



International Atomic Energy Agency

INFORMATION CIRCULAR

INFCIRC/91/Mod.1

13 December 1974

GENERAL Distr.

Original: ENGLISH

THE TEXT OF THE SAFEGUARDS TRANSFER AGREEMENT
RELATING TO THE BILATERAL AGREEMENT BETWEEN
THE COMMONWEALTH OF AUSTRALIA AND THE
UNITED STATES OF AMERICA

Protocol of Suspension

1. The text [1] of the protocol suspending the Safeguards Transfer Agreement of 26 September 1966 between the Agency, Australia and the United States of America [2] is reproduced in this document for the information of all Members.
2. The protocol entered into force on 10 July 1974, pursuant to section 3.

[1] The footnotes to the text have been added in the present information circular.

[2] Reproduced in document INFCIRC/91.

PROTOCOL SUSPENDING SAFEGUARDS APPLIED IN AUSTRALIA UNDER
THE AGREEMENT BETWEEN THE INTERNATIONAL ATOMIC ENERGY
AGENCY, THE GOVERNMENT OF AUSTRALIA AND THE GOVERNMENT
OF THE UNITED STATES OF AMERICA FOR THE APPLICATION OF
SAFEGUARDS AND PROVIDING FOR THE APPLICATION OF
SAFEGUARDS PURSUANT TO THE TREATY ON THE
NON-PROLIFERATION OF NUCLEAR WEAPONS

The International Atomic Energy Agency (hereinafter referred to as the "Agency"), the Government of Australia and the Government of the United States of America;

Considering that the Government of Australia as a State Party to the Treaty on the Non-Proliferation of Nuclear Weapons (hereinafter referred to as the "Treaty") has concluded with the Agency an agreement for the application of safeguards (hereinafter referred to as the "Treaty Safeguards Agreement") [3] in accordance with paragraph 1 of Article III of the Treaty;

Recalling that the Agency has been applying safeguards in Australia in accordance with the terms of the Agreement between the International Atomic Energy Agency, the Government of Australia and the Government of the United States of America for the application of safeguards signed on 26 September 1966 (hereinafter referred to as the "Safeguards Transfer Agreement") [2] to materials, equipment and facilities required to be safeguarded under the Agreement for Co-operation between the Government of the United States of America and the Government of Australia concerning the Civil Uses of Atomic Energy signed on 22 June 1956, as amended (hereinafter referred to as the "Agreement for Co-operation") [4];

Recognizing that, under Article XI of the Agreement for Co-operation, the Government of Australia has guaranteed that no material, including equipment and devices, transferred to the Government of Australia or authorized persons under its jurisdiction by purchase or otherwise pursuant to the Agreement for Co-operation and no special nuclear materials produced through the use of such material, equipment and devices will be used for atomic weapons, or for research on or development of atomic weapons, or for any other military purpose;

Noting that Article 23 of the Treaty Safeguards Agreement provides for the suspension of Agency safeguards in Australia applied pursuant to other safeguards agreements with the Agency;

Have agreed:

1. The Treaty Safeguards Agreement shall be applied as therein provided and Agency safeguards applied in Australia under the Safeguards Transfer Agreement shall be suspended during the time that the safeguards specified in the Treaty Safeguards Agreement are being applied by the Agency.

2. In the event that Australia intends to exercise its discretion in accordance with Article 14 of the Treaty Safeguards Agreement to use any nuclear material required to be safeguarded under that Agreement in a military activity not proscribed by the Treaty, the Government of Australia will satisfy the Agency and the Government of the United States of America that such material is not subject to the guarantees made to the Government of the United States of America by the Government of Australia in Article XI of the Agreement for Co-operation, and that no material, including equipment and devices, transferred from the United States of America to Australia under the Agreement for Co-operation are involved in such use.

[3] Reproduced in document INFCIRC/217.

[4] United Nations Treaty Series, Vol. 283, p. 275; Vol. 404, p. 350; and Vol. 638, p. 268 respectively.

3. This protocol shall be signed by or for the Director General of the Agency and by the authorized representatives of the Government of Australia and of the Government of the United States of America and shall enter into force upon signature by or for the Director General and by the authorized representatives of the Government of Australia and of the Government of the United States of America.

DONE in Vienna, this 10th day of July 1974, in triplicate in the English language.

For the INTERNATIONAL ATOMIC ENERGY AGENCY:

(signed) John A. Hall

For the GOVERNMENT OF AUSTRALIA:

(signed) J. R. Rowland

For the GOVERNMENT OF THE UNITED STATES OF AMERICA:

(signed) Dwight J. Porter