THE SENATE
COMMITTEES
Treaties Committee
Report
SPEECH
Tuesday, 22 November 2011

BY AUTHORITY OF THE SENATE
Senator BIRMINGHAM (South Australia) (17:19): On behalf of the Chair of the Joint Standing Committee on Treaties, I present the 122nd report of the Joint Standing Committee on Treaties on treaties tabled on 23 August 2011, 13 and 20 September 2011 and 13 October 2011. I seek leave to move a motion in relation to the report.

Leave granted.

Senator BIRMINGHAM: I move:

That the Senate take note of the report.

I am pleased to present this report of the Joint Standing Committee on Treaties, report no. 122, which contains the committee's views on a series of treaties tabled in the parliament on 23 August, 13 and 20 September and 13 October 2011. This contains a range of agreements, as I indicated, and one of the more important agreements covered in this report is the International Convention for the Suppression of Acts of Nuclear Terrorism, of which the committee has approved.

This treaty will establish an international framework for criminalising certain conduct relating to nuclear material and other radioactive substances or devices. The convention lists a series of crimes specifically related to nuclear terrorism, including performing an act of terrorism with nuclear materials, planning or threatening such acts or acting in support of such acts. The convention encourages international cooperation to prevent such crimes, which I am sure all members of the Senate would agree come with enormous potential consequences, and encourages further international cooperation to ensure such crimes are investigated and prosecuted and ensure the extradition of persons who commit such crimes. Although Australian legislation largely covers the treaty’s requirements, the treaty's provisions will strengthen our already existing legislation.

As all members of this place and indeed all Australians recognise, the issue of international terrorism has had a high profile over the last decade since the tragic terrorist attacks on the United States on 11 September, 2001 and following attacks, particularly those in Bali, targeting many Australians. The idea that terrorists could get access to either nuclear weapons or nuclear material is of grave concern to the international community and, of course, to all Australians, hence Australia's strong support for all international efforts to ensure that this outcome does not occur and the welcoming of this treaty as a step to hopefully strengthening our resolve and actions in that regard.

On a related issue, the committee also examined and approved the agreement between the government of Australia and the European Atomic Energy Community, otherwise known as Euratom, for cooperation in the peaceful uses of nuclear energy. The treaty governs cooperation on the peaceful uses of nuclear energy and is consistent with Australia's other bilateral agreements. It is also Australia’s first such agreement to include specific provisions on nuclear safety.

As I indicated, the treaty with Euratom for cooperation in the peaceful uses of nuclear energy is consistent with our other bilateral agreements. It is part of the very high benchmark that Australia sets—one of the highest in the world—for the export of uranium for peaceful purposes with the countries to which we export. It is a benchmark that one would expect to be applied equally in any agreement that might be struck with India.

I cannot help but note the difficulty the government has got itself into over the export of uranium to India. The Labor Party has long been tied up in knots when it comes to uranium mining and the export of uranium. I well remember the early debates in my home state about whether uranium should be mined, whether Olympic Dam should be established and whether uranium should be mined from a site such as Olympic Dam. I remember that former Premier Mike Rann when he was but a backbencher strongly opposed the establishment of the Olympic Dam mine.

Senator Feeney: He's the hero of Olympic Dam; it's his mine!
Senator BIRMINGHAM: Yet at the end of his career he was proclaiming it, as Senator Feeney rightly says, as his mine. It was quite a conversion that Premier Rann underwent during his time in public office. It was a not dissimilar conversion to that which the new South Australian Premier has undergone. He also is someone from the Left of the Labor Party who would always have opposed the export of uranium to India, but he was very quick, as the new Premier, to spruik Olympic Dam and its economic benefits to South Australia.

Senator Feeney: The power of common sense.

Senator BIRMINGHAM: I do welcome the conversions of former Premier Rann and new Premier Weatherill to positions recognising the economic common sense of pursuing uranium mining and exporting it for safe and peaceful purposes to relevant countries. On 18 September 2008, the Hansard reminds me, I spoke about a Treaties Committee report about a very similar agreement on the export of uranium and nuclear materials to Russia for peaceful purposes. At that time, the Labor members, the government members, of the Treaties Committee opposed the ratification of that agreement. So we had the perverse situation where Australia had set in place an agreement to export uranium to China but the government was saying, 'We're not sure about Russia'. The leadership was saying, 'We're all for the export to Russia,' yet the Labor members of the Treaties Committee said no to ratification of the Russian agreement. Of course, the government was saying no outright to India then.

I welcome the conversion of the Prime Minister which led to her saying yes to India, but I do question the motives behind the conversion. I do not believe for a moment that the Prime Minister sat in her office going over a thorough analysis of whether we should put to one side the longstanding provision of the Labor Party about the nuclear non-proliferation treaty being a prerequisite. I do not think for a moment that the Prime Minister sat there studying the implications of this change. I do not think for a moment that she sat there studying what it would mean for India and what it might mean for greenhouse gas emissions. I think quite simply that the Prime Minister decided that she wanted to pick a fight, at the national conference of the Labor Party next month, on her terms rather than having a fight on everybody else's terms, as she was being shoehorned into. It was a case of 'Let's look down the list'.

Senator Feeney: That sounds like a compliment!

Senator BIRMINGHAM: Indeed, Senator Feeney would see it as a compliment to the Prime Minister. To a political tactician, as Senator Feeney is, I am sure it would be a compliment. I would like to think that public policy is made in a slightly wiser way. Indeed, on this side we are proud that we have shown a consistent approach to this issue—

Senator Feeney: Consistent! How much uranium have you sold to India over the last 10 years?

Senator BIRMINGHAM: Our policy position since we were in government has been clear: we were happy to embark on this process and to work with the countries in this direction when we could see it was possible to set in place a sensible framework. The sensible framework is one that is very similar to the Euratom treaty that is being considered here. This will provide a model. I hope that we see further discussion at the international level, as the Treaties Committee has highlighted in other reports, on how we bring countries like India into a nuclear weapons convention framework, on how we actually ensure that we have responsible management of nuclear weapons in these non-NPT states. However, that does not mean that Australia should not provide uranium to a country like India, the world's largest democracy, for peaceful purposes under the same strict conditions that we impose for so many other countries.

This report covers a number of other treaties, including two providing for air services agreements between Australia and the Czech Republic and between Australia and Vietnam, as well as an exchange of notes between the government of the United States of America and the government of Australia concerning space vehicle tracking and communication facilities, which cover the centre located at Tidbinbilla here in the ACT. This agreement is a tangible expression of international cooperation in space exploration. Australia gets practical benefits from this arrangement, including overseas training for our personnel and investment in facilities in Australia. This exchange of notes will continue a productive and successful relationship that has lasted over 50 years. It is with pleasure for all of those, particularly in the ACT, who work in this facility or who have been to this facility that the committee recommends that binding treaty action be taken.

The exploration of space, while led by larger countries such as the United States, is an international endeavour. On occasion it can unite humanity in common purpose and achievement, as happened with the first moon landing.
Australia has been very proud to play its role in assisting these endeavours, and such facilities are critical to them. The committee concludes that this and the other treaties covered in report No. 122 should all be supported with binding action. I thank the secretariat very much for their assistance throughout these inquiries. On behalf of the committee, I commend the report to the Senate.