

COMMITTEE INQUIRY QUESTION

(Question No.8)

Senator the Hon. Kim Carr asked the Department of Defence, upon notice, on 17 November 2021:

Kim Carr: Look, Admiral, I think we're going around in circles here. I asked you whether you had an initial scoping study. You said you had. I wanted to see that. Now, you're coming back with a different proposition. I was not going to pretend to you for a moment that you had an exhaustive list of all the regulations, all the requirements, given that there was a claim being made by the Government and by the Department of Defence we can do this with without a nuclear industry. That's the claim that's being asserted. I am suggesting, Chair, that that in itself is a proposition that I'm highly sceptical about, but given the current regulatory framework, there are serious questions about the legality of what's being proposed. The regulator is saying these are the matters that are currently under review. You have a scoping study that you've already done. All I wanted to see was that work, the initial scoping study that you'd undertaken with all the caveats that you put on it at the time. And you came back with an answer that was grossly inadequate in the circumstances, which I have just explained. I'll ask again: Can we have the initial scoping study of the legislation that is currently – will need to be reviewed on your initial scoping?

Jonathan Mead: I'll take on notice your request.

The Department of Defence has provided the following answer to the Honourable Senator's question:

As part of the 18 month consultation process with the United Kingdom and United States to determine the optimal pathway to acquire nuclear-powered submarines for the Royal Australian Navy, the Task Force is consulting closely with all related Australian Government Agencies and Departments to determine what legislative changes may be required.

Legislation that may fall within the scope of the Taskforce's 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 Organisation Act 1987*
- *National Radioactive Waste Management Act 2012*
- *Defence Act 1903*
- Relevant state and territory legislation.

As a matter of course, the Task Force will be examining any subordinate legislative instruments to the above legislation, as well as any relevant legislation and regulations that may be relevant to nuclear stewardship and the safe operation and support of nuclear-powered submarines and the associated infrastructure.