



*Nuclear Free WA
wangka kutju (with one voice)
towards a nuclear free future*

Foreign Affairs, Defence and Trade Committee Department of the Senate
PO Box 6100
Parliament House
Canberra ACT 2600

Monday 14 August 2023

To the FADT Committee,

Re: Defence Capability Assurance and Oversight Bill 2023

The Nuclear Free WA group thanks the committee for an opportunity to comment on the *Defence Capability Assurance and Oversight Bill 2023* and makes the following submission.

Nuclear Free WA was established in May 2023, the most recent expression of at least five decades of strong WA community opposition to uranium mining, nuclear waste dumping, nuclear power and nuclear weapons. We have become re-energised in our nuclear free movement due to the emerging threat of nuclear-powered submarines in our ports and the ever-present threat of nuclear waste being foisted on WA.

In the context of the *Defence Capability Assurance and Oversight Bill 2023* we make the following preliminary points:

- The proposed acquisition of nuclear-powered submarines contributes to a regional arms race.
- This acquisition undermines provisions in the Nuclear Non-Proliferation Treaty.
- The AUKUS agreement aligns Australian defence policy with the US and increases the likelihood of our involvement in a disastrous US-led war in Asia.
- The proposed acquisitions place an extraordinary and huge financial burden on the community.
- The decision to purchase nuclear-powered submarines includes a commitment from Australia to receive and store the highly radioactive, weapons-grade waste from their reactors.

We understand that this Bill intends to:

1. Expedite the procurement of defence capability by providing Defence and Government decision makers with greater confidence in the veracity and completeness of the information they use to make timely, risk-informed decisions.

2. Provide assurance to military commanders, the Government and the Parliament that the systems procured will be available for use when they are required and that they will be effective against the threats faced by Australia.

We accept that more scrutiny in defence procurement and capability is welcome, and we note that despite the extensive policy and process, Defence has struggled to effectively, objectively and consistently incorporate Test & Evaluation into their decision-making.

We note there is a long list of Defence acquisitions which were concluded grossly over budget and provided after extensive delays. One example is the Hunter Class Frigates which were significantly over budget, significantly delayed, and the Australian National Audit Office found that Defence did not complete a 'value for money' check.

We have serious concerns about the oversight of the Defence Capability Assurance Agency (DCAA) operations and reports.

This oversight is to be carried out by a Parliamentary Joint Committee on Defence (PJCD).

We ask:

1. What level of access will the public and media have to the PJCD's inquiries and reports?
2. Given the acknowledged extreme sensitivity to any information about weapons and the inevitable claims of commercial in confidence by weapons producers, what information will be made publicly available?
3. If the answer to these 2 questions is 'highly constrained reporting by the PJCD', then there remains a very opaque process, with little or limited transparency and accountability.

We cite the example of the Parliamentary Oversight Committee on Intelligence and Security which has been criticised for the gatekeeping and the closed shop nature of its operations here: <https://www.aspistrategist.org.au/gatekeeping-the-parliamentary-intelligence-committee-wont-make-australia-safer/>

We note that this committee has excluded the Greens and other crossbench MPs. This effectively excludes full Parliamentary oversight by MPs likely to have a critical eye to defence procurement and expenditure.

We strongly recommend an oversight model which is transparent, allows for accountability and allows members of the crossbench to fully participate – a committee reflecting the composition of this Parliament.

We are concerned about the composition of the Defence Capability Assurance Agency (DCAA).

Given the very limited number of people with expertise in this area of highly specialised and sensitive weaponry, the agency will likely be dominated by weapons manufacturers and salesmen.

We ask:

1. How will members of the agency who have a conflict of interest and who may stand to gain commercial benefits be excluded or at the least be held to public account?
2. Given the increased alliance with the US and its defence priorities, what role will US advisors/weapons experts have within this agency?
3. We note that the 2R speech states “The Bill is not about outsourcing T&E to industry”. However, given recent revelations about the costly and corrupt relationships between consultancy firms and Government, and our observation, above, regarding the highly specialised nature of weaponry, and inevitability of weapons specialists’ engagement in the committee, we question the assertion that this not outsourcing. Or, at the very least, outsourcing of risk.

Thank you for your consideration of these matters.

Yours sincerely

Mia Pepper
Co-convenor
Nuclear Free WA