



CANADA

TREATY SERIES 1995/42 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 Canadian 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 canadiennes 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 refer to the "Agreement between the Government of Australia and the Government of Canada concerning the Peaceful Uses of Nuclear Energy" done 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 to consultations which have taken place between our two Governments on the application of that Article. In accordance with the understandings that were reached during the course of these consultations I have the further honour to propose that:

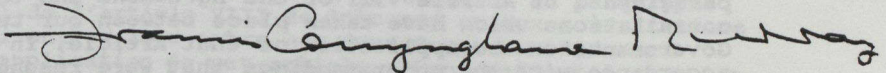
1. Subject to paragraph 3 below, nuclear material subject to the Agreement may be transferred beyond the jurisdiction of Canada for conversion, enrichment to less than 20 per cent in the isotope U-235, fuel fabrication, use, storage or final disposal to third countries which have an agreement in force with Australia concerning nuclear transfers in relation to which agreement the Government of Australia has not advised the Government of Canada that it has found it necessary to suspend, cancel or refrain from making nuclear transfers.
2. The Government of Australia shall provide the Government of Canada with, and keep updated, the list of countries to which transfers may be made.
3. Notwithstanding the foregoing provisions, transfers beyond the jurisdiction of Canada of the following nuclear material which is subject to the Agreement, namely U-233, uranium enriched to 20 per cent or more in the isotope U-235, plutonium and irradiated nuclear material, shall continue to require the prior written consent of the Government of Australia.

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4. The Government of Canada shall notify the Government of Australia of any transfers pursuant to paragraph 1 above in accordance with the procedures set out in the administrative arrangement established pursuant to the Agreement between the appropriate governmental authorities of each Party.

If the foregoing is acceptable to the Government of Canada, I have the honour to propose that this Note and your confirmatory reply shall together constitute an agreement between the Government of Australia and the Government of Canada 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, Sir, the assurances of my highest consideration.



Francis Conynghame Murray
High Commissioner for Australia



The Secretary of State for External Affairs

Secrétaire d'Etat aux Affaires extérieures

Canada

April 10, 1995

Your Excellency,

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

"Sir,

I have the honour to refer to the "Agreement between the Government of Australia and the Government of Canada concerning the Peaceful Uses of Nuclear Energy" done 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 to consultations which have taken place between our two Governments on the application of that Article. In accordance with the understandings that were reached during the course of these consultations I have the further honour to propose that:

1. Subject to paragraph 3 below, nuclear material subject to the Agreement may be transferred beyond the jurisdiction of Canada for conversion, enrichment to less than 20 per cent in the isotope U-235, fuel fabrication, use, storage or final disposal to third countries which have an agreement in force with Australia concerning nuclear transfers in relation to which agreement the

His Excellency Francis Conynghame Murray
High Commissioner for Australia
Ottawa

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Her Majesty the Secretary of State for External Affairs



Secrétaire d'Etat aux Affaires extérieures

Canada

10 avril, 1995

Excellence,

J'ai l'honneur d'accuser réception de votre Note en date du 10 avril 1995, qui, en français, se lit comme suit :

«Monsieur le Ministre,

J'ai l'honneur de me reporter 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, l'Accord) et en particulier au paragraphe (1) de l'article VIII de l'Accord et aux consultations qui ont eu lieu entre nos deux Gouvernements sur l'application de cet article. Conformément à ce qui a été convenu lors de ces consultations, j'ai l'honneur de proposer les dispositions suivantes:

1. Sous réserve du paragraphe (3), les matières nucléaires visées par l'Accord peuvent être transférées à partir du Canada, pour conversion, enrichissement à moins de vingt pour cent en isotope U-235, fabrication de combustible, consommation, entreposage ou élimination finale, vers les pays tiers qui sont liés par un accord en vigueur avec l'Australie concernant les transferts

Son Excellence Monsieur Francis Conynghame Murray
Haut-commissaire de l'Australie
Ottawa

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Government of Australia has not advised the Government of Canada that it has found it necessary to suspend, cancel or refrain from making nuclear transfers.

2. The Government of Australia shall provide the Government of Canada with, and keep updated, the list of countries to which transfers may be made.

3. Notwithstanding the foregoing provisions, transfers beyond the jurisdiction of Canada of the following nuclear material which is subject to the Agreement, namely U-233, uranium enriched to 20 per cent or more in the isotope U-235, plutonium and irradiated nuclear material, shall continue to require the prior written consent of the Government of Australia.

4. The Government of Canada shall notify the Government of Australia of any transfers pursuant to paragraph 1 above in accordance with the procedures set

out in the administrative arrangement established pursuant to the Agreement between the appropriate governmental authorities of each Party.

If the foregoing is acceptable to the Government of Canada, I have the honour to propose that this Note and your confirmatory reply shall together constitute an agreement between the Government of Australia and the Government of Canada 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, Sir, the assurances of my highest consideration."

...3/

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de matières nucléaires, accord à propos duquel le Gouvernement de l'Australie n'a pas informé le Gouvernement du Canada qu'il a jugé nécessaire de suspendre ou d'annuler les transferts de matières nucléaires ou de s'abstenir de les effectuer.

2. Le Gouvernement de l'Australie communiquera au Gouvernement du Canada une liste des pays vers lesquels les transferts peuvent être effectués, ainsi que les mises à jour éventuelles de cette liste.

3. Nonobstant les dispositions ci-dessus, les transferts à partir du Canada des matières nucléaires suivantes qui sont visées par l'Accord, à savoir l'U-233, l'uranium enrichi à vingt pour cent ou plus en isotope U-235, le plutonium et les matières nucléaires irradiées, exigent l'assentiment préalable écrit du Gouvernement de l'Australie.

4. Le Gouvernement du Canada notifiera au Gouvernement de l'Australie, le cas échéant, les transferts effectués en vertu du paragraphe (1), conformément aux procédures arrêtées dans l'arrangement administratif établi en vertu de l'Accord par les autorités gouvernementales appropriées de chaque Partie.

Si le texte qui précède agréé au Gouvernement du Canada, j'ai l'honneur de proposer que cette Note et votre réponse affirmative constituent entre le Gouvernement de l'Australie et le Gouvernement du Canada un accord qui entrera en vigueur à la date de votre réponse et qui le demeurera tant que l'Accord sera en vigueur, à moins que les deux Gouvernements en conviennent autrement.

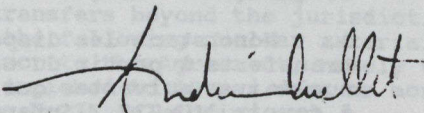
Agréé, Monsieur le Ministre, les assurances de ma très haute considération.»

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I have further the honour to confirm that the foregoing is acceptable to the Government of Canada which therefore agrees that your Note and the present reply, which is equally authentic in English and French, shall constitute an agreement between the Government of Canada and the Government of Australia which shall enter into force on the date of the present 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.

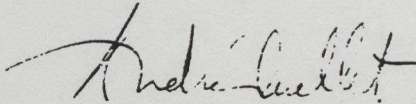


André Ouellet

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J'ai l'honneur de vous confirmer que ce qui précède agréé au Gouvernement du Canada, qui, par conséquent, consent à ce que votre Note ainsi que la présente réponse, dont les versions française et anglaise font également foi, constituent entre le Gouvernement du Canada et le Gouvernement de l'Australie un accord qui entra en vigueur à la date de la présente réponse et qui le restera tant que l'Accord sera en vigueur, à moins que les deux Gouvernements en conviennent autrement.

Je vous prie d'agréer, Excellence, les assurances de ma très haute considération.



André Ouellet

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I have further the honor to advise that the
foregoing is acceptable to the Government of Canada
which has not any further observations to
make on the proposed amendments to the
Bill. I am, Sir, very respectfully,
Your obedient servant,
The Secretary of the Privy Council
Office

Je vous prie d'agréer, Excellence, les
assurances de ma très haute considération.

[Faint signatures and text]
André Gauthier

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Canada - 1995
Available in Canada through your local bookseller or
by mail from Canadian Government Publishing -
PWGSC
Ottawa, Canada K1A 0S9
Catalogue No.: E3-1995/42
ISBN 0-660-60889-8

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gouvernementaux Canada - 1995
En vente au Canada chez votre libraire local ou par la
poste auprès des Éditions du gouvernement du Canada
- TPSGC
Ottawa, Canada K1A 0S9
N° de catalogue : E3-1995/42
ISBN 0-660-60889-8