Report 171

International Trade in Endangered Species - Amendments; Women in Combat Duties - Reservation Withdrawal; Generation IV Nuclear Energy - Accession

Joint Standing Committee on Treaties
Executive Summary

This Report contains the Joint Standing Committee on Treaties’ review of three treaty actions.

Amendments to Appendices I and II of the Convention on International Trade in Endangered Species of Wild Fauna and Flora (Johannesburg, 4 October 2016)

CITES is a multilateral convention which regulates the international trade in endangered species. Endangered species are listed in three appendices to the Convention according to the need for protection. In 2016, the 17th Conference of the Parties agreed to 51 listing proposals, of which only 11 species are relevant to Australia. These include: the helmeted honeyeater; the Norfolk Island boobook owl; thresher and silky sharks; the mobula ray; nautilus; the saltwater crocodile; two varieties of rosewoods; bubinga and the clarion angelfish.

The majority of the amendments automatically entered into force 90 days following the Conference of the Parties, on 2 January 2017. Therefore, the amendments entered into force prior to their presentation into the Parliament and before the Committee was able to conduct its review of the proposed amendments.

The Committee supports the amendments, but remains concerned about the automatic entry into force and the lack of proper parliamentary review.

Withdrawal of Australia’s reservation to Article 11(1)(b) and (c) of the Convention on the Elimination of all Forms of Discrimination Against Women

In 1983, Australia became a signatory to the Convention with two reservations. The first reservation relates to maternity leave. The second reservation relates to women in combat roles and is the subject of the proposed treaty action. In 2011, the then Government removed gender restrictions on women serving in combat roles
within the Australian Defence Force. The reservation to the Convention is therefore inconsistent with current policy and is unnecessary.

The Committee supports the proposed treaty action to withdraw the reservation with respect to women serving in combat roles and recommends that binding treaty action be taken.


The Framework Agreement establishes the basis for international cooperation that is necessary for the timely development of generation IV nuclear reactors. These reactors will use fuel more efficiently, reduce waste production, be economically competitive, and meet stringent safety standards.

The Committee supports Australia’s accession to the Framework Agreement and recommends that binding treaty action be taken.
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# Abbreviations

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<td>Australian Defence Force</td>
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<td>DPMC</td>
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<td>EPBC Act</td>
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Members

Chair

Hon Stuart Robert MP

Deputy Chair

Hon Michael Danby MP

Members

Mr John Alexander OAM, MP
Senator Chris Back
Mr Chris Crewther MP
Senator Sam Dastyari
Senator David Fawcett
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Senator Jenny McAllister
Ms Susan Templeman MP
Mr Ross Vasta MP

Mr Andrew Wallace MP

Mr Josh Wilson MP
Committee Secretariat

Ms Lynley Ducker, Committee Secretary
Ms Lauren Brasier, Inquiry Secretary
Mr Kevin Bodel, Inquiry Secretary
Ms Stephanie Limm, Researcher
Mrs Cathy Rouland, Office Manager
Terms of Reference

The Resolution of Appointment of the Joint Standing Committee on Treaties allows it to inquire into and report on:

- matters arising from treaties and related National Interest Analyses and proposed treaty actions and related Explanatory Statements presented or deemed to be presented to the Parliament;
- any question relating to a treaty or other international instrument, whether or not negotiated to completion, referred to the committee by:
  - either House of the Parliament, or
  - a Minister; and
- such other matters as may be referred to the committee by the Minister for Foreign Affairs and on such conditions as the Minister may prescribe.
List of Recommendations

Recommendation 1

2.92 The Committee requests the Department of Environment and Energy notify it of future proposed amendments to the *Convention on International Trade in Endangered Species of Wild Fauna and Flora*, and its appendices, prior to the Conference of the Parties. If the Department of Environment and Energy is unable to do this, the Committee recommends that the Government lodge reservations to amendments adopted at future Conferences of the Parties so that the parliamentary review of such treaty actions can be conducted before Australia is legally bound.

Recommendation 2

2.97 The Committee recommends that the Minister for the Environment introduce legislation into the Parliament that amends the *Environmental Protection and Biodiversity Conservation Act* to allow for the regular and efficient cross-border movement of musical instruments that would otherwise be regulated by the *Convention on the International Trade in Endangered Species*, and its associated appendices, by the commencement of the Autumn sittings in 2018.

Recommendation 3

3.44 The Committee supports the withdrawal of Australia’s reservation to Article 11(1)(b) and (c) of the *Convention on the Elimination of all Forms of Discrimination Against Women* and recommends that binding treaty action be taken.
Recommendation 4

1. Introduction

Purpose of the report

1.1 This report contains the Joint Standing Committee on Treaties’ review of the following treaty actions:

- Amendments to Appendices I and II of the Convention on International Trade in Endangered Species of Wild Fauna and Flora (Johannesburg, 4 October 2016), which was tabled in the Parliament on 15 February 2017;

- withdrawal of Australia’s reservation to Article 11(1)(b) and (c) of the Convention on the Elimination of all Forms of Discrimination Against Women, which was tabled in the Parliament on 20 March 2017; and


1.2 The Committee’s resolution of appointment empowers it to inquire into any treaty action to which Australia has become a signatory, on the treaty being tabled in Parliament.

1.3 The treaties, and matters arising from them, are evaluated to ensure that ratification is in the national interest, and that unintended or negative effects on Australia will not arise.

1.4 Prior to tabling, major treaty actions are subject to a National Interest Analysis (NIA), prepared by the Government. This document considers arguments
for and against the treaty and outlines the treaty obligations and any regulatory or financial implications. The NIA reports the results of consultations undertaken with State and Territory Governments, Federal and State and Territory agencies, and with industry and non-government organisations.

1.5 A Regulation Impact Statement (RIS) may accompany the NIA. The RIS provides an account of the regulatory impact of the treaty action where adoption of the treaty will involve a change in the regulatory environment for Australian business. The treaties examined in this report did not require a RIS.

1.6 Copies of the treaty actions considered in this report and their associated documentation may be obtained from the Committee Secretariat or accessed through the Committee’s website at:


Conduct of the Committee’s review

1.7 The treaty actions reviewed in this report were advertised on the Committee’s website from the date of tabling. The Committee received 16 submissions in total. A list of submissions received is listed at Appendix A.

1.8 The Committee held a public hearing into the treaty actions in Canberra on 8 May 2017. The transcript of evidence from the public hearings may be obtained from the Committee Secretariat or accessed through the Committee’s website. A list of witnesses who appeared at public hearings is at Appendix B.
2. International Trade in Endangered Species - Amendments


2.1 This chapter reviews the amendments to Appendices I and II of the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES). The amendments were adopted on 4 October 2016, and were tabled in the Parliament on 15 February 2017.

2.2 This chapter will first provide an overview of CITES and its mechanisms for protecting endangered species through trade restrictions and regulations. The specific amendments and the non-binding resolutions adopted in 2016 will then be considered in detail, before presenting the Committee’s conclusions and recommendation.

Background

2.3 CITES is a multilateral convention that regulates international trade in endangered species. The Convention lists species identified as being at risk of extinction if subject to international trade. The listings are recorded in three appendices to the Convention, according to the degree of risk.
2.4 Appendix I lists species with the highest degree of protection. These species cannot be internationally traded, except under highly specific and highly-regulated circumstances.¹

2.5 Appendix II lists species that are not necessarily threatened by extinction, but require international trade to be monitored to ‘avoid overutilization’.² Species listed under this appendix can be internationally traded only when accompanied by a valid permit from the exporting country.³ The NIA explains that an export permit can ‘only be granted if the country of export has determined that export of the species will not be detrimental to the survival of that species’. This is known as a non-detriment finding.⁴

2.6 Species listed in Appendix III are listed unilaterally by Parties to the Convention and identify species or populations within its jurisdiction where the cooperation of other Parties ‘is needed to assist in regulating international trade and to avoid undermining the domestic regulation’.⁵

2.7 More than 35,000 species of fauna and flora are currently protected by one of the three appendices.⁶ Australia has been a party of the Convention since 1976. Parties meet every three years to nominate species for insertion or deletion, or to move them between Appendices.

2.8 Amendments adopted at the Conference automatically come into force 90 days after the Conference, unless otherwise agreed, and except for Parties that lodge a reservation during that interval.

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¹ Article II(1) and Article III of the Convention on International Trade in Endangered Species of Wild Fauna and Flora.
³ Article II(2) and Article IV of the Convention on International Trade in Endangered Species of Wild Fauna and Flora.
⁴ NIA, para 10.
⁵ Article II(3) and Article V of the Convention on International Trade in Endangered Species of Wild Fauna and Flora.
⁶ Mr Stephen Oxley, First Assistant Secretary, Wildlife, Heritage and Marine Division, Department of the Environment and Energy, Proof Committee Hansard, Canberra, 8 May 2017, p. 1.
2.9 In Australia, the Convention is given effect by the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act). For a listed species to be eligible for export from Australia, it must come from a source approved under the EPBC Act. The specimen must also have been determined to be non-detrimental to the survival of the species in the wild.\(^7\)

**The 17th Conference of the Parties**

2.10 The 17th Conference of the Parties, held from 24 September to 4 October 2016 in Johannesburg reviewed 62 listing proposals, of which 51 were adopted.\(^8\)

2.11 As noted above, these amendments come into effect 90 days after the conference at which listings were agreed–2 January 2017–unless otherwise agreed by the parties. Further comment is made on the entry into force of these amendments later in this chapter.

2.12 At the Conference, Australia proposed the transfer of two species of Australian endemic birds (the helmeted honeyeater and the Norfolk Island boobook owl) from Appendix I to Appendix II.

2.13 Appendix II allows international trade in these species. A trader must obtain a CITES permit from the country of export, and a CITES import permit from the Department of the Environment and Energy (the Department) when importing into Australia. Any CITES permits must be underpinned by a scientific determination that the trade will not be detrimental to the survival of the species in the wild.\(^9\)

2.14 Australia is not a Range State (a country in which a named species is found), for the majority of the species covered by the 51 listing proposals. This means these species do not naturally occur in Australia, nor does Australia have an industry in the international trade of the majority of these species. As such, there will be no ramifications for Australia of the listing amendments for the majority of these species.\(^10\)

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7 NIA, para 15.
8 NIA, para 16.
10 NIA, para 14.
2.15 The amendments that are relevant to Australia include 11 species, and these are examined below.

**Amendments to species listings**

**Helmeted honeyeater**

2.16 The amendments adopted by the Parties transfers the helmeted honeyeater from Appendix I to Appendix II. Since its listing in 1975, there has been no evidence that international trade is, or may be, a threat to the survival of this species. The NIA highlights that since 1975, the species has only been exported on three occasions, all for scientific purposes.\(^\text{11}\)

2.17 The species therefore does not meet the criteria for inclusion in Appendix I.

2.18 Prior to the Conference of the Parties, the Department consulted state and territory governments, non-government organisations and researchers on the proposal to transfer the species from Appendix I to Appendix II. The CITES Animals Committee and the Victorian Department of Environment, Land, Water and Planning supported the proposal. No other comments were received.\(^\text{12}\)

**Norfolk Island boobook owl**

2.19 The Parties also agreed to transfer the Norfolk Island boobook owl from Appendix I to Appendix II. The NIA states that there has not been any trade in this species since its listing in 1977, and therefore there is no evidence that international trade is, or may be, a threat to the survival of the species.\(^\text{13}\)

2.20 The species therefore does not meet the criteria for inclusion in Appendix I.

2.21 The Department consulted state and territory governments, non-government organisations and researchers on the proposal to transfer the species from Appendix I to Appendix II. Both the CITES Animals

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\(^{11}\) NIA, para 19.

\(^{12}\) NIA, para 66.

\(^{13}\) NIA, para 20.
Committee and the Victorian Department of Environment, Land, Water and Planning supported the proposal. No other comments were received.\textsuperscript{14}

**Thresher sharks**

2.22 The Parties agreed to add this genus into Appendix II and agreed that the entry into effect will be delayed by 12 months.\textsuperscript{15}

2.23 The NIA states that all three species are present in Australian waters, and Australian commercial fisheries interact with thresher sharks. The estimated national harvest is very low, at around 13 000 kg per year and a small quantity (1 000kg to 2 400kg per year) of thresher shark may be currently exported with other shark product from two fisheries in New South Wales.

2.24 From January 2018, any exported specimen must be accompanied by an export permit underpinned by a non-detriment finding. A small amount of thresher shark fin may be imported for shark fin soup.\textsuperscript{16}

2.25 Japan lodged a reservation to the listing of thresher sharks to Appendix II.\textsuperscript{17}

**Silky shark**

2.26 The agreed amendments add the silky shark to Appendix II and the Parties agreed that the entry into effect will be delayed by 12 months.\textsuperscript{18}

2.27 The population of silky sharks has significantly declined due to over-exploitation in fisheries. The NIA explains that the species is already protected under the EPBC Act and is not exported from Australian

\textsuperscript{14} NIA, para 66.

\textsuperscript{15} NIA, para 21; Mr Oxley, Department of the Environment and Energy, Proof Committee Hansard, Canberra, 8 May 2017, p. 2.

There are three species within the listed genus: *Alopias superciliosus*, *Alopias vulpinus* and *Alopias pelagicus*. International trade in the fins of *Alopias superciliosus* has caused significant decline in populations of the species worldwide. *Alopias vulpinus* and *Alopias pelagicus* have been included in the listing, as their fins are virtually indistinguishable from the threatened *Alopias superciliosus*.

\textsuperscript{16} NIA, para 21.

\textsuperscript{17} NIA, para 3.

\textsuperscript{18} NIA, para 22; Mr Oxley, Department of the Environment and Energy, Proof Committee Hansard, Canberra, 8 May 2017, p. 2.
commercial fisheries. The listing of the silky shark in Appendix II of the Convention will therefore ‘not have any impact on Australian industry’.  

2.28 Japan lodged a reservation to the listing of the silky shark to Appendix II.  

**Mobula ray**  

2.29 The Parties agreed to add the genus of mobula rays to Appendix II and delay its entry into force by six months.  

2.30 Mobula rays found in Australian waters are protected under the EPBC Act, and are not exported from Australian commercial fisheries. The inclusion in Appendix II will not have any impact on Australian industry.  

**Nautilus**  

2.31 The amendments add the family Nautilidae in Appendix II. The international shell trade largely drives demand for these species, which are traded as souvenirs, jewellery and home décor.  

2.32 Two of these species are native to Australia, however, there is no current targeted commercial harvest of nautilus by Australian commercial fisheries. Fisheries bycatch and found beach-cast shells may occasionally be exported.  

2.33 The NIA explains that although the total volume of imports, exports and re-exports is unknown, it is likely that the majority of specimen shells and decorative shells sold in Australia have been imported.  

2.34 The effect of the listing in Appendix II will require commercial or personal imports or re-exports of nautilus specimens to apply for a permit from the

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19 NIA, para 22.  
20 NIA, para 3.  
21 The species *Mobula tarapacana* and *Mobula japonica* qualify for inclusion due to unregulated and unsustainable take of the species. Other species in the genus, including *Mobula mobular*, *Mobula thurstoni*, *Mobula eregodootenkee*, *Mobula kuhlii*, *Mobula hypostoma*, *Mobula rochebrunei*, and *Mobula munkiana* are also included in the listing as their dried gill plates are virtually indistinguishable from threatened species.  

Mr Oxley, Department of the Environment and Energy, Proof Committee Hansard, Canberra, 8 May 2017, p. 2.  

22 The Nautilidae genus includes: *Allonautilus perforates*, *Allonautilus scrobiculatus*, *Nautilus belauensis*, *Nautilus macromphalus*, *Nautilus pompilius*, and *Nautilus repertus*.  

Department. Exports of native nautilus must be accompanied by an export permit underpinned by a non-detriment finding. Re-exports of non-native nautilus will require an export permit.23

**Saltwater crocodile**

2.35 The Parties agreed to transfer the Malaysian population of saltwater crocodiles from Appendix I to Appendix II.

2.36 Australia is a range State for saltwater crocodiles, however the Australian population is already listed in Appendix II and the listing will have no impact on Australian trade.24

**Dalbergia (rosewoods)**

2.37 The agreed amendments add the genus of *dalbergia* (a type of rosewood) to Appendix II, with the exception of those species within the genus already listed in Appendix I. *Dalbergia* is used in furniture, musical instruments and other high-end timber products.

2.38 Only one species is native to Australia and that species is not commercially utilised. Other species within the genus is imported to and exported from Australia both as raw timber and in finished products.

2.39 The listing of the genus in Appendix II is also subject to an annotation that clarifies which parts and derivatives of *Dalbergia* will be exempt from regulation.

2.40 The NIA states that the Department’s consultations with industry stakeholders indicated that items manufactured from *Dalbergia* are predominantly sourced from stockpiled or reclaimed timber, and will be considered ‘pre-Convention’. The NIA explains that to continue trading in these items, a pre-Convention certificate will be required. These are issued free of charge and would only be required for re-export from Australia. Import and export of non-pre-Convention *Dalbergia* will generally require a permit from the Department.25

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23 NIA, para 24.
24 NIA, para 25.
25 NIA, para 26.
2.41 However, at the public hearing, the Department advised that there is a larger volume of trade of rosewood in Australia than it originally assessed:

In particular, there is a lot of rosewood used in really high-end timber products and musical instruments, interestingly. We have been talking to some manufacturers of guitars who trade internationally, because they are sought-after products, and we have been trying to look at how we can help them to meet the requirements while placing as little burden as possible on them.\(^{26}\)

2.42 Indonesia lodged a reservation to the listing on Appendix II, and India lodged a reservation to the listing of two species within the genus (*Dalbergia latifolia* and *Dalbergia sissoo*).\(^{27}\) Indonesia advised that its reservation will only be in place until 4 July 2017.

**African rosewood**

2.43 African rosewood was first listed in Appendix III by Senegal since March 2016. At the Conference, Parties agreed to transfer this species from Appendix III to Appendix II, thereby introducing uniform requirements regardless of where the specimens are sourced.\(^{28}\)

2.44 African rosewood is used in a range of industries, particularly by musical instrument makers. To continue trading in this species, a permit issued by the Department will be required.\(^{29}\)

**Bubinga**

2.45 The Parties agreed to list the species of timber, *Guibourtia tessmannii*, *Guibourtia pellegriniana* and *Guibourtia demeusei* (commonly known as bubinga) in Appendix II. The listing is subject to an annotation that clarifies parts and derivatives will be exempt from regulation. The NIA does not explain which parts or derivatives will be exempt.

2.46 Bubinga is prized for its aesthetic qualities, and the high value of the timber has resulted in unsustainable exploitation for international trade.

\(^{26}\) Mr Paul Murphy, Assistant Secretary, Wildlife Trade and Biosecurity Branch, Department of the Environment and Energy, *Proof Committee Hansard*, Canberra, 8 May 2017, p. 3.

\(^{27}\) NIA, para 3.

\(^{28}\) NIA, para 27.

\(^{29}\) NIA, para 27.
Manufactured products containing these species are imported and exported from Australia, and the raw timber is imported for use by a range of industries (particularly by musical instrument makers). To continue trading in these species, a permit from the Department will generally be required.\textsuperscript{30}

**Clarion angelfish**

2.47 The agreed amendment adds the clarion angelfish species to Appendix II. Clarion angelfish are popular in the international pet trade.

2.48 It is not an Australian native species, however it is traded in the Australian aquarium industry, and there are captive bred populations in Australia.

2.49 Following its listing, imports and exports of this species may continue, provided relevant permits are obtained from the Department. To commercially export live specimens, they must be sourced from a captive breeding program approved by the Department.\textsuperscript{31}

**Non-binding resolutions**

2.50 The 17\textsuperscript{th} Conference of the Parties also adopted and amended Resolutions for the ‘better regulation of international trade in species, and parts and derivatives of species’.\textsuperscript{32} The NIA explains that such resolutions are not mandatory but ‘are intended to assist interpretation and implementation of the Convention’.\textsuperscript{33}

2.51 The EPBC Act provides that the Minister may have regard to Resolutions in making decisions about listed specimens. Amendments to the EPBC Act or its regulations may be necessary to reflect particular resolutions where doing so would provide clarity to Australian regulation of international trade in species, or parts and derivatives of species. The NIA asserts that ‘it is highly unlikely that any such changes would significantly increase the regulatory burden on importers or exporters’.\textsuperscript{34}

\textsuperscript{30} NIA, para 28.
\textsuperscript{31} NIA, para 29.
\textsuperscript{32} NIA, para 33.
\textsuperscript{33} NIA, para 33.
\textsuperscript{34} NIA, para 33.
Domestic ivory trade

2.52 The Parties adopted a non-binding amendment to a Resolution on the domestic ivory trade. The amendment recommended that all Parties and non-Parties in whose jurisdiction there is a legal domestic market for ivory that is contributing to poaching or illegal trade, take all necessary legislative, regulatory and enforcement measures to close their domestic markets for commercial trade in raw and worked ivory as a matter of urgency.

2.53 The NIA asserts that there is ‘no evidence’ suggesting that Australia is ‘significantly’ involved in the illegal ivory trade. Further, due to strong border controls, the Australian market is unlikely to be driving elephant poaching or international illegal trade.\(^ {35} \)

2.54 Australia has some of the strictest laws in the world regulating the domestic ivory trade and above that required under the Convention.\(^ {36} \) In Australia, elephants or derivative products may only be traded in three circumstances: live trade for zoos specimens for science or vintage ivory products existing prior to the original listing of elephants in the appendices in 1975.\(^ {37} \) Other countries have not adopted this approach, and have not restricted the trade to vintage ivory.\(^ {38} \)

2.55 The NIA states that ‘there is no intent to close Australia’s domestic ivory market’.\(^ {39} \) However, the NIA acknowledges that the antique industry expressed ‘significant concern’ about the impact on businesses should Australia choose to support proposals to prevent trade in antique ivory species.\(^ {40} \)

Musical instruments

2.56 The international regulation of the trading and movement of endangered species of flora and fauna have presented difficulties for the international

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\(^ {35} \) NIA, para 35.

\(^ {36} \) NIA, para 35.

\(^ {37} \) Mr Murphy, Department of the Environment and Energy, *Proof Committee Hansard*, Canberra, 8 May 2017, p. 3.

\(^ {38} \) Mr Murphy, Department of the Environment and Energy, *Proof Committee Hansard*, Canberra, 8 May 2017, p. 3

\(^ {39} \) NIA, para 35.

\(^ {40} \) NIA, para 69.
movement of musical instruments which may use derivatives of listed species protected under the CITES Appendices.\textsuperscript{41}

2.57 The focus of the Convention is on international trade, and contains exemptions for personal and household items.\textsuperscript{42} However a musician risks breaching the Convention by travelling across borders with a musical instrument that contained regulated ivory products or was made using a listed species of timber. That travelling musician may be required to present a valid permit from the country of residence as well as a non-detriment finding, upon entering a second country.\textsuperscript{43}

2.58 In 2016, the Conference of the Parties also adopted non-binding amendments to a Resolution on the non-commercial cross-border movement of musical instruments derived from listed species.\textsuperscript{44} This expands on other regional efforts to overcome this challenge, such as Europe’s musical instrument ‘passport’ system.\textsuperscript{45}

2.59 The NIA explains that the amendments adopted ‘are intended to facilitate cross-border movement of musical instruments, and encourage wider implementation of the Resolution among CITES Parties’.\textsuperscript{46}

2.60 However, Australia is unable to implement the Resolution through the existing provisions of the EPBC Act. The NIA indicates that the Department is ‘currently exploring options for amending Part 13A of the EPBC Act to enable use of musical instruments certificates and thereby better support transboundary movement of instruments’.\textsuperscript{47}

2.61 At the public hearing, the Department explained the problem and the intention for legislative amendment:

\begin{itemize}
\item \textsuperscript{41} Mr Oxley, Department of the Environment and Energy, Proof Committee Hansard, Canberra, 8 May 2017, p. 4.
\item \textsuperscript{42} Article VII of the Convention on International Trade in Endangered Species of Wild Fauna and Flora.
\item \textsuperscript{43} Article II(2) and Article IV of the Convention on International Trade in Endangered Species of Wild Fauna and Flora.
\item \textsuperscript{44} Resolution Conf. 16.8 on Frequent cross-border non-commercial movements of musical instruments.
\item \textsuperscript{45} Mr Paul Murphy, Assistant Secretary, Wildlife Trade and Biosecurity Branch, Department of the Environment and Energy, Proof Committee Hansard, Canberra, 8 May 2017, p. 5.
\item \textsuperscript{46} NIA, para 36.
\item \textsuperscript{47} NIA, para 37.
\end{itemize}
We have identified options for amendment of the EPBC Act that could facilitate a lot easier travel for bands and musicians with their vintage instruments. We would need an amendment to the act, though, to allow us to recognise the passport system that has been implemented in Europe. Last year we had the Edinburgh tattoo and, because we knew they were coming and there were lots of musicians, we worked closely with the Department of Immigration and Border Protection to manage their entry and exit, as a group, so that individuals did not have to get caught up in the administration. The recognition of passports for musical instruments will require an amendment to the EPBC Act.  

2.62 The Department advised that it is in the process of forming advice to the Minister on the options for legislative amendments, but could not provide the Committee with a proposed timeframe for these amendments.  

2.63 In an answer to question on notice, the Department advised that the amendments,

...could be dealt with specifically, in conjunction with a broader EPBC reform package, or as part of the next statutory review of the EPBC Act which is due in 2019. The approach to and timing of dealing with this issue is a matter for Government.  

Community consultation  

2.64 In advance of the 17th Conference, the Department consulted with the following groups:

- state and territory governments;
- the Indigenous Advisory Council;
- the Office of the Threatened Species Commissioner;
- relevant industry bodies;
- non-government organisations; and
- members of the public.

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48 Mr Paul Murphy, Assistant Secretary, Wildlife Trade and Biosecurity Branch, Department of the Environment and Energy, *Proof Committee Hansard*, Canberra, 8 May 2017, p. 4.


2.65 As stated above, the proposals to transfer the helmeted honeyeater and the Norfolk Island boobook owl were supported by stakeholders.

2.66 On the remaining listing proposals discussed at the Conference, the Department consulted stakeholders in the relevant industries.\textsuperscript{51} These consultations indicated the greatest interest among Australian industry were the listings of thresher sharks and rosewoods, though the NIA states ‘relevant industries did not express significant concern about the proposals’.\textsuperscript{52}

**Implementation**

2.67 Australia implements the Convention via Part 13A of the EPBC Act. As required under sub-section 303CA(1) of the EPBC Act, a list of species in the Appendices to the Convention was established in 2002. This list must be updated to include all species from time to time included in the Convention Appendices (EPBC Act s. 303CA(3) and 303CA(9)).

2.68 The instrument amending the list under s. 303CA has been registered on the Federal Register of Legislative Instruments. It is not a disallowable instrument (under s. 44 of the *Legislative Instruments Act 2003*).

2.69 For Australian wild harvest export fisheries, the Convention’s requirement for a non-detriment finding is met through the assessment of fisheries for declaration as approved wildlife trade operations (s. 303FN of the EPBC Act).

2.70 Since their entry into force, the Department advised that it has been working to ensure that affected businesses are aware of the changed international requirements. The Department has introduced new streamlined

\textsuperscript{51} NIA, para 67.

This included: commercial marine fishing industry, recreational fishing industry, auction house industry, cosmetic industry, fashion industry, the traditional Chinese medicine industry, timber industry, taxidermy industry, freight forwarders, crocodile industry, coral traders, hunting industry, pet industry and the Zoo and Aquarium Association.

\textsuperscript{52} NIA, para 29.
administrative processes to ‘enable more efficient and faster processing of CITES permanent applications by Australian businesses’.  

Entry into force

2.71 The amendments to the Appendices entered into force on 2 January 2017, prior to their presentation in the Parliament and review by this Committee.

2.72 Under CITES Article XV(1)(c), amendments to the Appendices automatically enter into force 90 days after the meeting at which they are agreed unless a party lodges a reservation. Consequently, these amendments entered into force for Australia on 2 January 2017, with the exception of the listing for mobula rays which is subject to a six month delayed entry and the listing for thresher sharks and silky sharks which are subject to a 12 month delayed entry.

2.73 At the public hearing, the Department noted its ‘regret’ that the Committee was not able to complete its review of the treaty action prior to its entry into force. The Department stated that it has contacted the CITES Secretariat to ‘highlight that these delays have hindered our ability to meet our responsibilities to the Australian Parliament’.  

2.74 The Conference of the Parties occurs every three years. On previous occasions, the Committee was notified prior to the Conference of the Parties. The Department advised the Committee of the species proposed for listing or delisting under the Appendices. On this occasion the Committee was not notified by the Department.

2.75 The Department advised the Committee that the lack of notification was due to the Committee not being established during the period immediately before the Conference on 24 September 2016. The 45th Parliament commenced on 31 August 2016, and the Committee did not meet until 12 September 2016. The Department advised that it was ‘operating in something of a void’.  

53 Mr Oxley, Department of the Environment and Energy, Proof Committee Hansard, Canberra, 8 May 2017, p. 2.

54 Mr Oxley, Department of the Environment and Energy, Proof Committee Hansard, Canberra, 8 May 2017, p. 2.

55 Mr Oxley, Department of the Environment and Energy, Proof Committee Hansard, Canberra, 8 May 2017, p. 2.
2.76 Canada has a similar process of parliamentary scrutiny of proposed treaty actions and faces similar challenges in the ability for its parliamentary process to be completed before the amendments enter into force.\(^{56}\) The Department noted however that, at least with respect to the amendments adopted in 2016, Canada lodged reservations for all amendments so that ‘they can work through their domestic arrangements before implementing them’.\(^{57}\)

**Ministerial notification following Conference of Parties**

2.77 The Minister for the Environment and Energy, the Hon Josh Frydenberg MP, wrote to the Committee on 7 November 2016 advising that most amendments to CITES would automatically enter into force on 2 January 2017, prior to the completion of the 20-day joint sitting period required for this Committee to consider treaty actions.

2.78 The Minister advised the Committee that in order to enable domestic implementation of the amendments, the relevant legislative instrument giving effect to the amendments will be lodged prior to 2 January 2017.

**Costs**

2.79 The NIA states that preliminary calculations indicate that the additional regulatory burden to Australian businesses due to the amendments – including permit applications and compliance costs – is estimated as $30 431 per year.\(^{58}\)

2.80 To continue international trade in these species, businesses will require the relevant permits or certificates are obtained from the Department prior to any trade occurring. Permits for the trade of species listed in Appendix II cost $65 for a single use permit, or $163 for a multiple consignment authority. Both are valid for six months. Pre-Convention certificates or export of items obtained before the listing of a species, are available free of charge and are also valid for six months.

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\(^{57}\) Mr Paul Murphy, Assistant Secretary, Wildlife Trade and Biosecurity Branch, Department of the Environment and Energy, Proof Committee Hansard, Canberra, 8 May 2017, p. 6.

\(^{58}\) NIA, para 45.
Reasons for taking the proposed treaty action

2.81 The NIA asserts that participation in CITES advances Australia’s interests by ‘promoting Australia as a leading environmental steward’.\(^\text{59}\) It also states that Australia’s domestic and regional conservation and trade interests are supported by the Convention by protecting native species from detrimental trade and facilitates legitimate wildlife trade.

2.82 Further, the NIA argues that the Convention provides a ‘forum for international cooperation in order for Australia to enhance relationships with other Parties for the benefit of promoting effective regulation of international wildlife trade’.\(^\text{60}\)

Committee comment

2.83 The Committee supports the treaty action. The amendments as agreed at the Conference of the Parties appear to receive broad support within industry and the community. As the amendments have already entered into force, and are reflected in the relevant domestic regulations, it is not necessary for the Committee to make a recommendation on these amendments.

2.84 However, the Committee wishes to make comment on two matters that arose in its review. The first of these is the process for parliamentary consideration of the treaty action prior to its entry into force.

2.85 The Committee reiterates previous concerns about the timeframes for consideration of CITES amendments.\(^\text{61}\). The value of the Committee is undermined when there is insufficient or no time to properly consider a treaty. It also deprives the public of an opportunity to have their say.

2.86 The Committee’s inquiries subject treaty proposals to parliamentary and public scrutiny. This gives legitimacy to the final treaties.

\(^{59}\) NIA, para 9.

\(^{60}\) NIA, para 9.

2.87 On previous occasions, prior to the Conference of the Parties the responsible Minister wrote and notified the Committee of the proposed amendments. The Committee is of the view that this is one way of lessening the risk associated with the automatic entry into force clause in the Agreement. On this occasion, the Committee was not notified of the proposed amendments.

2.88 The Committee acknowledges that there was a short time-frame between the Committee’s commencement and the Conference of the Parties in September 2016. However the Committee considers the Department could have made more effort to keep the Committee informed.

2.89 The Committee notes that other parliamentary democracies, including Canada, have developed legislative scrutiny mechanisms to review treaty actions prior to the entry into force. Indeed, at the 2016 Conference of the Parties, Canada lodged a reservation to all amendments in order to comply with these domestic processes prior to taking binding treaty action.

2.90 Although the Committee is cautious about wholesale reservations to treaty actions to which Australia is a party, the Committee is not satisfied with the current process for amendments to this Committee. The Committee believes it does not provide for adequate accountability.

2.91 The Committee requests the Department to notify it of future proposed amendments prior to the Conference of the Parties. If the Department is unable to do this, the Committee recommends that the Government lodge reservations to amendments adopted at future Conferences of the Parties so that the parliamentary review of such treaty actions can be conducted before Australia is legally bound.

Recommendation 1

2.92 The Committee requests the Department of Environment and Energy notify it of future proposed amendments to the Convention on International Trade in Endangered Species of Wild Fauna and Flora, and its appendices, prior to the Conference of the Parties. If the Department of Environment and Energy is unable to do this, the Committee recommends that the Government lodge reservations to amendments adopted at future Conferences of the Parties so that the parliamentary review of such treaty actions can be conducted before Australia is legally bound.
2.93 The second issue that the Committee wishes to address are the proposed amendments to the EPBC Act to allow for non-commercial, cross-border movement of musical instruments.

2.94 The Committee is concerned by responses from the Department indicating that there is no definitive timeframe to bring forward simple and straightforward amendments to the EPBC Act. Such amendments would allow for the efficient and regular movement of instruments into Australia by musicians as well as providing a more streamlined process for those Australian businesses that are seeking to export their products into an international market.

2.95 Though the Committee has not received evidence on any particular approach, the Committee sees benefit to adopting a ‘passport’ system as adopted and implemented within Europe since 2013. Continuing this system would further reduce the regulatory burden on travelling musicians to and from Australia as well as those Australian businesses exporting products to the international market.

2.96 The Committee therefore recommends that the Minister for the Environment introduce legislation into the Parliament that amends the EPBC Act to allow for the regular and efficient cross-border movement of musical instruments that would otherwise be regulated by CITES and the relevant Appendices, by the commencement of the Autumn sittings in 2018.

Recommendation 2

2.97 The Committee recommends that the Minister for the Environment introduce legislation into the Parliament that amends the Environmental Protection and Biodiversity Conservation Act to allow for the regular and efficient cross-border movement of musical instruments that would otherwise be regulated by the Convention on the International Trade in Endangered Species, and its associated appendices, by the commencement of the Autumn sittings in 2018.
3. Women in Combat Duties - Reservation Withdrawal

Withdrawal of Australia’s reservation under the Convention on the Elimination of all Forms of Discrimination against Women in relation to the exclusion of women from combat duties

3.1 The proposed treaty action is the withdrawal of Australia’s reservation to Article 11(1)(b) and (c) of the Convention on the Elimination of all Forms of Discrimination Against Women (CEDAW). The treaty action was referred to the Parliament on 20 March 2017.

3.2 Australia ratified CEDAW on 28 July 1983, with two reservations. The first reservation relates to maternity leave. The second reservation relates to women in combat roles, and is the subject of this chapter. The reservation reads as follows:

The Government of Australia advises that it does not accept the application of the Convention in so far as it would require the alteration of Defence Force policy which excludes women from combat duties.¹

3.3 This chapter will give an overview of CEDAW, the history behind Australia’s reservation, and recent reforms that have rendered the reservation unnecessary. The chapter will then provide an overview of women in the Australian Defence Force (ADF), before outlining the Committee’s conclusions and recommendations.

**Background**

3.4 CEDAW promotes equality of rights between men and women and aims to eliminate gender-based discrimination. CEDAW recognises that despite international instruments aimed at enshrining gender equality, extensive discrimination against women continues to exist. There are 189 Parties to CEDAW.

3.5 The initial reason for the reservation was that under the then defence policy, men and women could apply equally for all positions except for those involving ‘direct combat duties’. These were defined as:

Duties requiring a person to commit, or participate directly in the commission of an act of violence against an armed adversary; and exposing a person to a high probability of physical contact with an armed adversary.

3.6 At the time when the reservation was made, 93 per cent of jobs in the ADF were open to both men and women.

**Policy change announced**

3.7 In September 2011, the Government announced that it would remove all gender restrictions from ADF combat role employment categories. In doing so, the ADF committed to opening all roles in the ADF to women on the

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2 NIA, para 5.
4 NIA, para 2.
6 Department of Defence, *Submission 3*, p. 2.
basis that determination for suitability for roles is to be based on their ability to perform the role, not gender.\(^7\)

3.8 Women are now able to apply for the following combat roles: Navy Clearance Divers and Mine Clearance Diver Officers; Air Force Airfield Defence Guards and Ground Defence Guards; and Army Infantry, Armoured Corps and all Army Artillery roles.\(^8\)

3.9 Two external reviews were key in removing the gender restrictions from ADF combat role employment categories: the Review into the Treatment of Women at the Australian Defence Force Academy and the Review into the Treatment of Women in the Australian Defence Force (collectively referred to as the Broderick Reviews).\(^9\) The latter provided 21 recommendations to increase the participation of women in the ADF, all of which were accepted.

3.10 Since January 2013 women already serving in the ADF have been offered the opportunity to transfer to these roles. From January 2016, all Australian women have been able to apply for these roles, including those through direct recruitment.\(^10\)

3.11 The policy change was given effect by the cancellation of the following policies in November 2012:

- Defence Instruction (General) Personnel 32-1 Employment of Women in the Australian Defence Force; and

3.12 The removal of gender restrictions from ADF employment policies has rendered Australia’s reservation to CEDAW unnecessary.\(^11\)

**Implementing the policy change**

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\(^7\) NIA, para 7.

\(^8\) NIA, para 8.

\(^9\) These reviews were conducted by the Australian Human Rights Commission, and led by the then Sex Discrimination Commissioner, Elizabeth Broderick AO. They reviewed the employment options for women, status and experiences.

\(^10\) Department of Defence, *Submission 3*, p. 2.

\(^11\) NIA, para 6.
3.13 Following the announcement, the Department of Defence (DoD) developed a five-year implementation plan, based on previous experiences when opening up other employment categories to women. In a submission to the Committee, the DoD explained that implementation of the policy change was ‘thoroughly considered and that women would be fully supported should they choose to apply for, and enter, these roles’.

3.14 Under the implementation plan, the DoD has undertaken the following to address any concerns, issues or risks associated with the policy change:

- the Physical Employment Standards review, which provide standards that are scientifically based, occupationally relevant and do not discriminate based on gender. While this project was already under way prior to the Government’s decision, the review was accelerated and prioritised to meet the implementation of direct recruitment into all combat roles from January 2016;
- the implementation of the *Pathway to Change: Evolving Defence Culture* report – DoD’s ‘comprehensive five-year strategy for cultural change and reform’; and
- reviewing and updating training, training materials, guidance, policy and any combat specific processes, policies and systems.

3.15 The submission states that ‘women who have applied for these roles and have either undertaken, or are undertaking the training programs for these roles, have expressed that they feel fully supported by their peers, trainers and other personnel’.

3.16 Since restrictions were removed, 30 women have commenced serving in combat roles and a further 65 women have commenced training for such roles. All of these women have volunteered for these combat roles, and a ‘very small number’ have been deployed.

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12 Department of Defence, *Submission 3*, p. 3.
13 Department of Defence, *Submission 3*, p. 3.
14 Department of Defence, *Submission 3*, p. 3.
15 Department of Defence, *Submission 3*, p. 3.
3.17 Although the DoD did not want to ‘spotlight’ the combat roles women are performing or training for, the DoD advised the Committee that in the Army:

- 31 women are trained or undergoing training for armoured corps roles;
- 10 are trained or undergoing training for artillery roles; and
- 27 are trained or undergoing training for infantry.\textsuperscript{18}

3.18 In a submission to the Committee, the DoD stated that there is ‘no target’ for women serving in combat roles.\textsuperscript{19}

3.19 The DoD advised that the attrition rates of women who had commenced in combat roles, or the training for such positions, ‘is broadly no different to the male attrition rate’.\textsuperscript{20} The rate of applicants who apply for, but fail to meet the physical employment standard for, these roles is also no different between genders.\textsuperscript{21}

3.20 At the public hearing, the Department of the Prime Minister and Cabinet (DPMC) stated that the removal of gender restrictions has been ‘instrumental’ in driving a significant cultural shift within the ADF. The DPMC also noted that the DoD has,

…worked hard to create an environment that supports the aspiration of all members to contribute fully to the Australian Defence Force capability. Women are vital to Defence’s role in establishing and maintaining international peace and security… Defence recognises that these changes will have a positive impact in terms of addressing the systemic factors impacting women’s employment opportunities, economic security and safety. Within Defence, cultural reform continues to be a strategic driver and will further reduce barriers to women’s participation by recognising the need to capitalise on the broadest diversity of Australia’s talent pool.\textsuperscript{22}

Women in the Australian Defence Force

\textsuperscript{18} Rear Admiral Wolski, Department of Defence, \textit{Proof Committee Hansard}, 8 May 2017, p. 9.
\textsuperscript{19} Department of Defence, \textit{Submission 3}, p. 3.
\textsuperscript{20} Colonel Mitch Kennedy, Director, Workforce Strategy, Army, Department of Defence, \textit{Proof Committee Hansard}, 8 May 2017, p. 10.
\textsuperscript{21} Colonel Kennedy, Department of Defence, \textit{Proof Committee Hansard}, 8 May 2017, p. 10.
\textsuperscript{22} Ms Rachael Farrell, Director of International Engagement, Office for Women, Department of the Prime Minister and Cabinet, \textit{Proof Committee Hansard}, 8 May 2017, p. 8.
3.21 As of May 2017, women comprised 16.4 per cent of the permanent ADF. At the public hearing the DoD explained that there are ‘some specific targets’ for increasing the overall participation of women in the ADF. The DoD advised that the ADF has the following female participation targets:

- Army - 15 per cent by 2023;
- Navy – 25 per cent by 2023; and

3.22 The gender imbalance is most pronounced in the upper levels of command. This becomes clear when considering the male to female ratio of Star Ranked officers across all three services. As at 2012:

- in the Navy, one of 52 star ranked officers is female;
- in the Army, four of 71 star ranked officers is female; and
- in the Air Force, one of 53 star ranked officers is female.

3.23 At the public hearing, the DoD noted that there has been ‘gradual growth’ of women serving in senior roles within the ADF, commenting that in the past year an additional nine women have been promoted to senior roles.

3.24 According to the Chief of Defence Force, the removal of gender restrictions on ADF combat roles reflects the need to increase ADF capabilities. This need extends in general to a more rigorous attempt to encourage applicants for ADF service.

3.25 The DoD asserts that since the Broderick Reviews, ‘significant progress’ has been made to improve the following:

- employment pathways to increase the representation of women in leadership roles;
- mentoring, networking and development opportunities;

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• access to flexible working arrangements; and
• the number of women applying and being recruited by the ADF.28

International comparisons

3.26 Canada, the Netherlands, Norway and New Zealand have all officially removed restrictions on women’s participation in combat roles, albeit with some initial qualifications.29 The United Kingdom and the United States of America have made similar commitments in recent years.30

3.27 However, the defence forces listed above experience a similar low level of participation of women as the ADF. As at 2012, none of the forces have a proportional representation of women at star rank officer level. In New Zealand, the highest ranking female officer is a brigadier. Despite the Dutch army opening up combat roles to women in 1979, in 2007, only two women in the Netherlands held positions at Two Star Rank or above.31

Obligations

3.28 Withdrawing the reservation from CEDAW will oblige the ADF to ensure future policy instruments and recruitment processes accord with Article 11(1)(b) and (c) of CEDAW. The specific section of CEDAW provides as follows:

State Parties shall take all appropriate measures to eliminate discrimination against women in the field of employment in order to ensure, on a basis of equality of men and women, the same rights, in particular:

…

28 Department of Defence, Submission 3, p. 4.


(b) The right to the same employment opportunities, including the application of the same criteria for selection in matters of employment;

(c) The right to free choice of profession and employment, the right to promotion, job security and all benefits and conditions of service and the right to receive vocational training and retraining, including apprenticeships, advanced vocational training and recurrent training.

3.29 The effect of withdrawing the reservation is that ADF policy on gender-equality in all roles cannot be reversed in the future without risking inconsistency with Australia’s obligations under Article 11(1)(b) and (c).

Reasons for implementing proposed treaty action

3.30 The withdrawal of the reservation gives women the right to the same employment opportunities and free choice of profession and employment on an equal basis with men.32

3.31 According to the NIA, Australia’s reservation withdrawal will be positively received by stakeholders, including women’s rights organisations, human rights non-government organisations and the international community.33

3.32 The NIA also states that the withdrawal of the reservation forms part of broader initiatives to increase recruitment of women into the ADF, following the Review into the Treatment of Women in the ADF, led by former Sex Discrimination Commissioner Elizabeth Broderick AO.34

Community consultation

3.33 The NIA advises that the Australian Human Rights Commission and human rights non-government organisations have long advocated for the removal of gender restrictions in the ADF. The organisations welcomed the change in policy and the withdrawal of the reservation.

3.34 The Australian Human Rights Commission and the Australian Lawyers Alliance made submissions to the Committee’s review. Both welcomed the proposal to withdraw the reservation. The Commission commented that the

32 NIA, para 11.
33 NIA, para 10.
34 NIA, para 9.
withdrawal of the reservation will ‘also send a strong message of commitment by the Australian Government to eliminating all forms of discrimination against women’.\textsuperscript{35}

3.35 Similarly the Australian Lawyers Alliance strongly supported the treaty action, further commenting that the withdrawal of the reservation contributes ‘to the development of formal equality, but this must be supported by measures that create substantive equality’.\textsuperscript{36}

**Implementation**

3.36 The withdrawal of the reservation accords with Australia’s existing domestic policy and legislation.\textsuperscript{37} As the removal of gender restrictions from ADF combat roles were finalised from 1 January 2016, no further policy action is required.\textsuperscript{38}

3.37 Reservations may be withdrawn at any time by notification to the United Nations Secretary-General.\textsuperscript{39} It is proposed that the process to withdraw the reservation will occur as soon as practicable following the Committee’s consideration of the proposal.\textsuperscript{40}

3.38 The Government also intends to repeal section 43 of the *Sex Discrimination Act 1984*, which exempts the exclusion of women from combat duties from its scope.\textsuperscript{41} The repeal of section 43 is being progressed through the Civil Law and Justice Legislation Bill 2016. The Bill was introduced into the Senate on 22 March 2017. At time of writing, the Bill has not been brought on for debate.

**Costs**

\textsuperscript{35} Australian Human Rights Commission, *Submission 1*, p. 2.

\textsuperscript{36} Australian Lawyers Alliance, *Submission 2*, p. 6.

\textsuperscript{37} NIA, para 13.

\textsuperscript{38} NIA, para 15.

\textsuperscript{39} NIA, para 20.

\textsuperscript{40} NIA, para 4.

\textsuperscript{41} NIA, para 4.
3.39 The withdrawal of the reservation will not incur costs.\textsuperscript{42}

**Committee comment**

3.40 The Committee strongly supports the commitment of successive governments to gender equality within the ADF and the policy decision to remove gender restrictions for combat roles. The only determining factor for combat roles within the ADF should be physical and intellectual capability, not gender. Any Australian who wishes to serve in such roles should be selected on the basis of merit and ability.

3.41 The Committee notes however that, on the DoD’s own assessment, there is still a significant road ahead before gender balance is achieved within the ADF. The Committee is encouraged by the increase in women serving in senior roles, but notes that increases have been small and slow.

3.42 The Committee considers that broader cultural change is necessary to implement greater gender equity. Initiatives which allow greater flexibility through a working life – such as the Total Workforce Model – should contribute to recruiting and retaining women in the ADF.

3.43 The Committee strongly supports the proposed treaty action to withdraw Australia’s reservation to CEDAW on the women in combat roles within the ADF. The original reservation no longer reflects government policy nor the expectations of the Australian community.

**Recommendation 3**

3.44 The Committee supports the withdrawal of Australia’s reservation to Article 11(1)(b) and (c) of the *Convention on the Elimination of all Forms of Discrimination Against Women* and recommends that binding treaty action be taken.

\textsuperscript{42} NIA, para 18.
4. Generation IV Nuclear Energy - Accession


4.1 The proposed Australian accession to the Framework Agreement for International Collaboration on Research and Development of Generation IV Nuclear Energy Systems, as extended by the Agreement Extending the Framework Agreement for International Collaboration on Research and Development of Generation IV Nuclear Energy Systems (the Framework Agreement) will allow Australia to join a number of other Parties engaged in the development of the next generation of nuclear reactors.¹

4.2 The other Parties to the Framework Agreement are: Canada; Euratom; France; Japan; China; Korea; South Africa; Russia; Switzerland; and the United States.²

4.3 Collectively, the Parties to the Framework Agreement are known as the Generation IV International Forum (GIF).³

4.4 Membership of the GIF requires cooperation with all other parties to develop the next generation of nuclear energy systems.⁴

4.5 According to the Australian Nuclear Science and Technology Organisation (ANSTO):

The function of the forum is predeployment. It is not, itself, to develop reactors that are going to be built but to develop the knowledge base that underpins the development of the reactors.⁵

**Generation IV nuclear energy systems**

4.6 The National Interest Analysis (NIA) claims that generation IV nuclear reactors will use fuel more efficiently, reduce waste production, be economically competitive, and meet stringent standards of safety and proliferation resistance.⁶


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² NIA, para 10.
³ NIA, para 5.
⁴ NIA, para 8.
⁶ NIA, para 8.
4.8 Modern nuclear reactors are characterised as advanced Light Water Reactors. These reactors use water heated by nuclear fission to turn turbines that generate electricity.\(^8\)

4.9 Advanced Light Water Reactors contain the water that comes into contact with radioactive materials in a closed system. The closed system uses a heat transfer mechanism to heat another water system that turns the turbines. In other words, the radioactive components are contained to the reactor itself and are not part of the electricity generation process.\(^9\)

4.10 Water cooled reactors limit the temperature at which the reactor can operate. Limiting the temperature of the reactor limits the efficiency at which it can generate electricity and results in the production of the most undesirable forms of nuclear waste, such as plutonium.\(^10\)

4.11 The proposed generation IV reactors will use materials that are expected to permit the reactor to operate at higher temperatures, improving the efficiency of the reactors and allowing the consumption by the reactor of nuclear waste materials such as plutonium. As a group, these reactors are called ‘fast reactors’ on the basis that they allow a higher temperature at which a fission reaction can ‘speed up’.\(^11\)

4.12 The Roadmap identified a number of reactor systems on which further research might produce viable reactor systems:

- The Gas-cooled Fast Reactor. This is a helium cooled reactor which will produce a temperature of 850\(^\circ\)c, sufficient to consume materials like plutonium. The significant technological barriers that need to be overcome to make this system operational include the development of materials for the reactor that can withstand the high temperatures and the high levels of radiation in the reactor, and safety systems for removing residual heat from the reactor. In 2002, the Roadmap estimated that the cost of research before a test reactor could be built at $940m.\(^12\)

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\(^11\) SMR Nuclear Technology Pty Ltd, Submission 3, p. 2.

• The Lead-cooled Fast Reactor. This reactor is intended to be a mass produced reactor with a long life that can be deployed as a ready built system, run for 20 years, and then be removed. The reactor will operate at a lower temperature of about 550°C. The technological barriers for this system include the development of a specialised nuclear fuel and concern about the environmental impact of lead in the event of an accident. The estimated cost of research is $990m.\textsuperscript{13}

• The Molten Salt Reactor. The molten salt reactor uses molten salt with dissolved uranium and plutonium (in other words, a liquid fuel) and a separate molten salt coolant system. The reactor will operate at 700°C. The technological barriers to this system include a lack of knowledge concerning the long term chemical behaviour of molten salt fuels, the problem of corrosion of reactor components and the problems of the metals in the salt coming out of solution and plating onto reactor components. The estimated cost of research $1,000m.\textsuperscript{14}

• The Supercritical Water-cooled Reactor. This reactor operates by placing cooling water under high pressure, which increases the boiling temperature of the water. Cooling water temperature in this type of reactor is expected to be 374°C. This is considered to be a relatively simple design that will not be as effective at managing plutonium as the other reactor systems. The technical barriers in this instance relate to the handling of high pressures, such as dealing with potential corrosion and cracking of reactor materials. The estimated cost of research is $870m.\textsuperscript{15}

• The Sodium-cooled Fast Reactor. This reactor system uses liquid sodium to cool the reactor and has the advantage of using almost all of the fuel in a reactor. This makes the reactor very efficient and very effective at managing plutonium and other waste materials. The largest problem with this type of reactor is the fact that sodium reacts explosively with both air and water. The effective isolation of sodium from air and water is the biggest technological barrier to the development of this reactor system. The estimated cost of research for this system is $610m.\textsuperscript{16}

• The Very High Temperature Reactor. This is a development of the Gas-cooled Fast Reactor which will produce a temperature of 1000°C. The

The high temperatures are expected to make this reactor useful in industrial settings where the heat can be used for purposes such as the hydrogen production in addition to electricity generation. The technical barriers to this system are the same as those for the Gas-cooled Fast Reactor system with additional research required to ensure the materials used can sustain the higher operating temperatures. The estimated cost of research for this system is $670m in addition to the research costs for the Gas-cooled Fast Reactor System.\(^\text{17}\)

4.13 According to ANSTO, the GIF research process, which concludes at the point at which generation IV reactors are ready to be constructed, can be expected to continue for between 10 and 40 years.\(^\text{18}\)

4.14 The development timeframe and costs associated with the development of generation IV reactors have been raised as a reason for Australia to not accede to the Framework Agreement by Mr Noel Wauchope. Mr Wauchope argues that the cost is not worth it as Australia is not currently considering the use of nuclear power.\(^\text{19}\)

4.15 This position is also advocated by the Medical Association for the Prevention of War.\(^\text{20}\)

4.16 Taking the opposite view, Mr Barry Murphy argues that accession to the Framework Agreement provides an opportunity for Australia to develop a nuclear energy program.\(^\text{21}\)

4.17 Further to Mr Murphy’s argument, Bright New World, which supports accession, argues that Australia’s current position on nuclear energy limits the sustainable energy pathways for the country.\(^\text{22}\)

The Framework Agreement


\(^{18}\) Professor Lyndon Edwards, National Director, Australian Generation IV International Forum Research, ANSTO, *Committee Hansard*, 8 May 2017, pp. 16 and 17.

\(^{19}\) Mr Noel Wauchope, *Submission 4*, p. 1.

\(^{20}\) Medical Association for the Prevention of War, *Submission 14*, p. 4.

\(^{21}\) Mr Barry Murphy, *Submission 7*, p. 3.

\(^{22}\) Bright New World, *Submission 12*, p. 4.
4.18 The Framework Agreement came into force in 2005 and had its time frame extended by 10 years in 2015.\(^{23}\)

4.19 The Framework Agreement establishes the basis for international cooperation that is necessary for the timely development of generation IV nuclear reactors.\(^{24}\)

4.20 Essentially, the Framework Agreement spreads the significant cost of developing new reactor designs, avoiding ‘any premature elimination of potential reactor designs due to the lack of adequate resources at the national level.’\(^{25}\)

4.21 The objectives of the Framework Agreement is to engender collaboration in:

- joint research and technology development;
- exchanging technical information and data and the results of research and development;
- supporting the organisation of technological demonstrations;
- conducting joint trials and experiments;
- allowing staff to participate in development activities;
- exchanging and loan samples, materials and equipment for experiments, testing and evaluation;
- organising and participating in seminars and scientific conferences;
- contributing monies for the development of experimental facilities; and
- training and enhancing the skills of scientists and technical experts.\(^{26}\)

4.22 The Framework Agreement will also ensure that the scientific and technological information obtained from GIF research will be made available to the world scientific community unless that information is subject to national security, commercial or industrial concerns.\(^{27}\)

\(^{23}\) NIA, para 1.

\(^{24}\) Australian Young Generation in Nuclear, Submission 9, p. 1.

\(^{25}\) NIA, para 9.

\(^{26}\) NIA, para 14.

\(^{27}\) NIA, para 20.
**Benefits for Australia**

4.23 The Australian Government initially canvassed the possibility of joining GIF in 2006, in the 2006 *Uranium Mining Processing and Nuclear Energy Review* report of the then Department of Prime Minister and Cabinet.28

4.24 In order for Australia to participate in the GIF, Australia followed a lengthy nomination process in which Australia was required to demonstrate that it could contribute to the research and development goals of the GIF.29

4.25 Australia will initially participate in two of the GIF research projects:

- the Very High Temperature Reactor System, particularly in the area of the behaviour of structural materials at high temperatures and levels of irradiation; and

- the Molten Salt Reactor System, focussing on materials corrosion and radiation damage assessment.30

4.26 Participation in the GIF is expected to help Australia maintain its national capacity as a leading edge nuclear technology developer in material sciences and fuel technologies. In particular:

...Australian industry membership will provide participation for Australian scientists and engineers, with avenues for collaboration in the world-leading teams developing our next generation of nuclear and related technologies and with access to the technologies themselves.31

4.27 According to ANSTO, Australia possesses a technological lead in the development of materials that are expected to be used in generation IV reactors. ANSTO identified Australia’s lead in the development of additive parts manufacture, a process that involves the manufacture of parts for industrial use using 3D printing technology, as potentially significant in the development of generation IV reactors.32
4.28 Mr Martin Thomas argues that accession to the Framework Agreement will also enable Australia to capitalise on ANSTO’s research and development on high level waste storage through encapsulation (essentially, capturing dangerous nuclear waste in ceramic for safe long term storage) and the analysis of materials that are expected to be used in generation IV reactors.\(^{33}\)

4.29 The Warren Centre for Advanced Engineering at the University Of Sydney emphasised the opportunities for international cooperation in high technology development that would available to Australian researchers and industries should Australia accede to the Framework Agreement.\(^{34}\)

4.30 According to the NIA:

> Accession to the Agreement will …improve the Australian Government’s awareness and understanding of nuclear energy developments throughout the region and around the world, and contribute to the ability of the Australian Nuclear Science and Technology Organisation (ANSTO) to continue to provide timely and comprehensive advice on nuclear issues.\(^{35}\)

4.31 The NIA states that participation in the GIF will also enable Australia to retain its permanent position on the Board of Governors of the International Atomic Energy Agency (IAEA). This position is held because Australia is the most advanced in nuclear technology of the South East Asia and Pacific regional group of IAEA members.\(^{36}\)

4.32 No other member of this group is currently part of the GIF, so Australia’s membership is likely to strengthen Australia’s claim to the permanent position on the IAEA Board of Governors.\(^{37}\) Participation in GIF is also likely to secure Australia’s leadership in nuclear technology in the region.\(^{38}\)

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33 Mr Martin Thomas, *Submission 2*, p. 1.
34 Warren Centre for Advanced Engineering, University Of Sydney, *Submission 11*, p. 3.
35 NIA, para 6.
36 NIA, para 7.
4.33 According to the NIA, failure to accede to the Framework Agreement would impede Australia’s ability to remain constructively engaged in international nuclear activities into the future.\textsuperscript{39}

4.34 The NIA further argues that failure to join the GIF may also diminish Australia’s standing in international nuclear non-proliferation fora and Australia’s ability to influence international nuclear policy developments in accordance with Australia’s national interest.\textsuperscript{40}

4.35 The cost of participation in GIF, which will initially be a $100,000 membership fee, will be borne by ANSTO out of existing funds.\textsuperscript{41}

Conclusion

4.36 Mr Oscar Archer summarises the general view of Australians involved in nuclear energy as follows:

The nation’s accession to the Framework Agreement will compliment this effort and can be viewed as a confident first step. Among the many positive objectives of the Framework Agreement, an engagement of Australia’s regulatory resources with those of Canada, China and other appropriate nations will serve to build expertise that should be vital when the time comes for Australia to take its next big step with regard to nuclear technology.\textsuperscript{42}

4.37 Accession is also supported by the peak body for nuclear research in Australia, the Australian Nuclear Association.\textsuperscript{43}

4.38 Conversely, Friends of the Earth argues in opposing the Framework Agreement that:

It is generally understood – even by most Generation IV advocates – that the development and in particular the commercialisation of Generation IV technology is decades away. Such statements miss the point that the

\textsuperscript{39} NIA, para 18.
\textsuperscript{40} NIA, para 18.
\textsuperscript{41} NIA, para 25.
\textsuperscript{42} Mr Oscar Archer, Submission 8, p. 2.
\textsuperscript{43} Australian Nuclear Association, Submission 10, p. 1.
development and commercialisation of Generation IV technology has always been decades away.44

4.39 Questions of the future of nuclear energy in Australia aside, the Framework Agreement appears to offer significant opportunities for Australian research and technology for many years into the future. On that basis, the Committee supports Australia’s accession to the Framework Agreement.

Recommendation 4


4.41 The Hon Stuart Robert MP

4.42 Chair

4.43 May 2017

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44 Friends of the Earth, Submission 13, p. 4.
A. Submissions

Amendments to Appendices I and II of the *Convention on International Trade in Endangered Species of Wild Fauna and Flora* (Johannesburg, 4 October 2016)

Nil.

Withdrawal of Australia’s reservation to Article 11(1)(b) and (c) of the *Convention on the Elimination of all Forms of Discrimination Against Women*

1. Australian Human Rights Commission
2. Australian Lawyers Alliance
3. Department of Defence


1. Engineers Australia
2 Mr Martin Thomas
   • Attachment 1
3 SMR Nuclear Technology Pty Ltd
4 Ms Noel Wauchope
5 University of New South Wales – Nuclear engineering research group
6 Australian Academy of Technology and Engineering
7 Mr Barry Murphy
8 Dr Oscar Archer
9 Australian Young Generation in Nuclear (AusYGN)
10 Australian Nuclear Association
11 The Warren Centre for Advanced Engineering
12 Bright New World
13 Friends of the Earth Australia and the Australian Conservation Foundation
B. List of Witnesses

Amendments to Appendices I and II of the Convention on International Trade in Endangered Species of Wild Fauna and Flora (Johannesburg, 4 October 2016)

Monday, 8 May 2017

CANBERRA

Department of Environment and Energy

Dr Ilse Kiessling, Director, Wildlife Trade Regulation Section

Mr Paul Murphy, Assistant Secretary, Wildlife Trade and Biosecurity Branch

Mr Stephen Oxley, First Assistant Secretary, Wildlife, Heritage and Marine Division

Withdrawal of Australia’s reservation to Article 11(1)(b) and (c) of the Convention on the Elimination of all Forms of Discrimination Against Women

Monday, 8 May 2017

CANBERRA

Department of the Prime Minister and Cabinet
Ms Rachael Farrell, Director  

Department of Defence  

Ms Justine Greig, First Assistant Secretary, People Policy and Culture  

Colonel Mitch Kennedy, Director Workforce Strategy - Army  

Rear Admiral Brett Wolski, Head People Capability  


Monday, 8 May 2017  

CANBERRA  

Australian Nuclear Science and Technology Organisation  

Prof Lyndon Edwards, National Director Australian Generation IV International Forum Research  

Dr Adi Paterson, Chief Executive Officer  

Mr Jarrod Powell, Acting Manager Government Affairs
Dissenting Report - Australian Greens

While not always supporting the outcomes, the Australian Greens have acknowledged previous JSCOT inquiries on nuclear issues for their diligence and prudence. We are disappointed on this occasion to submit a dissenting report into the Generation IV Nuclear Energy Accession. The inquiry process into the Framework Agreement for International Collaboration on Research and Development of Generation IV Nuclear Energy Systems has been unduly rushed and lacked adequate public hearings or detailed analysis and reflection of public submissions. This is particularly disturbing given that this inquiry relates to public spending for an undefined period of time towards a technology that is prohibited in Australia.

The Australian Greens’ dissent to Report 171 (Section 4: Generation IV Nuclear Energy Accession) is based on a range of grounds, including:

- The lack of transparency regarding the costs to the Australian taxpayer over an undefined period of time;
- The technology that this agreement relates to is prohibited under Australian law and its promotion is inconsistent with the public and national interest;
- The lack of consideration of the global energy trends away from nuclear technology;
- The lack of procedural fairness in refusing adequate public hearings and consideration of public submissions;
- An unjustified reliance on the submissions from the highly partisan Australian Nuclear Science and Technology Organisation (ANSTO). The Australian Greens note that ANSTO is not a disinterested party in this
policy arena. Furthermore, ANSTO has made a number of unfounded assertions, particularly regarding the Agreement’s impact on Australia’s standing on nuclear non-proliferation.

Unchecked capacity and resourcing

The timeframe for the agreement is loosely stated as being between 10 and 40 years. Over this period there is a commitment for Australia to pledge resources and capacity at the expense of Australian taxpayers. In exchange for this undefined public expense for an undefined period of time, there is no clear public benefit – given that the technology is, properly and popularly, prohibited in this country.

Point 4.20 states that the Framework is in essence about spreading the significant costs associated with the development of Generation IV reactors. In public submissions made to JSCOT there are detailed cost estimates for individual projects that are all in the range of billions of dollars. There have been numerous delays, cost constraints and problems with the various types of reactors described as Generation IV. While some countries continue to pursue this technology, there is no clear end-game in sight and many nations are stepping away from this sector. Most Generation IV reactors only exist on paper while some others are modified plans of expensive failed projects but are still just conceptual.

It is understandable that countries who are invested in Generation IV would seek to transfer costs and inflate the potential benefits. It is unreasonable, however, for a Government agency to commit Australian resources to fund and develop this technology which is decades away from being anything more than a concept.

ANSTO submits in the National Interest Analysis that the “costs of participation in the Systems Arrangements will be borne by ANSTO from existing funds”. The Australian Greens note that in the last financial year ANSTO reported a loss of $200 million (including $156 million in subsidies). The commitment of funds and resourcing from an agency that operates with an existing deficit that is already funded by the Australian people is fiscally irresponsible and has not been investigated through the JSCOT process.

The Australian Greens maintain that there is a particular need for the rationale of any contested public expenditure to be rigorously tested. Sadly, this Committee has failed in this role.

Point 4.24 of the report states that “Australia was required to demonstrate that it could contribute to the research and development goals of the GIF” yet the inquiry
process failed to establish exactly what form those contributions will take and the cost of those contributions to the Australian people.

**Prohibited Technology**

Point 4.39 on the question of nuclear power in Australia brushes aside the fundamental issue that the future of nuclear energy in Australia is entirely dependent on changing Commonwealth laws.

Report 171 section 4 fails to acknowledge that the technology in question is prohibited under two separate pieces of Commonwealth legislation:

- Section 37J of the *Environmental Protection and Biodiversity Conservation Act 1999*;
- Section 10 of the *Australian Radiation Protection and Nuclear Safety Act 1998*.

These Acts reflect considered positions, public opinion and the environmental and economic risk associated with nuclear technology which has repeatedly proved to be dangerous and expensive. The position reflected in these laws has been repeatedly reiterated in subsequent Government reports into the technology and prospects for development in Australia. For example:

- Nuclear Fuel Cycle Royal Commission (South Australia) (May 2016)

These reports all arrive at the same conclusion: that there is no case to develop nuclear power in Australia, albeit for different reasons. These reasons include costs, time constraints, legal constraints, public opposition, restrictions on availability of water and other environmental factors.

**Lack of Procedural Fairness and over reliance on evidence from ANSTO**

ANSTO has pursued this agreement, signed the agreement, will be responsible for enacting the agreement, drove the National Interest Analysis and were the only agency invited to present at a hearing. This agency is publicly funded, has run at a
deficit, and is seeking to further commit Australian resources to a technology that is not only unpopular but is prohibited under Australian legislation.

There is a wide range of experts and public interest groups who have lodged detailed submissions and requested an audience with the Committee to offer some scrutiny and balance to the highly selective view of Generation IV options presented by ANSTO.

These submissions are barely mentioned in Report 171 and additional public hearings were denied. This level secrecy and denial of procedural fairness is of grave concern and, while out of character for JSCOT, is very much in line with the secrecy synonymous with ANSTO and the wider nuclear industry.

**Australia’s accessibility to nuclear technology and standing on nuclear non-proliferation**

ANSTO claim in the NIA that a failure to accede “would impede Australia’s ability to remain constructively engaged in international nuclear activities and would limit our ability to forge links with international experts at a time when a significant expansion in nuclear power production is underway…… It would diminish Australia’s standing in international nuclear non-proliferation and our ability to influence international nuclear policy developments in accordance with our national economic and security interests.”

The Australian Greens understand that Australia currently pays $10 million per annum to the International Atomic Energy Agency which grants us access to the safety and regulatory fora and to publicly published research. Where there is a commercial interest in the technology this would no doubt be made available to Australia at a price – but a price not borne by the taxpayer in this crude subsidy by stealth proposed in report 171 (Section 4).

Claims that our failure to accede would somehow diminish our standing on nuclear non-proliferation are absurd. While the industry might promote Generation IV as addressing issues of nuclear non-proliferation there is little concrete evidence that it can or ever would be done. It was the same promise industry proponents made about Generation III reactors and failed to deliver.

Australia’s standing on nuclear non-proliferation is currently being diminished because this Government is actively boycotting the current UN process supported by 132 nations on negotiating a treaty to ban nuclear weapons, not because our country has not been funding research into nuclear power.
The Australian Greens fundamentally dissent from this Committee’s findings and believe that no compelling or credible case has been made to proceed with the treaty action. Rushed, limited and opaque decision making processes are a poor basis for public funding allocations in a contested policy arena.

Senator Sarah Hanson-Young

Australian Greens Senator
We support the recommendation that binding treaty action be taken to enable further collaboration in relation to international research and development of Generation IV Nuclear Energy Systems.

This support is essentially given because we agree that Australia should remain aware of, and involved in, this important area of research, but not because Australia has any interest in pursuing nuclear energy systems.

Indeed, we note that Labor’s National Platform includes the following statements of principle:

147. Labor recognises that the production of uranium and its use in the nuclear fuel cycle present unique and unprecedented hazards and risks, including:
 Threats to human health and the local environment in the mining and milling of uranium and management of radioactive materials, which demand the enforcement of strict safety procedures;

The generation of products that are usable as the raw materials for nuclear weapons manufacture, which demands the enforcement of effective controls against diversion; and

The generation of highly toxic radioactive waste by-products that demand permanently safe disposal methods.

154. Labor will [inter alia]:

Prohibit the establishment of nuclear power plants and all other stages of the nuclear fuel cycle in Australia;

Remain strongly opposed to the importation and storage of nuclear waste that is sourced overseas in Australia.

On that basis, we make it clear we strenuously disagree with the argument put by Mr Barry Murphy (see 4.16-4.17) that the Framework Agreement will provide an opportunity for Australia to develop a nuclear energy program. It does no such thing, nor should it.

The National Platform outlines (at 152) a range of measures through which Labor believes Australia can make a contribution to international efforts, through the International Atomic Energy Agency (IAEA) and other mechanisms, to improve nuclear safeguards and reduce nuclear weapon proliferation.

One of the arguments (see 4.31-4.43) put in favour of entering the Framework Agreement is that our participation will assist Australia in retaining a permanent position on the Board of Governors of the IAEA, which in turn will empower our work in pursuing nuclear non-proliferation.

We note that Report 151 of the Joint Standing Committee on Treaties which covered the Australia-India Nuclear Cooperation Agreement included the recommendation that uranium sales to India only commence when “India has achieved the full separation of civil and military nuclear facilities as verified by the IAEA” (see Recommendation 3). In the Australian Government’s response to Report 151 (November 2015) it stated “that India has now designated all 22 civil facilities for the application of safeguards. On this basis, the Government is satisfied that the first element of the Committee’s recommendation is met.”

A different perspective is offered in the paper by Kalman A. Robertson and John Carlson, ‘The Three Overlapping Streams of India’s Nuclear Programs’, published
In April 2016 by the Belfer Centre for Science and International Affairs within Harvard’s Kennedy School, whose introduction states:

In 2006, Indian Prime Minister Manmohan Singh announced a Separation Plan for India’s civilian and military nuclear programs. It is often assumed that the Plan clearly and verifiably separates India’s nuclear facilities into two categories, civilian and military. The reality is that the Plan has produced three streams: “civilian safeguarded”, “civilian unsafeguarded”, and “military.” The tables in the annex to this paper contain lists of facilities in each stream. The relationships and overlap between the three streams are not transparent. Some civilian facilities, even when operating under certain provisions of India’s safeguards agreement with the International Atomic Energy Agency (IAEA), may contribute to India’s stockpile of unsafeguarded weapons-usable nuclear material. Much of this complexity arises from the unique character of India’s safeguards agreement with the IAEA and the additional protocol to this agreement.

The overlap between civilian and military nuclear activities is likely to intensify as India scales up its nuclear power program and its enrichment and reprocessing industries. As India’s nuclear sector expands, it will be up to India to decide whether or not to place new facilities under continuous safeguards. Currently, the 500MW Prototype Fast Breeder Reactor, scheduled to achieve criticality in April 2016, and which India has not placed under safeguards, is poised to introduce a new pathway for the production of both electricity and unsafeguarded plutonium.

The incompleteness of the separation of India’s civilian and military programs should be taken into consideration by nuclear suppliers when determining conditions for nuclear cooperation.

This indicates the difficulty and complexity involved in setting and monitoring the conditions under which nuclear material is supplied and used, even under the auspices of the IAEA.

We are grateful for the joint submission from the Australian Conservation Foundation (ACF) and Friends of the Earth Australia (FOE), and the submission from the Medical Association for the Prevention of War, both of which provide a detailed and cautionary context for the consideration and pursuit of ‘next generation’ or ‘Generation IV’ reactors.

While the Australian Nuclear Science and Technology Organisation (ANSTO) has explained that the point in time at which Generation IV reactors are capable of being constructed is between 10 and 40 years away (see 4.13), the ACF and FOE
submission notes that the “development and commercialisation of Generation IV technology has always been decades away” (see 4.38).

The ACF and FOE submission also questions the assertion that the Framework Agreement would make a meaningful difference to our permanent place on the IAEA’s Board of Governors, a position Australia has held for decades. On the question of Australia’s nuclear non-proliferation work, the submission argues, persuasively, that “Nuclear non-proliferation would also be far better realised by active Australian engagement in the current UN process around the development of a nuclear weapons ban treaty. Instead Australia has spurned this pivotally important initiative and is refusing to participate. If Australia is serious about its international standing, our representatives would be at the table in New York.”

The draft United Nations treaty to prohibit nuclear weapons was released in Geneva on Tuesday, 23 May 2017, and reflects the work of 130 nations who have participated in the process. The Australian Government is refusing to take part in the ban negotiations. By contrast, Labor recognises the enormous potential and present value of this process, and resolved in its National Platform to support the negotiation of a global agreement to ban nuclear weapons (at clause 87).

In light of all these matters the concluding paragraph, 4.39, of the Report, which begins, “Questions of the future of nuclear energy in Australia aside”, would have been better and more usefully expressed if it had said, “While there is no reason for Australia to consider developing a nuclear energy system, and every reason to focus our research, regulatory, and funding efforts on developing safe and emission-free renewable energy, the Framework Agreement appears to offer significant opportunities for Australian research and technology for many years into the future.”

Mr Michael Danby MP

Mr Josh Wilson MP
Senator Jenny McAllister

Ms Susan Templeman MP