

OP 1 and related matters from OP 5, OP 6, OP 8 (a), (b), (c) and OP 10

State: **Australia**
 Date of Report: **28 October 2004**
 Date of Addendum 1: **08 November 2005**
 Date of Addendum 2: **14 March 2008**

Did you make one of the following statements or is your country a State Party to or Member State of one of the following Conventions, Treaties and Arrangements ?		YES	if YES, indicate relevant information (i.e. signing, accession, ratification, entering into force, etc)	Remarks (information refers to the page of the English version of the report or an official web site)
1	General statement on non-possession of WMD	X	Australia does not possess, nor seek to possess, weapons of mass destruction	
2	General statement on commitment to disarmament and non-proliferation	X	Australia is fully compliant with commitments under key multilateral non-proliferation treaties and disarmament conventions	
3	General statement on non-provision of WMD and related materials to non-State actors	X	Does not provide any form of support to non-State actors	
4	Biological Weapons Convention (BWC)	X	Deposit 05 October 1977	
5	Chemical Weapons Convention (CWC)	X	Deposit 06 May 1994	
6	Nuclear Non-Proliferation Treaty (NPT)	X	Deposit 23 January 1973	

The information in the matrices originates primarily from national reports and is complemented by official government information, including that made available to inter-governmental organizations. The matrices are prepared under the direction of the 1540 Committee.

The 1540 Committee intends to use the matrices as a reference tool for facilitating technical assistance and to enable the Committee to continue to enhance its dialogue with States on their implementation of Security Council Resolution 1540.

The matrices are not a tool for measuring compliance of States in their non-proliferation obligations but for facilitating the implementation of Security Council Resolutions 1540 and 1673. They do not reflect or prejudice any ongoing discussions outside of the Committee, in the Security Council or any of its organs, of a State's compliance with its non-proliferation or any other obligations

7	Comprehensive Nuclear Test Ban Treaty (CTBT)	X	Deposit 09 July 1998	
8	Convention on Physical Protection of Nuclear Material (CPPNM)	X	In force 22 October 1987 Australia is in the final stages of action to ratify amendments to the CPPNM	
9	Hague Code of Conduct (HCOC)	X	Subscribed 25 November 2002	
10	Geneva Protocol of 1925	X	Deposit 24 May 1930	
11	International Atomic Energy Agency (IAEA)	X	Since 29 July 1957	
12	Nuclear Weapons Free Zone/ Protocol(s)	X	Treaty of Rarotonga, deposit 11 December 1986	
13	Other Conventions/Treaties	X	<p>1. Party to 13 UN Conventions against Terrorism, including the International Convention for the Suppression of Terrorist Bombings (acceded 9 August 2002) and the International Convention for the Suppression of the Financing of Terrorism (ratified 26 September 2002). It has signed the International Convention on the Suppression of Acts of Nuclear Terrorism (14 September 2005)</p> <p>2. Signed the Convention on the Suppression of Unlawful Acts against the Safety of Maritime Navigation (SUA) 2005 Protocol</p> <p>3. Convention to Ban the Importation into Forum Island Countries of Hazardous and Radioactive Wastes and to Control the Transboundary Movement and Management of Hazardous Wastes within the South Pacific Region (Waigani Convention)</p>	
14	Other Arrangements	X	<p>1. Nuclear Suppliers Group (NSG)</p> <p>2. Australia Group (AG)</p> <p>3. Missile Technology Control Regime (MTCR)</p> <p>4. Wassenaar Arrangement (WA)</p> <p>5. Zangger Committee (ZC)</p> <p>6. Proliferation Security Initiative (PSI)</p> <p>7. Global Initiative to Combat Nuclear Terrorism</p> <p>8. OECD Nuclear Energy Agency</p>	
15	Other	X	<p>1. World Customs Organization</p> <p>2. Interpol</p> <p>3. Customs Mutual Assistance Agreements (CMAA) have been concluded for the exchange of Customs information with 19 States</p> <p>4. Australian Transaction Reports and Analysis Centre has concluded agreements for the exchange of financial transaction data with 49 States</p> <p>5. Member of the ASEAN Regional Forum</p> <p>6. Co-Founder of the International Commission on Nuclear NonProliferation and Disarmament</p>	

OP 2 - Biological Weapons (BW)

State:

Australia

Date of Report:

28 October 2004

Date of Addendum 1:

08 November 2005

Date of Addendum 2:

14 March 2008

Does national legislation exist which prohibits persons or entities to engage in one of the following activities ? Can violators be penalized ?	National legal framework		Enforcement: civil/criminal penalties and others		Remarks
	YES	if YES, indicate source document of national implementation law	YES	if YES, indicate source document	
1 manufacture/produce	X	1. Crimes (Biological Weapons) Act 1976, as amended 1980, 1992, 2001, 2008 and 2010, section (s.) 8 2. Crimes (Biological Weapons) Regulations 1980, as amended 3. WMD Act 1995 as amended through 2010, ss. 7 and 11	X	1. Crimes (Biological Weapons) Act 1976, as amended 1980, 1992, 2001, 2008 and 2010, sections (ss.) 6A and 8 2. WMD Act 1995 as amended through 2010, s. 11 3. Criminal Code, ss. 101-102 (with terrorist intent) 4. Crimes (Foreign Incursions and Recruitment) Act, s. 7 (with insurgent intent)	
2 acquire	X	1. Crimes (Biological Weapons) Act 1976, as amended 1980, 1992, 2001, 2008 and 2010, s. 8 2. Crimes (Biological Weapons) Regulations 1980, as amended 3. WMD Act 1995 as amended through 2010, ss. 7	X	1. Crimes (Biological Weapons) Act 1976, as amended 1980, 1992, 2001, 2008 and 2010, ss. 6A and 8 2. Criminal Code 1995, Chapter 2	
3 possess	X		X	1. Crimes (Biological Weapons) Act 1976, as amended 1980, 1992, 2001, 2008 and 2010, ss. 6A and 8 2. Criminal Code 1995, Chapter 2	

4	stockpile/store	X	<p>1. Crimes (Biological Weapons) Act 1976, as amended 1980, 1992, 2001, 2008 and 2010, s. 8</p> <p>2. Crimes (Biological Weapons) Regulations 1980, as amended</p> <p>3. WMD Act 1995 as amended through 2010, ss. 7 and 11</p>	X	<p>1. Crimes (Biological Weapons) Act 1976, as amended 1980, 1992, 2001, 2008 and 2010, ss. 6A and 8 (2)</p> <p>2. WMD Act 1995 as amended through 2010, s. 11</p> <p>3. Criminal Code, ss. 101-102 (with terrorist intent)</p> <p>4. Crimes (Foreign Incursions and Recruitment) Act, s. 7 (with insurgent intent)</p>
5	develop	X	<p>1. Crimes (Biological Weapons) Act 1976, as amended 1980, 1992, 2001, 2008 and 2010, s. 8</p> <p>2. Crimes (Biological Weapons) Regulations 1980, as amended</p> <p>3. WMD Act 1995 as amended through 2010, ss. 7</p>	X	<p>Crimes (Biological Weapons) Act 1976, as amended 1980, 1992, 2001, 2008 and 2010, ss. 6A and 8</p>
6	transport	X	<p>WMD Act 1995 as amended through 2010, s. 11</p>	X	<p>1. Criminal Code 1995 as amended, ss. 72, 101-102</p> <p>2. WMD Act 1995 as amended through 2010, s. 11</p> <p>3. Crimes (Foreign Incursions and Recruitment) Act, s. 7 (with insurgent intent)</p>
7	transfer	X	<p>WMD Act 1995 as amended through 2010, ss. 7 and 9-10</p>	X	<p>1. Crimes Act 1914</p> <p>2. WMD Act 1995 as amended through 2010, s. 9-10</p> <p>3. Criminal Code, ss. 101-102 (with terrorist intent)</p> <p>4. Crimes (Foreign Incursions and Recruitment) Act, s. 7 (with insurgent intent)</p>
8	use	?	<p>Crimes (Biological Weapons) Regulations 1980, as amended, section 4 (unauthorized disposal)</p>	X	<p>Criminal Code 1995, as amended in 2002, s. 72 (with terrorist or insurgent intent)</p>

9	participate as an accomplice in a.m. activities			X	Criminal Code 1995, as amended 2002, Chapter 2 (general principles of criminal responsibility), especially s. 11 (with terrorist or insurgent intent)
10	assist in a.m. activities	X	WMD Act 1995 as amended through 2010, s. 4 (provision of services or "otherwise assist")	X	
11	finance a.m. activities	X	Anti-Money Laundering and Counter-Terrorism Financing Act 2006, s. 5 (terrorist intent)	X	1. Anti-Money Laundering and Counter-Terrorism Financing Act 2006, s. 16 establishes AUSTRAC 2. Anti-Money Laundering and Counter-Terrorism Financing Act 2006, ss. 135-143 and 173-207 3. Criminal Code 1995, Chapter 2 (general principles of criminal responsibility) and s. 103
12	a.m. activities related to means of delivery	X	1. Crimes (Biological Weapons) Act 1976, as amended 1980, 1992, 2001, 2008 and 2010, s. 8 2. WMD Act 1995 as amended through 2010, ss. 7 and 9-10	X	1. Crimes (Biological Weapons) Act 1976, as amended 1980, 1992, 2001, 2008 and 2010, ss. 6A and 8 2. WMD Act 1995 as amended through 2010, s. 9-10
13	involvement of non-State actors in a.m. activities	X	1. Crimes (Biological Weapons) Act 1976, as amended 1980, 1992, 2001, 2008 and 2010 2. Crimes (Biological Weapons) Regulations 1980, as amended 3. WMD Act 1995 as amended through 2010	X	Criminal Code 1995, as amended 2002, Chapter 2 (general principles of criminal responsibility), especially s. 5, and ss. 72 and 100-103
14	Other	X	Crimes (Biological Weapons) Act, s. 5	X	Criminal Code 1995, as amended, Chapter 2 (general principles of criminal responsibility), especially s. 15

OP 2 - Chemical Weapons (CW)

State:

Australia

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28 October 2004

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Does national legislation exist which prohibits persons or entities to engage in one of the following activities ? Can violators be penalized ?	National legal framework		Enforcement: civil/criminal penalties and others		Remarks
	YES	if YES, indicate source document of national implementation law	YES	if YES, indicate source document	
1 manufacture/produce	X	1. Chemical Weapons (Prohibition) Act 1994, as amended through Act No. 50 of 2007, s. 12 2. WMD Act 1995 as amended through 2010, ss. 7 and 11	X	1. Chemical Weapons (Prohibition) Act 1994, as amended through Act No. 50 of 2007, s. 12 2. WMD Act 1995 as amended through 2010, s. 11 3. Criminal Code, ss. 101.6 and 102.7 (with terrorist intent) 4. Crimes (foreign Incursions and Recruitment) Act, s. 7 (with insurgent intent)	
2 acquire	X	1. Chemical Weapons (Prohibition) Act 1994, as amended through Act No. 50 of 2007, s. 12 2. WMD Act 1995 as amended through 2010, s. 7	X	1. Chemical Weapons (Prohibition) Act 1994, as amended through Act No. 50 of 2007, s. 12 2. Criminal Code, ss. 101-102 (with terrorist intent) 3. Crimes (foreign Incursions and Recruitment) Act, s. 7 (with insurgent intent)	
3 possess	X		X		
4 stockpile/store	X	1. Chemical Weapons (Prohibition) Act 1994, as amended through Act No. 50 of 2007, s. 12 2. WMD Act 1995 as amended through 2010, ss. 7 and 11	X	1. Chemical Weapons (Prohibition) Act 1994, as amended through Act No. 50 of 2007, s. 12 2. WMD Act 1995 as amended through 2010, s. 11 3. Criminal Code, s. 101.6 (with terrorist intent) 4. Crimes (Foreign Incursions and Recruitment) Act, s. 7	

5	develop	X	<p>1. Chemical Weapons (Prohibition) Act 1994, as amended through Act No. 50 of 2007, s. 12</p> <p>2. WMD Act 1995 as amended through 2010, s. 7</p>	X	<p>1. Chemical Weapons (Prohibition) Act 1994, as amended through Act No. 50 of 2007, s. 12</p> <p>2. Criminal Code, s. 101.6 (with terrorist intent)</p> <p>3. Crimes (Foreign incursions and Recruitment) Act, s. 7</p>
6	transport	X	<p>1. Chemical Weapons (Prohibition) Act 1994, as amended through Act No. 50 of 2007, s. 12</p> <p>2. WMD Act 1995 as amended through 2010, ss. 7 and 11</p>	X	<p>1. Crimes Act 1914</p> <p>2. Chemical Weapons (Prohibition) Act 1994, as amended 2007, s. 12</p> <p>3. WMD Act 1995 as amended through 2010, s. 11</p> <p>4. Criminal Code, ss. 101.6 and 102.7 (with terrorist intent)</p> <p>5. Crimes (Foreign incursions and recruitment) Act, s. 7 (with insurgent intent)</p>
7	transfer	X	<p>1. Chemical Weapons (Prohibition) Act 1994, as amended through Act No. 50 of 2007, s. 12</p> <p>2. WMD Act 1995 as amended through 2010, ss. 7 and 11</p>	X	<p>1. Chemical Weapons (Prohibition) Act 1994, as amended through Act No. 50 of 2007, s. 12</p> <p>2. WMD Act 1995 as amended through 2010, s. 9-10</p> <p>3. Criminal Code, ss. 101.6 and 102.7 (with terrorist intent)</p> <p>4. Crimes (foreign Incursions and Recruitment) Act, s. 7 (with insurgent intent)</p>
8	use	X	<p>Chemical Weapons (Prohibition) Act 1994, as amended through Act No. 50 of 2007, ss. 7 and 12</p>	X	<p>1. Chemical Weapons (Prohibition) Act 1994, as amended through Act No. 50 of 2007, s. 12</p> <p>2. Criminal Code 1995, ss. 72 and 101.1 (with terrorist intent) and 268 (crimes against humanity)</p> <p>3. Crimes (Foreign incursions and Recruitment) Act, s. 6 (with insurgent intent)</p>
9	participate as an accomplice in a.m. activities			X	<p>1. Crimes Act 1914</p> <p>2. Criminal Code 1995, as amended, Chapter 2 (general principles of criminal responsibility), especially s. 11 (with terrorist and insurgent intent)</p>

10	assist in a.m. activities	X	Chemical Weapons (Prohibition) Act 1994, as amended through Act No. 50 of 2007, s. 12	X	1. Chemical Weapons (Prohibition) Act 1994, as amended through Act No. 50 of 2007, s. 12 2. Criminal Code 1995, as amended, Chapter 2 (general principles of criminal responsibility), especially s. 11 (with terrorist and insurgent intent)	
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11	finance a.m. activities	X	<p>1. Chemical Weapons (Prohibition) Act 1994, as amended through Act No. 50 of 2007, s. 12 (under assist in any way)</p> <p>2. Anti-Money Laundering and Counter-Terrorism Financing Act 2006, s. 5 (terrorist intent)</p>	X	<p>1. Chemical Weapons (Prohibition) Act 1994, as amended 2007, s. 12</p> <p>2. Anti-Money Laundering and Counter-Terrorism Financing Act 2006, ss. 135-143 and 173-207 (with terrorist intent)</p> <p>3. Criminal Code 1995, as amended, Chapter 2 (general principles of criminal responsibility), especially s. 11, and ss. 102-103 (with terrorist intent)</p> <p>4. Crimes (Foreign Incursions and Recruitment) Act, s. 7 (with insurgent intent)</p>	
12	a.m. activities related to means of delivery	X	<p>1. Chemical Weapons (Prohibition) Act 1994, as amended through Act No. 50 of 2007, s. 12 (engage in military preparations for use)</p> <p>2. WMD Act 1995 as amended through 2010, ss. 7 and 9-10</p>	X	<p>1. Chemical Weapons (Prohibition) Act 1994, as amended through Act No. 50 of 2007, s. 12</p> <p>2. WMD Act 1995 as amended through 2010, s. 9-10</p> <p>3. Criminal Code 1995, as amended, ss. 72 and 101 (with terrorist intent)</p>	
13	involvement of non-State actors in a.m. activities	X	<p>1. Chemical Weapons (Prohibition) Act 1994, as amended through Act No. 50 of 2007</p> <p>2. WMD Act 1995 as amended through 2010</p>	X	<p>1. Chemical Weapons (Prohibition) Act 1994, as amended through Act No. 50 of 2007, s. 12</p> <p>2. Criminal Code Act 1995, as amended, Chapter 2 (general principles for criminal responsibility) and ss. 72 and 101</p>	
14	Other	X	<p>Chemical Weapons (Prohibition) Act 1994, as amended through Act No. 50 of 2007: extraterritorial applicability</p>	X	<p>Criminal Code 1995, as amended, s. 15.1 (extended geographic jurisdiction)</p>	

OP 2 - Nuclear Weapons (NW)

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Does national legislation exist which prohibits persons or entities to engage in one of the following activities ? Can violators be penalized ?	National legal framework		Enforcement: civil/criminal penalties and others		Remarks
	YES	if YES, indicate source document of national implementation law	YES	if YES, indicate source document	
1 manufacture/produce	X	1. Nuclear Non-Proliferation (Safeguards) Act 2. WMD Act 1995 as amended through 2010, ss. 7 and 11 3. South Pacific Nuclear Free Treaty Act 1986, s. 9	X	1. Nuclear Non-Proliferation (Safeguards) Act 2. WMD Act 1995 as amended through 2010, s. 11 3. Criminal Code, ss. 101-102 (with terrorist intent) 4. Crimes (Foreign Incursions and Recruitment) Act, s. 7 (with insurgent intent) 5. South Pacific Nuclear Free Treaty Act 1986, s. 16	
2 acquire	X	1. Nuclear Non-Proliferation (Safeguards) Act, ss. 33-34 2. South Pacific Nuclear Free Treaty Act 1986, s. 8	X	1. Nuclear Non-Proliferation (Safeguards) Act, s. 33 and, s. 34 2. Criminal Code, s. 101.4 (with terrorist intent) 3. Crimes (Foreign Incursions and Recruitment) Act, s. 7 (with insurgent intent) 4. South Pacific Nuclear Free Treaty Act 1986, s. 8 (2)	
3 possess	X	1. Nuclear Non-Proliferation (Safeguards) Act, s. 23 2. South Pacific Nuclear Free Treaty Act 1986, s. 10	X	1. Nuclear Non-Proliferation (Safeguards) Act, s. 23 2. Criminal Code, s. 101.4 (with terrorist intent) 3. Crimes (Foreign Incursions and Recruitment) Act, s. 7 (with insurgent intent) 4. South Pacific Nuclear Free Treaty Act 1986, s. 16	

4	stockpile/store	X	<ol style="list-style-type: none"> 1. WMD Act 1995 as amended through 2010, ss. 7 and 11 2. South Pacific Nuclear Free Zone Treaty Act 1986, s. 11 	X	<ol style="list-style-type: none"> 1. WMD Act 1995 as amended through 2010, s. 11 2. Criminal Code, s. 101.6, (with terrorist intent) 3. Crime (Foreign Incursions and Recruitment) Act, s. 7 (with insurgent intent) 4. South Pacific Nuclear Free Zone Treaty Act 1986, s. 16 	
5	develop	X	<ol style="list-style-type: none"> 1. Nuclear Non Proliferation (Safeguards) Act 2. South Pacific Nuclear Free Zone Treaty Act 1986, s. 9 	X	South Pacific Nuclear Free Treaty Act 1986, s. 16	
6	transport	X	<ol style="list-style-type: none"> 1. Nuclear Non-Proliferation (Safeguards) Act, s. 34A 2. WMD Act 1995 as amended through 2010, ss. 7 and 11 3. South Pacific Nuclear Free Treaty Act 1986, s. 11 	X	<ol style="list-style-type: none"> 1. Nuclear Non-Proliferation (Safeguards) Act, s. 34A 2. WMD Act 1995 as amended through 2010, s. 11 3. Criminal Code, s. 101.6 and, s. 102.7 (with terrorist intent) 4. Crimes (Foreign Incursions and Recruitment) Act, s. 7 (with insurgent intent) 5. South Pacific Nuclear Free Treaty Act 1986, s. 16 	
7	transfer	X	<ol style="list-style-type: none"> 1. Nuclear Non-Proliferation (Safeguards) Act, s. 34A 2. WMD Act 1995 as amended through 2010, ss. 7 and 9-10 	X	<ol style="list-style-type: none"> 1. Crimes Act 1914 2. Nuclear Non-Proliferation (Safeguards) Act, s. 34A 3. WMD Act 1995 as amended through 2010, ss. 9-10 	
8	use	X	<ol style="list-style-type: none"> 1. Nuclear Non-Proliferation (Safeguards) Act, s. 35 2. South Pacific Nuclear Free Treaty Act 1986, s. 12 	X	<ol style="list-style-type: none"> 1. Nuclear Non-Proliferation (Safeguards) Act, s. 35 2. Criminal Code, s. 72.3 and s101.1 (with terrorist intent) 3. Crimes (Foreign Incursions and Recruitment) Act, s. 6 (with insurgent intent) 4. South Pacific Nuclear Free Treaty Act 1986, s. 16 5. Comprehensive Nuclear Test Ban Treaty (CTBT) Act 1998, Part 2, s. 8 	

9	participate as an accomplice in a.m. activities	?	South Pacific Nuclear Free Treaty Act 1986, s. 13: facilitate	X	1. Crimes Act 1914 2. Criminal Code 1995, as amended, Chapter 2 (general principles of criminal responsibility), especially s. 11 (with terrorist and insurgent intent)	
10	assist in a.m. activities	X	South Pacific Nuclear Free Treaty Act 1986, s. 13: facilitate	X	1. Crimes Act 1914 2. Criminal Code 1995, as amended, Chapter 2 (general principles of criminal responsibility), especially s. 11 (with terrorist and insurgent intent)	
11	finance a.m. activities	X	Anti-Money Laundering and Counter-Terrorism Financing Act 2006, s. 5 (terrorist intent)	X	1. Criminal Code 1995, as amended, Chapter 2 (general principles of criminal responsibility), especially s. 11 and ss. 102-103 (with terrorist intent) 3. Crimes (Foreign Insurgency and Recruitment) Act, s. 7 (with insurgent intent)	
12	a.m. activities related to means of delivery	X	WMD Act 1995 as amended through 2010, ss. 7 and 9-10	X	WMD Act 1995 as amended through 2010, ss. 9-10 2. Criminal Code 1995, as amended, ss. 72 and 101 (with terrorist intent) 3. Crimes (Foreign Incursions and Recruitment) Act, s. 7 (with insurgent intent)	
13	involvement of non-State actors in a.m. activities	X	1. Nuclear Non-Proliferation (Safeguards) Act 2. WMD Act 1995 as amended through 2010 3. South Pacific Nuclear Free Treaty Act 1986	X	Criminal Code Act 1995, as amended, Chapter 2 (general principles of criminal responsibility) and ss. 100-103	
14	Other	X	Australian Radiation Protection and Nuclear Safety Act 1998, as amended, s. 3 prohibits certain nuclear facilities that may contribute to nuclear proliferation	X	Comprehensive Nuclear Test Ban Treaty (CTBT) Act 1998, s. 8	

OP 3 (a) and (b) - Account for/Secure/Physically protect BW including Related Materials

State: **Australia**
 Date of Report: **28 October 2004**
 Date of Addendum 1: **08 November 2005**
 Date of Addendum 2: **14 March 2008**

Are any of the following measures, procedures or legislation in place to account for, secure or otherwise protect BW and Related Materials? Can violators be penalized ?	National legal framework		Enforcement: civil/criminal penalties, and others		Remarks
	YES	if YES, indicate source document	YES	if YES, indicate source document	
1 Measures to account for production	X	1. National Health Security (NHS) Amendment Act 2009 (to include security-sensitive biological agents) 2. National Health Security (NHS) Act 2007 3. National Health Security Amendment Regulations, as amended through 2010	X		
2 Measures to account for use	X	1. National Health Security (NHS) Amendment Act 2009 (to include security-sensitive biological agents) 2. National Health Security (NHS) Act 2007 3. National Health Security Amendment Regulations, as amended through 2010 4. Crimes (Biological Weapons) Act 1976 Regulations	X	1. National Health Security (NHS) Act, ss. 46, 48, 51, 54, 58, 60 and 70 2. Guideline 09 - Non-Registered Facility Reporting and Requirements 3. Guideline 02 - Registered Facility Reporting Requirements 4. Security-Sensitive Biological Agent (SSBA) Standards, as of 14 July 2010	
3 Measures to account for storage	X		X		
4 Measures to account for transport	X	1. National Health Security (NHS) Amendment Act 2009 (to include security-sensitive biological agents)	X		

5	Other measures for accounting	X	2. National Health Security (NHS) Act 2007	X		
6	Measures to secure production	X	3. National Health Security Amendment Regulations, as amended through 2010	X	National Health Security (NHS) Act, ss. 46, 48, 51, 54, 58, 60 and 70	
7	Measures to secure use	X		X		
8	Measures to secure storage	X		X		
9	Measures to secure transport	X	1. Quarantine Act 1908, s. 87 (regulations) with the Quarantine Amendment (National Health Security) Act 2008 2. Gene Technology Act 2000 3. National Health Security (NHS) Amendment Act 2009 (to include security-sensitive biological agents) 4. National Health Security (NHS) Act 2007	X	1. National Health Security (NHS) Act, ss. 46, 48, 51, 54, 58, 60 and 70 2. Quarantine Act 1908, ss. 66-84	
10	Other measures for securing	X	1. National Health Security (NHS) Amendment Act 2009 (to include security-sensitive biological agents) 2. National Health Security (NHS) Act 2007 3. Quarantine Act 1908, s. 87 (regulations) with the Quarantine Amendment (National Health Security) Act 2008	X	1. National Health Security (NHS) Act, ss. 46, 48, 51, 54, 58, 60 and 70 2. Quarantine Act 1908, ss. 66-84	
11	Regulations for physical protection of facilities/materials/ transports	X	1. National Health Security (NHS) Amendment Act 2009 (to include security-sensitive biological agents) 2. National Health Security (NHS) Act 2007 3. Quarantine Act 1908, s. 87 (regulations) with the Quarantine Amendment (National Health Security) Act 2008	X	1. Certification of containment facilities by the Office of the Gene Technology Regulator 2. Crimes Act 1914 3. Gene technology Act 2000	

12	Licensing/registration of facilities/persons handling biological materials	X	<ol style="list-style-type: none"> 1. National Health Security (NHS) Amendment Act 2009 (to include security-sensitive biological agents) 2. National Health Security (NHS) Act 2007 3. Quarantine Act 1908, s. 87 (regulations) with the Quarantine Amendment (National Health Security) Act 2008 4. Gene Technology Act 2000 	X	<ol style="list-style-type: none"> 1. National Health Security (NHS) Act, ss. 46, 48, 51, 54, 58, 60 and 70 2. Quarantine Act 1908, ss. 66-84 3. Guideline 09 - Non-Registered Facility Reporting and Requirements 4. Guideline 02 - Registered Facility Reporting Requirements 5. Security-Sensitive Biological Agent (SSBA) Standards, as of 14 July 2010 	
13	Reliability check of personnel	X	<ol style="list-style-type: none"> 1. National Health Security (NHS) Amendment Act 2009 (to include security-sensitive biological agents) 2. National Health Security Amendment (Background Checking) Act 2010, s. 1 3. National Health Security (NHS) Act 2007, ss. 45-55 4. AusCheck Amendment Regulations 2010 	X	<ol style="list-style-type: none"> 1. National Health Security (NHS) Act, ss. 46, 48, 51, 54, 58, 60 and 70 2. Security-Sensitive Biological Agent (SSBA) Standards, as of 14 July 2010 	
14	Measures to account for/secure/physically protect means of delivery	?	National Health Security (NHS) Act 2007, ss. 45-55	X		
15	Regulations for genetic engineering work	X	<ol style="list-style-type: none"> 1. Gene Technology Act 2000 2. Gene Technology Regulations 2001 3. Gene Technology Amendment Act 2007 	X	<ol style="list-style-type: none"> 1. Gene Technology Act 2000, ss. 145-177 2. Gene Technology Amendment Act 2007, ss. 3, 6, and 35 	
16	Other legislation/ regulations related to safety and security of biological materials	X	<ol style="list-style-type: none"> 1. National Health Security (NHS) Amendment Act 2009 (to include security-sensitive biological agents) 2. National Health Security (NHS) Act 2007 	X	<ol style="list-style-type: none"> 1. Criminal Code Act 1995, Chapter 2 (general principles of criminal responsibility) 2. Security-Sensitive Biological Agent (SSBA) Standards, as of 14 July 2010 	
17	Other	X	Biological Control Act 1984, as amended			

OP 3 (a) and (b) - Account for/Secure/Physically protect CW including Related Materials

State: **Australia**
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Are any of the following measures, procedures or legislation in place to account for, secure or otherwise protect CW and Related Materials? Can violators be penalized ?		National legal framework		Enforcement: civil/criminal penalties, and others		Remarks
		YES	if YES, indicate source document	YES	if YES, indicate source document	
1	Measures to account for production	X	1. Chemical Weapons (Prohibition) Act 1994, as amended through Act No. 50 of 2007 2. Chemical Weapons (Prohibition) Regulations 1997, as amended	X	Chemical Weapons (Prohibition) Act 1994, as amended 2007, ss. 77-85	
2	Measures to account for use	X		X		
3	Measures to account for storage	X		X		
4	Measures to account for transport	X		X		
5	Other measures for accounting			X		
6	Measures to secure production			X	1. Chemical Weapons (Prohibition) Act 1994, as amended 2007. ss. 77-85 2. Australian Safeguards and Non-proliferation Office (ASNO) requires certain security measures to be in place for issuing permits	
7	Measures to secure use			X		
8	Measures to secure storage			X		
9	Measures to secure transport					
10	Other measures for securing					

11	Regulations for physical protection of facilities/materials/ transports			X	Description of security measures for physical protection of CWC Scheduled chemicals with annual updates	
12	Licensing of chemical installations/entities/use of materials	X	Chemical Weapons (Prohibition) Act 1994, as amended through Act No. 50 of 2007	X	1. Chemical Weapons (Prohibition) Act 1994, as amended 2007, ss. 77-85 2. Statement of site security arrangement	
13	Reliability check of personnel					
14	Measures to account for/secure/ physically protect means of delivery					
15	National CWC authority	X	Chemical Weapons (Prohibition) Act 1994, as amended 2007, ss. 86-91	X	Australian Safeguards and Non-Proliferation Office, Chemical Weapons Convention Office, Department of Foreign Affairs and Trade	
16	Reporting Schedule I, II and III chemicals to OPCW	X	Chemical Weapons (Prohibition) Act 1994, as amended 2007, ss. 13-14 and 86-91	X	1. Australian Safeguards and Non-proliferation Office (ANSO) 2. Chemical weapons (Prohibition) Act 1994, as amended 2007, ss. 13-14 and 81 3. Made an initial declaration and has submitted declarations annually since 1999	
17	Account for, secure or physically protect old chemical weapons	X	Chemical Weapons (Prohibition) Act 1994, as amended 2007, ss. 13-14	X	1. Australian Safeguards and Non-proliferation Office (ANSO) 2. Chemical weapons (Prohibition) Act 1994, as amended 2007, ss. 13-14 and 81	
18	Other legislation/ regulations controlling chemical materials					
19	Other	?	Review of regulations on security sensitive chemicals	X	From 1999-2003 volunteered to undergo sequential inspections that identified them as a good practice	

OP 3 (a) and (b) - Account for/Secure/Physically protect NW including Related Materials

State: **Australia**
 Date of Report: **28 October 2004**
 Date of Addendum 1: **08 November 2005**
 Date of Addendum 2: **14 March 2008**

Are any of the following measures, procedures or legislation in place to account for, secure or otherwise protect NW and Related Materials? Can violators be penalized ?	National legal framework		Enforcement: civil/criminal penalties, and others		Remarks
	YES	if YES, indicate source document	YES	if YES, indicate source document	
1 Measures to account for production	X	1. Australian Radiation Protection and Nuclear Safety Act 1998, s. 3 prohibits certain nuclear facilities 2. Nuclear Non-Proliferation (Safeguards) Act 1987, as amended by Act No. 50 of 2010, s. 13	X	1. State system for accountancy and control 2. Nuclear Non-Proliferation (Safeguards) Act 1987, as amended by Act No. 50 of 2010, ss. 23, 25, 26, 28 and 31 3. Australian Radiation Protection and Nuclear Safety Act 1998, ss. 30-31	
2 Measures to account for use	X	Nuclear Non-Proliferation (Safeguards) Act 1987, as amended by Act No. 50 of 2010, s. 13	X	1. State system for accountancy and control 2. Nuclear Non-Proliferation (Safeguards) Act 1987, as amended by Act No. 50 of 2010, ss. 23, 25, 26, 28 and 31	
3 Measures to account for storage	X		X		
4 Measures to account for transport	X	Nuclear Non-Proliferation (Safeguards) Act 1987, as amended by Act No. 50 of 2010, s. 16	X	Nuclear Non-Proliferation (Safeguards) Act 1987, as amended by Act No. 50 of 2010, ss. 23, 25, 26, 28 and 31	
5 Other measures for accounting			X	Founding member and first Chairman of the Asia-Pacific Safeguards Network	

6	Measures to secure production	X		X		
7	Measures to secure use	X	Nuclear Non-Proliferation (Safeguards) Act 1987, as amended by Act No. 50 of 2010, ss. 13-14	X	Nuclear Non-Proliferation (Safeguards) Act 1987, as amended by Act No. 50 of 2010, ss. 23, 25, 26, 28 and 31	
8	Measures to secure storage	X		X		
9	Measures to secure transport	X		X		
10	Other measures for securing					
11	Regulations for physical protection of facilities/materials/ transports	X	Nuclear Non-Proliferation (Safeguards) Act 1987, as amended by Act No. 50 of 2010, s. 14	X	Nuclear Non-Proliferation (Safeguards) Act 1987, as amended by Act No. 50 of 2010, ss. 23, 25, 26, 28 and 31	
12	Licensing of nuclear installations/entities/use of materials	X	1. Nuclear Non-Proliferation (Safeguards) Act 1987, as amended by Act No. 50 of 2010, Part II: Permit conditions applied to all nuclear materials and facilities 2. Australian Radiation Protection and Nuclear Safety Act 1998, ss. 32-35 3. Australian Radiation Protection and Nuclear Safety Regulations 1999, Part 4 (Licenses)	X	1. Nuclear Non-Proliferation (Safeguards) Act 1987, as amended by Act No. 50 of 2010, ss. 23, 25, 26, 28 and 31: Unauthorized possession, taking of nuclear material is an offence 2. Australian Radiation Protection and Nuclear Safety Act 1998, ss. 41-53 and 62-80	
13	Reliability check of personnel	X	Australian Radiation Protection and Nuclear Safety Regulations 1999, Schedule 4 (Identify Card)	X	Australian Radiation Protection and Nuclear Safety Act 1998, ss. 41-53 and 62-80	
14	Measures to account for/secure/physically protect means of delivery					
15	National regulatory authority	X	Nuclear Non-Proliferation (Safeguards) Act 1987, as amended by Act No. 50 of 2010 1. Nuclear Non-Proliferation (Safeguards) Act 1987, as amended by Act No. 50 of 2010	X	Australian Safeguards and Non-proliferation Office (ASNO)	

16	IAEA Safeguards Agreements	X	1. Safeguards Agreement in force 10 July 1974 2. Additional Protocol enacted into law on 12 December 1997 3. Amendment to the Additional Protocol ratified 17 July 2008	X	1. Safeguards Agreement in force 10 July 1974 2. Additional Protocol enacted into law on 12 December 1997	
17	IAEA Code of Conduct on Safety and Security of Radioactive Sources	X	Australian Radiation Protection and Nuclear Safety Regulations 1999	X	Australia has notified the IAEA of its support for the Code of Conduct as States were urged to do so by Resolution GC(47)/RES/7.b and notified the IAEA of its support for the Supplementary Guidance on the Import and Export of Radioactive Sources, as States were encouraged to do so by Resolution GC(48)/RES/10.D	
18	IAEA Database on Illicit Trafficking of Nuclear Materials and other Radioactive Sources	X	Contributes to Database Programme	X	Contributes to Database Programme	

19	Other Agreements related to IAEA	X	<p>1. Agreement on the Privileges and Immunities of the IAEA - In force 9 May 1986</p> <p>2. Convention on Nuclear Safety - In force 24 March 1997</p> <p>3. Joint Convention on the Safety of Spent Fuel Management and on the Safety of Radioactive Waste Management - In force 3 Nov 2003</p>	X	Third Agreement to Extend the 1987 Regional Co-operative Agreement for Research, Development and Training Related to Nuclear Science and Technology (RCA) - In force 10 Sep 2003	
20	Additional national legislation/regulations related to nuclear materials including CPPNM	X	Nuclear Non-Proliferation (Safeguards) Act 1987, as amended by Act No. 50 of 2010, s. 18: restrictions and conditions on communication of associated technology	X	Nuclear Non-Proliferation (Safeguards) Act 1987, as amended by Act No. 50 of 2010, s. 26	
21	Other			X	Nuclear Non-Proliferation (Safeguards) Act 1987, as amended by Act No. 50 of 2010, ss. 23, 25, 26, 28 and 31: stealing nuclear material, unauthorised access to areas, etc.	

**OP 3 (c) and (d) and related matters from OP 6 and OP 10 -
Controls of BW including Related Materials**

State: **Australia**
 Date of Report: 28 October 2004
 Date of Addendum 1: 08 November 2005
 Date of Addendum 2: 14 March 2008

	Which of the following legislation, procedures, measures, agencies exist to control border crossings, export/import and other transfers of BW and Related Materials ? Can violators be penalized ?	National legal framework		Enforcement: civil/criminal penalties, and measures of implementation, etc		Remarks
		YES	if YES, indicate source document	YES	if YES, indicate source document	
1	Border control	X	1. Customs Act 1901, including the Customs Amendment (Strengthening Border Controls) Act 2008 and Customs Amendment (Enhanced Border Controls and Other Measures) Act 2009, especially ss. 183-227 2. Customs (Prohibited Exports) Regulation 1958, as amended 3. Customs (Prohibited Imports) Regulation 1956, as amended 4. Quarantine Act 1908, as amended	X	1. Customs Act 1901, as amended, especially ss. 228-264 2. Quarantine Act 1908, as amended, ss. 66-84 and 87 3. Customs (Prohibited Exports) Regulation 1958, as amended 4. Customs (Prohibited Imports) Regulation 1956, as amended	
2	Technical support of border control measures	X	Export Control Act 1982, as amended, s. 24	X	1. Integrated Cargo System (ICS) (electronic reporting) 2. Animal Health Laboratories 3. Container examination equipment	
3	Control of brokering, trading in, negotiating, otherwise assisting in sale of goods and technology	X	Weapons of Mass Destruction (Prevention of Proliferation) Act 1995, as amended	X	WMD Act 1995 as amended through 2010, ss. 9-11	

4	Enforcement agencies/authorities	X	1. Customs Act 1901, as amended, especially ss. 183-227 2. Quarantine Act 1908, as amended	X	1. Customs and Border Protection Service 2. Federal Police 3. Quarantine and Inspection Service 4. Department of Immigration	
5	Export control legislation in place	X	1. WMD Act 1995 as amended through 2010, ss. 9-10 2. Export Control Act 1982, as amended, ss. 6-9 3. Customs Act 1901, as amended, s. 112 4. Customs (Prohibited Exports) Regulations 1958, s. 13 5. Export Control (Orders) 1982 as amended	X	1. WMD Act 1995 as amended through 2010, ss. 9-10 2. Customs Act 1901, ss. 112 and 233BAB 3. Export Control Act 1982, as amended, ss. 6-18	
6	Licensing provisions	X	1. WMD Act 1995 as amended through 2010, ss. 13-14	X	1. WMD Act 1995 as amended through 2010, ss. 9-10 and 13-14 2. Customs Act 1901, as amended, s. 112	
7	Individual licensing	X	2. Customs Act 1901, as amended, s. 112	X		
8	General licensing	X	3. Customs (Prohibited Exports) Regulations 1958, s. 13	X		
9	Exceptions from licensing			X		
10	Licensing of deemed export/visa	X	1. Migration Act 1958, as amended, ss. 40 and 116 2. Migration Regulations, as amended, Schedule 4, especially 4003	X	Migration Regulations (Public Interest Criteria - Risk Factor) 1994 guard against visitors engaged in WMD activities	
11	National licensing authority	X	1. Customs (Prohibited Exports) Regulations 1958, s. 13 2. WMD Act 1995 as amended through 2010	X	Department of Defense, Defence Export Control Office (DECO)	
12	Interagency review for licenses			X	Standing Interdepartmental Committee on Defence Exports (SIDCDE)	
13	Control lists	X	Customs (Prohibited Exports) Regulations 1958, s. 13	X	Defence Strategic Goods List (DGSL)	
14	Updating of lists	X		X	DSGL is updated annually	

15	Inclusion of technologies	X	WMD Act 1995 as amended through 2010, ss. 3 and 14	X	1. Customs (Prohibited Exports) Regulations 1958, as amended, s. 13	
16	Inclusion of means of delivery	X	WMD Act 1995 as amended through 2010, s. 3	X	2. WMD Act 1995 as amended through 2010, s. 14	
17	End-user controls	X	WMD Act 1995 as amended through 2010, s. 14	X	3. DSGI controls certain software and technologies and means of	
18	Catch all clause	X	Weapons of Mass Destruction (Prevention of Proliferation) Act	X	Weapons of Mass Destruction (Prevention of Proliferation) Act	
19	Intangible transfers	X	1. Weapons of Mass Destruction (Prevention of Proliferation) Act 2. Migration regulations guard against visitors engaged in WMD activities	X	1. WMD Act 1995 as amended through 2010 2. Migration Regulations (Public Interest Criteria - Risk Factor) 1994	
20	Transit control	X	Customs Act 1901, as amended, especially 2005 transit amendment of s. 203	X	Captured un the ICS and controlled under the Crimes Act 1914	
21	Trans-shipment control	X		X		
22	Re-export control	X		X		Captured under the ICS and controlled under the Customs (Prohibited Exports) Regulations 1958, s. 13
23	Control of providing funds	X	WMD Act 1995 as amended through 2010, s. 4	X	1. WMD Act 1995 as amended through 2010, s. 4 2. Criminal Code, s. 103: financing terrorism	
24	Control of providing transport services	X	WMD Act 1995 as amended through 2010, ss. 4, 11 and 14	X	WMD Act 1995 as amended through 2010, ss. 4, 11 and 14	
25	Control of importation	X	1. Customs Act 1901, as amended, ss. 50-52 2. Quarantine Act 1908: permission required 3. Gene Technology Act 2000	X	1. Customs Act 1901, ss. 50-52 2. All importers must be registered with Customs in the ICS 3. Quarantine Declaration	

26	Extraterritorial applicability	X	WMD Act 1995 as amended through 2010, s. 6	X	1. WMD Act 1995 as amended through 2010 2. Crimes Act 1914 as through 2010, s. 6 3. Criminal Code, s. 11	
27	Other					

**OP 3 (c) and (d) and related matters from OP 6 and OP 10 -
Controls of CW including Related Materials**

State: **Australia**
 Date of Report: 28 October 2004
 Date of Addendum 1: 08 November 2005
 Date of Addendum 2: 14 March 2008

	Which of the following legislation, procedures, measures, agencies exist to control border crossings, export/import and other transfers of CW and Related Materials ? Can violators be penalized ?	National legal framework		Enforcement: civil/criminal penalties, and measures of implementation, etc		Remarks
		YES	if YES, indicate source document	YES	if YES, indicate source document	
1	Border control	X	1. Customs Act 1901, including the Customs Amendment (Strengthening Border Controls) Act 2008 and Customs Amendment (Enhanced Border Controls and Other Measures) Act 2009, especially ss. 183-227 2. Customs (Prohibited Exports) Regulation 1958, as amended 3. Customs (Prohibited Imports) Regulation 1956, as amended 4. Chemical Weapons (Prohibition) Act 1994, as amended through Act No. 50 of 2007 5. Chemical Weapons (Prohibition) Regulations 1997, as amended	X	1. Customs Act 1901, as amended, especially ss. 228-264 2. Customs (Prohibited Export) Regulations 1958, as amended 3. Customs (Prohibited Import) Regulations 1956, as amended	
2	Technical support of border control measures	X	1. Chemical Weapons (Prohibition) Act 1994, as amended through Act No. 50 of 2007, s. 8 2. Export Control Act 1982, as amended, s. 24	X	1. Integrated Cargo System (ICS) (electronic reporting) 2. Container examination equipment	
3	Control of brokering, trading in, negotiating, otherwise assisting in sale of goods and technology	X	Weapons of Mass Destruction (Prevention of Proliferation) Act 1995, as amended	X	WMD Act 1995 as amended through 2010, ss. 9-11	

4	Enforcement agencies/authorities	X	1. Customs Act 1901, as amended 2. Chemical Weapons (Prohibition) Act 1994, as amended through Act No. 50 of 2007	X	1. Customs and Border Protection Service 2. Federal Police 3. Department of Immigration	
5	Export control legislation in place	X	1. WMD Act 1995 as amended through 2010, ss. 9-10 2. Customs Act 1901, as amended, s. 112 3. Customs (Prohibited Exports) Regulations 1958, s. 13 4. Chemical Weapons (Prohibition) Act 1994, as amended through Act No. 50 of 2007: "transfers" includes exports	X	1. WMD Act 1995 as amended through 2010, ss. 9-10 2. Customs Act 1901, ss. 112 and 233BAB 3. Export Control Act 1982, as amended, ss. 6-18	
6	Licensing provisions	X	1. WMD Act 1995 as amended through 2010, ss. 13-14 2. Customs Act 1901, as amended, s. 112	X	1. WMD Act 1995 as amended through 2010, ss. 9-10 and 13-14 2. Customs Act 1901, as amended, s. 112	
7	Individual licensing	X	3. Customs (Prohibited Exports) Regulations 1958, s. 13 4. Chemical Weapons (Prohibition) Act 1994, as amended through Act No. 50 of 2007: "transfers" includes exports	X		
8	General licensing	X		X		
9	Exceptions from licensing			X		
10	Licensing of deemed export/visa	X	1. Migration Act 1958, as amended, ss. 40 and 116 2. Migration Regulations, as amended, Schedule 4, especially 4003	X	Migration Regulations (Public Interest Criteria - Risk Factor) 1994 guard against visitors engaged in WMD activities	
11	National licensing authority		1. Customs (Prohibited Exports) Regulations 1958, s. 13 2. WMD Act 1995 as amended through 2010	X	Department of Defense, Defence Export Control Office (DECO)	
12	Interagency review for licenses			X	Standing Interdepartmental Committee on Defence Exports (SIDCDE)	

13	Control lists	X	1. Customs (Prohibited Exports) Regulations 1958, s. 13	X	Defence Strategic Goods List (DGSL)	
14	Updating of lists	X	2. Chemical Weapons (Prohibition) Act 1994, as amended through Act No. 50 of 2007: "transfers" includes exports	X	DSGL is updated annually	
15	Inclusion of technologies	X	WMD Act 1995 as amended through 2010, ss. 3 and 14	X	1. Customs (Prohibited Exports) Regulations 1958, as amended, s. 13 2. WMD Act 1995 as amended through 2010, s. 14 3. DSGL controls certain software and technologies and means of delivery	
16	Inclusion of means of delivery	X	WMD Act 1995 as amended through 2010, s. 3	X		
17	End-user controls	X	1. WMD Act 1995 as amended through 2010, s. 14 2. 5. Chemical Weapons (Prohibition) Act 1994, as amended through Act No. 50 of 2007: "transfers" includes exports	X		
18	Catch all clause	X	Weapons of Mass Destruction (Prevention of Proliferation) Act	X	Weapons of Mass Destruction (Prevention of Proliferation) Act	
19	Intangible transfers	X	1. Weapons of Mass Destruction (Prevention of Proliferation) Act 2. Migration regulations guard against visitors engaged in WMD activities	X	1. WMD Act 1995 as amended through 2010 2. Migration Regulations (Public Interest Criteria - Risk Factor) 1994	
20	Transit control	X	Customs Act 1901, as amended, especially 2005 transit amendment of s. 203	X	Captured un the ICS and controlled under the Crimes Act 1914	
21	Trans-shipment control	X		X		
22	Re-export control	X		X		Captured under the ICS and controlled under the Customs (Prohibited Exports) Regulations 1958, s. 13
23	Control of providing funds	X	WMD Act 1995 as amended through 2010, s. 4	X	1. WMD Act 1995 as amended through 2010, s. 4 2. Criminal Code, s. 103: financing terrorism	
24	Control of providing transport services	X	WMD Act 1995 as amended through 2010, ss. 4, 11 and 14	X	WMD Act 1995 as amended through 2010, ss. 4, 11 and 14	
25	Control of importation	X	1. Customs Act 1901, as amended 2. Chemical Weapons (Prohibition) Act 1994, as amended through Act No. 50 of 2007: "transfers" includes exports	X	1. Importers must be registered users under the ICS imports system 2. Customs (Prohibited Import) Regulations 1956, s. 13	

26	Extraterritorial applicability	X	1. Chemical Weapons (Prohibition) Act 1994, as amended through Act No. 50 of 2007, s. 5 2. WMD Act 1995 as amended, s. 6	X	1. WMD (Prevention of Proliferation) Act 1995 5. Chemical Weapons (Prohibition) Act 1994, as amended through Act No. 50 of 2007	
27	Other					

**OP 3 (c) and (d) and related matters from OP 6, and OP 10 -
Controls of NW including Related Materials**

State: **Australia**
 Date of Report: 28 October 2004
 Date of Addendum 1: 08 November 2005
 Date of Addendum 2: 14 March 2008

Which of the following legislation, procedures, measures, agencies exist to control border crossings, export/import and other transfers of NW and Related Materials ? Can violators be penalized ?	National legal framework		Enforcement: civil/criminal penalties, and measures of implementation, etc		Remarks
	YES	if YES, indicate source document	YES	if YES, indicate source document	
1 Border control	X	1. Customs Act 1901, including the Customs Amendment (Strengthening Border Controls) Act 2008 and Customs Amendment (Enhanced Border Controls and Other Measures) Act 2009, especially ss. 183-227 2. Customs (Prohibited Exports) Regulation 1958, as amended 3. Customs (Prohibited Imports) Regulation 1956, as amended	X	1. Customs Act 1901, as amended, especially ss. 228-264 2. Customs (Prohibited Export) Regulations 1958, as amended 3. Customs (Prohibited Import) Regulations 1956, as amended	
2 Technical support of border control measures	X	1. Australian Nuclear Science and Technology Organization Act 1987, a amended, s. 5 2. Export Control Act 1982, as amended, s. 24	X	1. Australian Nuclear Science and Technology Organisation (ANSTO) 2. Australian Radiation Protection and Nuclear Safety Agency (ARPANSA) 3. Integrated Cargo System (ICS) (electronic reporting) 4. Container examination equipment	
3 Control of brokering, trading in, negotiating, otherwise assisting in sale of goods and technology	X	Weapons of Mass Destruction (Prevention of Proliferation) Act 1995, as amended	X	WMD Act 1995 as amended through 2010, ss. 9-11	

4	Enforcement agencies/authorities	X	1. Customs Act 1901, as amended 2. WMD Act 1995, as amended	X	1. Customs and Border Protection Service 2. Federal Police 3. Department of Immigration 4. Australian Nuclear Science and Technology Organisation (ANSTO) 5. Australian Radiation Protection and Nuclear Safety Agency (ARPANSA)	
5	Export control legislation in place	X	1. WMD Act 1995 as amended through 2010, ss. 9-10 2. Customs Act 1901, as amended, s. 112 3. Customs (Prohibited Exports) Regulations 1958, ss. 9 and 13	X	1. WMD Act 1995 as amended through 2010, ss. 9-10 2. Customs Act 1901, ss. 112 and 233BAB	
6	Licensing provisions	X	1. WMD Act 1995 as amended through 2010, ss. 13-14	X	1. WMD Act 1995 as amended through 2010, ss. 9-10 and 13-14 2. Customs Act 1901, as amended, s. 112	
7	Individual licensing	X	2. Customs Act 1901, as amended, s. 112	X		
8	General licensing	X	3. Customs (Prohibited Exports) Regulations 1958, ss. 9 and 13	X		
9	Exceptions from licensing			X		
10	Licensing of deemed export/visa	X	1. Migration Act 1958, as amended, ss. 40 and 116 2. Migration Regulations, as amended, Schedule 4, especially 4003	X	Migration Regulations (Public Interest Criteria - Risk Factor) 1994 guard against visitors engaged in WMD activities	
11	National licensing authority	X	1. Customs (Prohibited Exports) Regulations 1958, ss. 9 and 13 2. WMD Act 1995 as amended through 2010	X	1. Department of Defense, Defence Export Control Office (DECO) 2. Ministry of Industry, Tourism and Resources for goods in Schedule 7	
12	Interagency review for licenses			X	Standing Interdepartmental Committee on Defence Exports (SIDCDE)	
13	Control lists	X	Customs (Prohibited Exports) Regulations 1958, ss. 9 and 13 and	X	Defence Strategic Goods List (DSGL)	
14	Updating of lists	X	Schedule 7	X	DSGL is updated annually	

15	Inclusion of technologies	X	WMD Act 1995 as amended through 2010, ss. 3 and 14	X	1. Customs (Prohibited Exports) Regulations 1958, as amended, s. 13 2. WMD Act 1995 as amended through 2010, s. 14 3. DSGI controls certain software and technologies and means of delivery	
16	Inclusion of means of delivery	X	WMD Act 1995 as amended through 2010, s. 3	X		
17	End-user controls	X	WMD Act 1995 as amended through 2010, s. 14	X		
18	Catch all clause	X	WMD Act, as amended, ss. 9-10	X	WMD Act, as amended, ss. 9-10	
19	Intangible transfers	X	1. Weapons of Mass Destruction (Prevention of Proliferation) Act, as amended, s. 3 2. Migration regulations guard against visitors engaged in WMD activities	X	1. WMD Act 1995 as amended through 2010 2. Migration Regulations (Public Interest Criteria - Risk Factor) 1994	
20	Transit control	X	Customs Act 1901, as amended, especially 2005 transit amendment of s. 203	X	Captured un the ICS and controlled under the Crimes Act 1914	
21	Trans-shipment control	X		X		
22	Re-export control	X		X	Captured under the ICS and controlled under the Customs (Prohibited Exports) Regulations 1958, s. 13	
23	Control of providing funds	X		WMD Act 1995 as amended through 2010, s. 4	X	1. WMD Act 1995 as amended through 2010, s. 4 2. Criminal Code, s. 103: financing terrorism

24	Control of providing transport services	X	1. WMD Act 1995 as amended through 2010, ss. 4, 11 and 14 2. Safeguards Act 1997, s. 38: extraterritorial provision applies to carriers	X	WMD Act 1995 as amended through 2010, ss. 4, 11 and 14	
25	Control of importation	X	1. Customs Act 1901, as amended 2. Customs (Prohibited Import) Regulations: mainly chemicals	X	1. Importers must be registered users under the ICS imports system 2. Customs (Prohibited Import) Regulations 1956, s. 13	
26	Extraterritorial applicability	X	WMD Act 1995, as amended, s. 6	X	WMD (Prevention of Proliferation) Act 1995	
27	Other					

OP 6, 7 and 8 (d) - Control lists, Assistance, Information

State: **Australia**
Date of Report: **28 October 2004**
Date of Addendum 1: **08 November 2005**
Date of Addendum 2: **14 March 2008**

Can information be provided on the following issues ?		YES		Remarks
1	Control lists - items (goods/equipment/materials/technologies)	X	1. CWC Schedule Chemicals List 2. Defense and Strategic Goods List (DSGL) 3. National export control lists are fully consistent with export control regimes (NSG, MTCR, ZC, AG, WA)	
2	Control lists - other	X	The WMD Act 1995 as amended through 2010, while not specifying a list of controlled goods, provides for the control over all goods, services and technologies which may assist in the development of a WMD program	
3	Assistance offered	X	Australia together with New Zealand is keen to assist Pacific Islands with the preparation of their reports under 1540.	
4	Assistance requested			
5	Assistance in place (bilateral/plurilateral/multilateral)	X	1. Financial contributions to G8 Global Partnership directed to dismantling/ destruction of nuclear submarines. 2. Australia, as both the Chair of the Australia Group and an active participant of international efforts to prevent the proliferation of WMD, conducts regional outreach 3. Australia Safeguards Support Program supports the work of the IAEA and Australia contributed AUD 450,000 to the IAEA Nuclear Security Program in 2009. It also is hosting host regional training courses this year on Security in the Transport of Radioactive Material and on Physical Protection of Research Reactors. 4. Australia has contributed to assistance CWC State Parties, including Papua New Guinea and Cambodia. 5. Aus	

	6 Information for industry	X	<p>Extensive domestic outreach program aimed to promoting awareness of, and helping relevant facilities and companies meet their obligations related to export control.</p> <p>Outreach programs are also associated with regulated nuclear and chemical domestic activities and chemical imports. Comprehensive website for industry.</p>	
	7 Information for the public	X	<p>1. Information related to the import and export of goods is available from the Australian Customs website and those of permit-issuing agencies. The Customs website is www.customs.gov.au</p> <p>2. DECO provides a wide variety of information for industry and the public, including how to identify and report a suspicious approach. It's website is http://www.defence.gov.au/strategy/DECO/default.htm</p>	