

PARLIAMENTARY INQUIRY QUESTION ON NOTICE

Department of Health

Senate Economics References Committee

Inquiry into Australia's sovereign naval shipbuilding capability

15 October 2021

PDR Number: IQ21-000271

Likely changes to the ARPANS Act

Spoken

Hansard Page number: 4

Senator: Rex Patrick

Question:

Senator PATRICK: In relation to a couple of questions that Senator Carr asked, there was sort of a comment that is something that might be looked at in relation to the task force. I just point out this is a different forum to the task force and, in actual fact, it is appropriate to answer questions from the Senate. So I wonder if it's possible for both organisations to take on notice which acts they believe would need to be changed, and you could put appropriate caveats on that. Just advise the committee of the acts that are likely to be changed and, in particular, where it's the ANSTO Act or ARPANS Act, where those changes might be required.

Dr Larsson: I'm happy to take that on notice, Senator.

Answer:

The Nuclear-Powered Submarine Taskforce will examine the full suite of requirements that underpin nuclear stewardship, including: safety, design, construction, operation, maintenance, disposal, regulation, and environmental protection.

A number of questions, including legal questions, will be examined during the 18-month consultative period to ensure that the envisioned activities comply with applicable law. It is anticipated that the Australian regulatory framework for the safe management of this technology will need to be developed.

This will involve Australian legislative change. The details will be carefully examined during the 18 month period.

Legislation that may be within scope to review include:

- *Australian Radiation Protection and Nuclear Safety Act 1998*
- *Environment Protection and Biodiversity Conservation Act 1999*
- *Nuclear Non-Proliferation (Safeguards) Act 1987*
- *Australian Nuclear Science and Technology Act 1987*
- Relevant state and territory legislation.

The ARPANS Act does not specifically address naval nuclear propulsion. The Act under Section 10(1)(a) prohibits the construction or operation of certain nuclear installations, including a 'nuclear power plant'. Neither the Act nor Regulations define a 'nuclear power plant'. There is no mention of nuclear reactors for naval propulsion. 'Nuclear installation', as defined in the Act, does not specifically include nuclear reactors for propulsion.

Section 7 states that the ARPANS Act is not to prejudice Australia's defence. The Chief of the Defence Force, after consulting with the Minister – being the Minister responsible for ARPANSA - may declare that specified provisions of the Act do not apply to the Defence Force. However, in doing so, the CDF must promote the object of the Act to the greatest extent.

As mentioned above, the multi-agency Nuclear-Powered Submarine Taskforce will examine the Act and other relevant legislation to establish a fit-for-purpose legislative framework to support Australia's acquisition of nuclear-powered submarines.