

Australian Naval Nuclear Power Safety Bill 2023.

I am opposed to this bill and wish to make a submission

As I understand it

- This Bill sets the groundwork for AUKUS and nuclear submarines.
- This Bill will establish a new regulatory body, the Australian Naval Nuclear Power Safety Regulator. This regulator will report to the Minister of Defence.

- This regulator will be responsible for three types of activities:

facility activities; which concerns the sites designed for contributing, maintaining, storing or disposing of nuclear submarines and nuclear waste (not necessarily Australian).

submarine activities; which concerns the actual construction, submarine, operation, decommissioning, disposal and maintenance of Australian submarines.

material activities; concerns any natural or artificial material, equipment and other material concerning nuclear submarines.

- The regulator will operate within “designated zones” and can create these designated zones, the first two were specified in this Bill:

HMAS Stirling at Garden Island in Western Australia.

Osborne Naval Shipyard in South Australia.

I am really concerned about this bill and the concerns I have are

Independence:

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.

This is in direct opposition to the International Atomic Energy Agency in its Fundamental Safety Principles that states:

An effective legal and governmental framework for safety, including an independent regulatory body, must be established and sustained.

It is also not in line with the current regulation of nuclear waste in Australia. The Australian Radiation Protection and Nuclear Safety Agency (ARPANSA) sits in the Ministry of Health to ensure the bodies do not influence it in the industries it oversees. The importance of regulatory independence was outlined in a letter to the CEO of ARPANSA from The Radiation Health and Safety Advisory Council [here](#).

International nuclear waste dump:

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.

State and Commonwealth laws:

This Bill also allows for the regulator to override State and Territory laws that might 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.

Lack of community consultation:

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.

Safety concerns:

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.

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