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Hello Aaron – please see ACF’s response to Senator Cox’s questions below.  
A response to Senator Canavan’s question on weapons grade highly enriched uranium is separate to this.  
Thanks and best wishes,  
Dave Sweeney

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Good Morning,

Please find below written questions on notice provided by Senator Cox who was unable to attend the hearing on **16 October 2024**.

- The part of the Agreement that indemnifies the UK and US against “any liability, loss, costs, damage, or injury arising out of, related to, or resulting from nuclear risks” associated with the AUKUS project - why do you believe this clause was considered necessary?

ACF does not know or understand the rationale for this – this is better a question for the Government. It is a matter of which partner bears what risk under the Agreement – ACF considers Australia is taking on disproportionate risk via this clause. It is effectively a blank cheque for our AUKUS partners and raises concerns around the nature and extent of these risks and Australia’s capacity to address these.

- What do you think this Agreement will mean for Australia’s relationship with the International Atomic Energy Agency and our commitment to the Non-Proliferation Treaty?

ACF is concerned that the unique nature of this Agreement (ie/ a non-nuclear weapon state seeking access to proliferation sensitive technology and HEU/weapons grade fuel will increase pressure on the global non-proliferation regime, which is already under pressure and under-resourced. The AUKUS deal uses a hitherto unused safeguards exemption and ACF is concerned that this will encourage copy-cat behaviour and expectation for similar arrangements and access from other nations.

- What is your understanding of the risks associated with the type of nuclear waste that will have to be dealt with in this country under the Agreement?

Australia will be responsible for the long term, effectively forever, management and disposal of high level radioactive waste. This poses a new and very serious challenge and threat. ACF does not understand how or why Australia accepted the requirement to manage HLW from the planned purchase of former USN Virginia class submarines. In essence Australia will have use of these vessels – and their US origin nuclear fuel - for 15 years and then be responsible for isolating their wastes for 100.000 years – this is an extraordinarily poor deal for Australia. It also lacks a radiological protection rationale not to repatriate those sealed units to the US for final management – they are of US origin and the US has far more capacity. Aside from this, the wider implications of a new, complex, costly and proliferation sensitive waste stream from AUKUS nuclear fuel is a massive challenge and concern. Australia’s domestic radioactive waste experience has been a divisive and non-productive one and it does not build confidence around how these far more dangerous high level wastes will be addressed.

Have you done any work with First Nations communities to see what their reaction to AUKUS is - especially in terms of waste dumps and land requirements?

ACF has extensive experience with First Nations peoples and communities around Australia in relation to radioactive waste management issues. This has been in relation to actively contested federal plans for low and intermediate level waste facilities. ACF has actively supported communities at multiple proposed sites over many years in opposing federal waste storage and dumping plans and instead calling for a transparent and responsible approach to waste management based on the foundation principles of community consent and reduction at source. ACF supports the UN Declaration on the Rights of Indigenous Peoples (UNDRIP) Article 29 call for free, prior and informed consent as pre-condition to any waste siting discourse or strategy. ACF notes and supports the September 2024 statement by the UN Special Rapporteur on Toxics and Human Rights re the need for DRIP compliance and the elevated challenge posed by AUKUS radioactive waste arisings. ACF has had preliminary discussions with a range of First Nation advocates, communities and organisations about future AUKUS wastes and these have clearly shown an understandable and widespread set of concerns and deep scepticism around how and where this material would be sited and managed. Waste management is sometimes described as the Achilles Heel of the nuclear industry and this is an appropriate description of AUKUS waste.

- How do you see the implications of AUKUS playing out in the long term?

ACF is deeply concerned about how quickly and extensively AUKUS has been advanced. Upgrade works to accept and host UK and US nuclear submarines are well advanced at HMAS Stirling in WA and RAAF Tindal in the NT is set to see the routine hosting of nuclear capable USAF B52 bombers. This is happening now – with significant public funding and negligible public awareness or input. These moves increasingly risk enmeshing Australia into war fighting plans with nuclear weapon state partners. ACF strongly urges that there be a genuine discussion of options, costs and an open risk-benefit assessment before such approaches are ‘normalised’. Only non-nuclear ordinance capable B52s should be accepted for access to Tindal. ACF does

not support the idea of nuclear ambiguity, ie/ accepting that our AUKUS partners, particularly the US, neither confirm nor deny the presence of nuclear weapons or dual use technology platforms. This should not be accepted by any Australian government as the Australian people have a fundamental right to know. ACF further maintains that it is essential that Australia move speedily to sign and ratify the Treaty on the Prohibition of Nuclear Weapons (TPNW) to help provide domestic and regional assurance that Australia does not hold any ambitions to acquire nuclear weapons and will not enable or facilitate our nuclear weapon state AUKUS partners with these weapons of mass and indiscriminate destruction.

If you could please provide answers to these questions alongside any other questions on notice taken during the hearing by **COB 30 October 2024**.

Thanks,  
Aaron



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