



Australian Government

Australian Safeguards and Non-Proliferation Office

File 08/505498

29 April 2009

Mr Kelvin Thomson MP
Chair
Joint Standing Committee on Treaties
Parliament House
Canberra

SUPPLEMENTARY SUBMISSION No.86.1

**Nuclear Non-proliferation and
Disarmament**

Dear Mr Thomson

Inquiry into Nuclear Non-proliferation and Disarmament

In response to questions raised by Ms Parke, at recent hearings of this Inquiry, about ASNO's role in DFAT, I have prepared the attached supplementary submission, which I hope will address the Committee's interest in this matter.

Further information on ASNO's responsibilities, functions and activities is set out in ASNO's Annual Report. This is tabled in Parliament and copied to every Senator and Member. For ease of reference, I have forwarded copies of ASNO's last Annual Report (2007-2008) to the Committee Secretariat for distribution to Committee members.

Yours sincerely

John Carlson
Director General

28 April 2009

**Supplementary submission by John Carlson, Director General,
Australian Safeguards and Non-Proliferation Office, on:**

**ROLE OF THE AUSTRALIAN SAFEGUARDS AND NON-PROLIFERATION OFFICE (ASNO) IN
THE DEPARTMENT OF FOREIGN AFFAIRS AND TRADE (DFAT)**

The Director General, ASNO (DG ASNO), is a statutory office holder, appointed by the Governor-General under the *Nuclear Non-Proliferation (Safeguards) Act 1987* (section 42). The position was established as a statutory office to ensure regulatory independence. DG ASNO is responsible directly to the Minister responsible for this Act, the Minister for Foreign Affairs. DG ASNO prepares a separate Annual Report which is tabled in Parliament.

For practical administrative reasons ASNO staff, other than the DG, are officers of DFAT. ASNO functions on a similar basis to a Division of DFAT.

ASNO's predecessor, the Australian Safeguards Office (ASO), was originally located in what is now the Department of Resources, Energy and Tourism. ASO was transferred to DFAT in 1994, on the initiative of the then Minister for Foreign Affairs, Senator Gareth Evans. At that time, increasing international attention was being given to strengthening IAEA safeguards and the nuclear non-proliferation regime. While ASO was in a domestic portfolio, its involvement in this work was not seen as a high priority. Senator Evans could see that relocation of ASO to DFAT would ensure a strong foundation of expertise for policy development and diplomatic efforts in non-proliferation areas.

At the same time, the synergies between non-proliferation and the treaty regimes on nuclear testing and chemical weapons were recognized, and it was decided to add these responsibilities to ASO. Thus, from the outset ASO's responsibilities were broadened, though the formal change of name to ASNO did not occur until 2003.

ASNO reports to the Minister for Foreign Affairs directly on matters for which ASNO is responsible. ASNO also advises the Minister generally on non-proliferation matters. In practice there is close consultation between ASNO and relevant DFAT Divisions – primarily the International Security Division, and also geographic areas (North Asia, Middle East, Europe, South East Asia, Americas) where appropriate. ASNO also works closely with Australia's diplomatic missions overseas.

Looking at particular areas of work:

Statutory/regulatory responsibilities

For legislation implemented by ASNO, the Minister for Foreign Affairs is the responsible Minister. ASNO holds some statutory powers directly, but most are by delegation from the Minister. For most statutory matters ASNO operates independently of the rest of DFAT, though on some matters advice may be sought from relevant areas of DFAT, e.g. on legal issues, and ASNO receives invaluable support from Australian diplomatic missions.

Legislation implemented by ASNO includes:

Nuclear Non-Proliferation (Safeguards) Act 1987

- National authority to implement Australia's obligations under the safeguards agreement and additional protocol with the International Atomic Energy Agency (IAEA), and the Convention on the Physical Protection of Nuclear Material
 - including making reports to the IAEA and facilitating IAEA inspections, setting domestic safeguards and nuclear security requirements through a system of permits and inspections, and industry outreach;
- Operation of Australia's bilateral nuclear safeguards agreements.

Chemical Weapons (Prohibition) Act 1994

- National authority to implement Australia's obligations under the Chemical Weapons Convention (CWC), including
 - making reports to the Organization for the Prohibition of Chemical Weapons (OPCW) and facilitating OPCW inspections at chemical facilities, operation of domestic permit system, industry outreach.

Comprehensive Nuclear Test-Ban Treaty Act 1998

- National authority to implement Australia's obligations under the Comprehensive Nuclear Test-Ban Treaty (CTBT)
 - ASNO oversees Australian activities monitoring for nuclear tests, and is responsible for ensuring Australian stations under the CTBT's International Monitoring System are established and operational
 - Australia will have 20 stations and one laboratory – of these 21 facilities, 11 are operated by Geoscience Australia, eight by the Australian Radiation Protection and Nuclear Safety Agency (ARPANSA), and two by the Australian National University.

Treaty organisations

ASNO works closely with DFAT's International Security Division on general issues relating to the treaty organizations, e.g. briefing for meetings of the IAEA Board of Governors, OPCW Executive Council, and the CTBT Preparatory Commission. DG ASNO is an Alternate Governor on the IAEA Board of Governors.

Non-proliferation and disarmament

In addition to contributing to policy analysis and development, ASNO's activities include:

- Strengthening IAEA safeguards
 - DG ASNO led Australia's delegation and played a major role in the negotiation of the Additional Protocol extending the IAEA's authority. Australia was the first state to sign and to ratify an Additional Protocol, in 1997. Australia is an active promoter of the Additional Protocol, and has made this a condition of supply for Australian uranium;
 - IAEA DG ElBaradei appointed DG ASNO to chair the IAEA's Standing Advisory Group on Safeguards Implementation (SAGSI), an international group of experts advising the IAEA on safeguards development, from 2001 to 2006;

3.

- a program of support for IAEA safeguards, including expert consultancies by ASNO staff, technical projects (with input from the Australian Nuclear Science and Technology Organisation (ANSTO) and other agencies), field trials of new safeguards techniques in Australia.
- Substantial input to Australia's efforts on the Nuclear Suppliers Group and the Australia Group.
- New regimes – ASNO is an international leader in development of a Fissile Material Cut-Off Treaty; an ASNO officer chairs an international task group developing on-site inspection arrangements for the CTBT; ASNO is working on verification development for nuclear disarmament.
- Development of a new international architecture for nuclear activities; non-proliferation implications of fuel cycle developments – ASNO is working closely with DFAT and overseas counterparts.
- International Commission on Nuclear Non-Proliferation and Disarmament – DG ASNO is a member of the Advisory Board.

Non-proliferation challenges

ASNO works closely with DFAT, Australia's intelligence agencies, the IAEA and overseas contacts on the Iran and DPRK nuclear cases, illicit procurement networks, and related issues. ASNO has made a substantial contribution to work in the IAEA Board of Governors on non-compliance and other aspects.

Nuclear security

ASNO played a key role in strengthening the Convention on the Physical Protection of Nuclear Material (2005 Amendment), and is currently engaged in the working group updating IAEA security recommendations.

Nuclear policy consultations

ASNO works closely with DFAT on contacts with other governments on non-proliferation, disarmament and safeguards matters.

Regional outreach

- ASNO has an extensive program of outreach in the Asia-Pacific area (and elsewhere), particularly training on safeguards, nuclear security, the IAEA Additional Protocol, export controls, and CWC implementation. Since 2006, ASNO has provided training to over 350 professionals from most countries in our region. ASNO works closely with the IAEA, OPCW, and governments including the US and Japan on these;
- A major ASNO initiative is the Asia-Pacific Safeguards Network, comprising safeguards authorities and other government agencies working in safeguards – establishment agreed at regional meeting in Seoul 16 April 2009;

- ASNO has collaborative MOUs with counterparts in Japan, Korea and Indonesia, as well as the US, and expects to conclude an MOU with another regional counterpart shortly.

Publications

ASNO has published a range of papers on non-proliferation and verification topics – see ASNO’s website [www.asno.dfat.gov.au]. ASNO’s Annual Reports, which are a statutory requirement, are also used as a vehicle for promoting public understanding of non-proliferation matters, including discussion of topical issues.

Conclusion

ASNO’s location in DFAT has served Australia’s interests well, ensuring that policy analysis and development and diplomatic efforts are supported by substantial expertise. At the same time ASNO has benefited through DFAT’s support for our extensive international activities – DFAT appreciates that these make an important contribution to furthering Australia’s national interests.