



12 January 2024

Foreign Affairs, Defence and Trade Committee
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Dear Committee Secretary.

I welcome the opportunity to contribute to the Senate Standing Committees on Foreign Affairs Defence and Trade concerning the Australian Naval Nuclear Power Safety Bill 2023.

This submission is from Independent and Peaceful Australia Network (IPAN), South Australia. IPAN is a network of organisations around Australia – community, faith and peace groups, trade unions and concerned individuals – aiming to build public dialogue and pressure for change to a truly independent foreign policy for Australia – one in which our government plays a positive role in solving international conflicts peacefully.

This Bill fails to meet the fundamental principles of regulatory independence for nuclear waste. In this Bill, the proposed Australian Naval Nuclear Power Safety Regulator reports directly to the Minister of Defence. This is widely out of step with international standards of nuclear safety and current practice in Australia.

The Bill also opens a back door to Australia becoming the dumping ground for tonnes of high-level nuclear waste from the US and UK nuclear submarine fleets. This is due to the Bill's definition of "an AUKUS submarine" including UK and US nuclear submarines. Therefore, UK and US nuclear submarine material or equipment can be maintained, stored or disposed of in Australia.

This Bill also allows for the regulator to override State and Territory laws that would conflict with where the Federal Government decides nuclear waste and nuclear submarines should be stored. With section 135 reading:

If a law of a State or Territory, or one or more provisions of such a law, is prescribed by the regulations, that law or provision does not apply in relation to a regulated activity.

This Bill will allow Defence to decide where nuclear waste and nuclear submarines are stored and stationed. There is nothing in this Bill about community consent and consultation on this issue.

This particularly concerns us in South Australia because the Osborne Naval Shipyard will now be a designated nuclear zone. Consequently, the residents of Le Fevre Peninsula are now

confronted with dangers posed by nuclear facilities. This has happened without community engagement and agreement.

There are serious concerns about the lack of clear safety standards for this material. For example, Section 5 subsection defines what is “reasonably practicable” concerning safety standards on nuclear waste and submarines. These standards are taken verbatim from the Work Health and Safety Act, which means the same standards we have for working at a Subway or Toy Store are what we are using for nuclear waste.

The UN Special Rapporteur on Toxics and Human Rights, Marcos A. Orellana, on his visit to Australia, 28 August to 8 September 2023 stated “The introduction of high-level radioactive waste into Australian territory, from nuclear-powered submarines under the new AUKUS plans, poses significant management challenges.

This Bill must be rejected.

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