Date Introduced: 30 May 1985
House: Senate
Presented by: Senator the Hon. Don Chipp

Short Digest of Bill

Purpose

To prevent the passage of nuclear armed aircraft through Australian airspace.

Background

Australia has adopted a number of treaties and United Nations' resolutions designed to prevent the spread of nuclear weapons. The most important are the Statute of the International Atomic Energy Agency (IAEA) and the Treaty on the Non-Proliferation of Nuclear Weapons (NPT). These treaties aim to prevent the spread of nuclear weapons while allowing the peaceful use of nuclear energy. As well, Australia is currently involved in negotiations with other members of the South Pacific Forum for the creation of a Nuclear Weapons Free Zone (NWFZ) in the South Pacific. The proposed NWFZ will prohibit the manufacture, testing or storage of nuclear arms in the area, but will allow individual countries to determine whether nuclear powered or armed vessels may enter their territory.

Australia's involvement with nuclear powered or armed vessels entering its territory stems from visits by ships of the U.S. Navy. Although it is impossible to say whether a ship or aircraft is nuclear armed, since it is the policy of our nuclear capable allies to neither confirm nor deny the presence of nuclear arms, it is widely known which ships are nuclear powered. There were 78 visits to Australian ports by nuclear powered ships of the U.S. Navy in the decade 1974-1984.

B52 aircraft of the U.S. Air Force, which are capable of delivering nuclear weapons, operate over Australia. The aircraft conduct long range navigation training and surveillance from Guam, including low level
navigation training over northern Australia. They land and refuel at Darwin before continuing over the Indian Ocean. Navigation training flights over Australia were approved in 1979, though the early flights did not land at Darwin. The use of Darwin was agreed between the Foreign Minister and the U.S. Secretary of State and formalised by an exchange of diplomatic notes on 11 March 1981. As there is no mention of armaments in the diplomatic notes, the Government is relying on an undertaking given when flights commenced that they would be unarmed. The former Prime Minister, Mr Fraser, stated: "As is the case with the navigational missions, the flights landing at Darwin will be unarmed and will carry no bombs". [1] The present Government has continued this approach. [2]

Australia is also involved, to varying degrees, in the peaceful use of nuclear power, the major areas of involvement being the mining and export of uranium and the production of radioactive isotopes for use in research, medicine, agriculture and industry. The search for uranium began in earnest in 1944 following approaches from the government of the United Kingdom which required uranium for its nuclear weapons program. The mining and export of concentrated uranium ore, or yellowcake, continued through the 1950's, but a slump in world demand led to the closure of some mines in the early 1960's. The advent of commercial nuclear power stations in the late 1960's led to a renewed interest in uranium. The 1970's and early 1980's saw a number of new mines come into operation or being planned, including the Olympic Dam project, located on what may be the world's largest uranium deposit.

Australia currently produces about 8% of the world's yellowcake [3], and this is exported to a number of countries, including France, the United States and the Republic of Korea. As well as requiring the countries receiving Australian yellowcake to accept the International Atomic Energy Agency's supervision and safeguards, Australia requires importing countries to enter into bilateral agreements. Under the policy announced on 24 May 1977 and continued by the current Government, importers are required to be signatories to the Non-Proliferation Treaty, or if already nuclear capable, to pledge not to use Australian yellowcake for arms manufacture. In addition, there is to be no transfer to third countries, reprocessing or enrichment to weapons grade without Australian consent. The major sanctions contained in the bilateral agreements will, if the agreement is breached, allow Australia to suspend or cancel further shipments and demand the return of nuclear items. [4]
The Australian Atomic Energy Commission (AAEC) operates 2 reactors for research and the production of isotopes at Lucas Heights, NSW. The radioactive isotopes produced at Lucas Heights have a wide range of uses. Medical uses include chemoradiotherapy and body scanning while industry uses the isotopes for such diverse projects as tracing termites and estimating wear on coal pulverisers. As well, radiation is used for sterilising certain items and for food preservation. Radioisotopes valued at $2.24m were supplied by the AAEC in 1983/84.[5] The AAEC conducts research as part of Australia's commitments under the IAEA agreement as well as general research on the nuclear cycle.

Main Provisions

Aircraft carrying nuclear weapons are prohibited from Australian airspace by clause 5. Under this clause, such aircraft will be permitted in Australian airspace only in the case of an emergency that threatens the aircraft or its crew.

A duty to prevent nuclear armed aircraft from entering Australian airspace is imposed on the Commonwealth by clause 6.

Remarks

The Bill is part of a package of 6 anti-nuclear bills introduced by the Australian Democrats. The package comprises:

- Australian Airspace (Nuclear Weapons Prohibition) Bill 1985
- Australian Waters (Nuclear-Powered Ships Prohibition) Bill 1985
- Australian Waters (Nuclear Weapons Prohibition) Bill 1985
- Customs (Prohibition of Importation of Nuclear Hardware) Bill 1985
- Customs (Prohibition of Exportation of Nuclear Materials) Bill 1985
- Nuclear Weapons Prohibitions Bill 1985

For further information, if required, contact:

23 July 1985

LEGISLATIVE RESEARCH SERVICE
References

4. For a detailed explanation of this policy see ibid., Chapter 7.