouellet

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