

No. 4233

**UNITED STATES OF AMERICA
and
AUSTRALIA**

**Agreement for co-operation regarding atomic information
for mutual defense purposes. Signed at Washington,
on 12 July 1957**

Official text: English.

Registered by the United States of America on 21 March 1958.

**ÉTATS-UNIS D'AMÉRIQUE
et
AUSTRALIE**

**Accord de coopération concernant l'échange de renseigne-
ments atomiques aux fins de défense mutuelle. Signé à
Washington, le 12 juillet 1957**

Texte officiel anglais.

Enregistré par les États-Unis d'Amérique le 21 mars 1958.

No. 4233. AGREEMENT¹ BETWEEN THE GOVERNMENT OF THE UNITED STATES OF AMERICA AND THE GOVERNMENT OF THE COMMONWEALTH OF AUSTRALIA FOR COOPERATION REGARDING ATOMIC INFORMATION FOR MUTUAL DEFENSE PURPOSES. SIGNED AT WASHINGTON, ON 12 JULY 1957

The Government of the United States of America and the Government of the Commonwealth of Australia,

Recognizing that their mutual security and defense requires that they be prepared to meet the contingencies of atomic warfare,

Recognizing that their common interests will be advanced by the exchange of information pertinent thereto,

Believing that the exchange of such information can be undertaken without threat to the security of either country, and

Taking into consideration the United States Atomic Energy Act of 1954, which was prepared with these purposes in mind,

Agree as follows :

Article I

1. While the United States and the Commonwealth of Australia are participating in international arrangements for their mutual defense and security and making substantial and material contribution thereto, each Government will from time to time make available to the other Government atomic information which the Government making such information available deems necessary to :

- (a) the development of defense plans;
- (b) the training of personnel in the employment of and defense against atomic weapons; and
- (c) the evaluation of the capabilities of potential enemies in the employment of atomic weapons.

2. Atomic information which is transferred by either Government pursuant to this Agreement shall be used by the other Government exclusively for the preparation and implementation of defense plans in the mutual interests of the two countries.

¹ Came into force on 14 August 1957, the date on which each Government received from the other Government written notification that it had complied with all statutory and constitutional requirements for the entry into force of such Agreement, in accordance with article VI.

Article II

1. All transfers of atomic information to the Commonwealth of Australia by the United States pursuant to this Agreement will be made in compliance with the provisions of the United States Atomic Energy Act of 1954 and any subsequent applicable United States legislation.

2. Under this Agreement there will be no transfers by the United States or the Commonwealth of Australia of atomic weapons or special nuclear material, as these terms are defined in Section 11 *d* and Section 11 *t* of the United States Atomic Energy Act of 1954.

Article III

1. Atomic information made available pursuant to this Agreement shall be accorded full security protection under applicable security arrangements between the United States and the Commonwealth of Australia and applicable national legislation and regulations of the two countries. In no case shall either Government maintain security standards for safeguarding atomic information made available pursuant to this Agreement lower than those set forth in the applicable security arrangements in effect on the date this Agreement comes into force.

2. Atomic information which is exchanged pursuant to this Agreement will be made available through channels existing or hereafter agreed for the exchange of classified defense information between the two Governments.

3. Atomic information received pursuant to this Agreement shall not be transferred by the recipient Government to any unauthorized person or, except as provided in Article V of this Agreement, beyond the jurisdiction of that Government. Each Government may stipulate the degree to which any of the categories of information made available to the other Government pursuant to this Agreement may be disseminated, may specify the categories of persons who may have access to such information, and may impose such other restrictions on the dissemination of such information as it deems necessary.

Article IV

As used in this Agreement, "atomic information" means:

- (a) so far as concerns the information provided by the United States, Restricted Data, as defined in Section 11 *r* of the United States Atomic Energy Act of 1954, which is permitted to be communicated pursuant to the provisions of Section 144 *b* of that Act, and information relating primarily to the military utilization of atomic weapons which has been removed from the Restricted Data category in accordance with the provisions of Section 142 *d* of the United States Atomic Energy Act of 1954;

- (b) so far as concerns the information provided by the Commonwealth of Australia, information exchanged under this Agreement which is either classified atomic energy information or other Commonwealth of Australia defense information which it is decided to transfer to the United States in pursuance of Article I of this Agreement.

Article V

Nothing herein shall be interpreted or operate as a bar or restriction to consultation and cooperation by the United States or the Commonwealth of Australia with other nations or regional organizations in any fields of defense. Neither Government, however, shall communicate atomic information made available by the other Government pursuant to this Agreement to any nation or regional organization unless the same information has been made available to that nation or regional organization by the other Government in accordance with its own legislative requirements and except to the extent that such communication is expressly authorized by such other Government.

Article VI

This Agreement shall enter into force on the date on which each Government shall receive from the other Government written notification that it has complied with all statutory and constitutional requirements for the entry into force of such an Agreement, and shall remain in effect until terminated by mutual agreement of both Governments.

IN WITNESS WHEREOF, the undersigned, being duly authorized by their respective Governments, have signed the present Agreement.

DONE at Washington in duplicate this twelfth day of July, 1957.

For the Government of the United States of America :
Howard P. JONES

For the Government of the Commonwealth of Australia :
Percy SPENDER