

Senate Foreign Affairs, Defence and Trade Legislation Committee

Committee Secretariat

Submission to Senate Inquiry into Defence Legislation Amendment (Naval Nuclear Propulsion) Bill 2023

JAMIE SHAW - Submission opposing the proposed amendments to the above bill.

Deputy Prime Minister and Minister for Defence Richard Marles enunciated a number of reasons for supporting legislation that, by way of amendments to both the *Australian Radiation Protection and Nuclear Safety Act 1998* and *The Environment Protection and Biodiversity Act 1999*, would allow Australia to take “the first legislative step in support of Australia’s acquisition of conventionally armed nuclear-powered submarines.”

Currently both Acts prohibit declarations and actions relating to the construction, installation and operation of the following facilities:

- (a) a nuclear fuel fabrication plant;
- (b) a nuclear power plant;
- (c) an enrichment plant;
- (d) a reprocessing facility.

The proposed amendments to both Acts would be to make no changes to the list of prohibited facilities with one exception with regard to a nuclear power plant, which would be permissible if it were “a naval nuclear propulsion plant related to use in a conventionally-armed, nuclear-powered submarine”.

Defending Australia’s national interests?

If the Bill is passed and the proposed submarines are to be nuclear-powered, presumably any nuclear fuel fabrication or enrichment plant or reprocessing facility could not be built in Australia. Australia’s sole task would be to assemble the submarines’ components.

The technology upon which these submarines depend would, therefore, be subject to the agreement and control of foreign powers, namely the US and UK. **This represents an extraordinary loss of Australian control over its sovereignty and its ability to oppose or distance Australia from any significant conflict** in which either the US or UK were involved. The amendments, if approved, would undermine the Minister’s assertion that passage of the Bill “will strengthen our capacity to defend Australia and its national interests”. In fact, if adopted the amendments would tie us more heavily to the US and its long history of aggression and more pointedly to a nation with a rapidly deteriorating political system.

Disposal of depleted fuel

The Minister nor the Bill make any reference to the disposal of depleted highly enriched uranium, an inevitable by-product the submarines' day-to-day operation. Nor does he refer to any plan for disposal of the reactors and their housing when the submarines become either technically obsolete or reach the end of their useful lives. This oversight means that the proposed amendments are fundamentally flawed and are placing communities at risk of exposure to nuclear waste and potential accidental radioactive contamination.

Since the introduction of nuclear technology for various purposes some 70 years ago, no country has devised anything other than temporary plans to store highly radioactive nuclear waste (Chernobyl and Fukushima being cases in point). Yet the radioactive waste will persist for tens of thousands of years and, if unable to be stored safely and permanently, will be released into the environment with deadly impacts on both environmental and human health.

Australia is intending from the early 2030s to purchase between three and five nuclear-powered Virginia-class submarines from the US. It is not unreasonable to assume that Australia will be entirely responsible for disposal of their waste from the 2060s onwards (if not earlier).

This is not a problem that should be left to future generations to solve or live with the ever-present dangers of radioactive accidents. Nor should the Defence Department assume that it will be acceptable to the community for it to use land under its control for permanent storage purposes.

Accidents, at sea or in port

With up to 10 nuclear-powered submarines eventually in operation, each containing its own nuclear reactor, the Minister has failed to outline how Australia will respond should one of them experience a nuclear meltdown or be subjected to an attack. As Wikipedia states,

Nine nuclear submarines have sunk, either by accident or scuttling.... Of the nine scuttlings, two were caused by fires, two by weapons explosions, two by flooding, one by bad weather, and one by scuttling due to a damaged nuclear reactor.... Eight of the submarines are underwater wrecks in the Northern Hemisphere, five in the Atlantic Ocean and three in the Arctic Ocean.

No indication is given in the legislation as to how Australia would respond to such misadventures. The Minister does not even allude to the possibility of such accidents occurring when a nuclear-powered submarine, whether under Australian or US control, is in or near port.

Given that suggested sites for or an east-coast nuclear-powered submarine base – Port Kembla, Newcastle or Brisbane – are all densely populated areas, it is not unreasonable to expect that the Government would detail contingency disaster plans *before* asking the parliament to agree to the Bill.

“Risks of military escalation or miscalculation are rising”

What Minister Marles omitted from his list of rising dangers was misinformation. Yet the Vietnam War was precipitated by the lie/erroneous belief that in August 1964 North Vietnamese ships had fired on the USS *Maddox* in the Gulf of Tonkin.

Some forty years later, in 2003, false assertions by US President George W. Bush and UK Prime Minister Tony Blair that Iraq possessed Weapons of Mass Destruction (WMD) led the US to launch Operation Shock and Awe on Baghdad and invade Iraq. The war was not formally concluded until 2011 after having caused the loss of thousands of lives and devastation of the country.

Is Australia contributing to the enhanced risks?

The Minister neglects to say is that of those seven nations that possess nuclear submarines, Australia would be the only one not to possess a nuclear arsenal. The six are USA, UK, Russia, China, France, and India. Australia's disregard of the Nuclear Non-Proliferation Treaty is such that it has sold uranium to all of them.

Australia is proposing to construct or expand nuclear-submarine bases on its east and west coasts that will play host to US submarines that most likely will be armed with nuclear missiles. Australia declines to seek confirmation from the US that they are not nuclear-armed.

The three Virginia-class submarines that Australia intends to purchase from the US are each designed to carry up to 12 Tomahawk Cruise Missiles each of which is able to be armed with nuclear warheads. Will Australian assurances that they are not nuclear-armed be treated seriously in the region given Australia's tolerance of the US position of neither confirming or denying the presence of nuclear warheads on their planes and submarines?

In a period of heightened risk when, with Australia's and the G7's backing, the US appears intent on goading China, and a US four-star general has suggested that the US will be at war with China in 2025, Australia's embracing of nuclear-powered submarines does little to de-escalate a tense situation or to reassure any of its neighbours.

Moreover, should war break out, Australia would be a target for a pre-emptive first strike, the consequences of which would make Hiroshima and Nagasaki pale into insignificance.

In closing, taking account of the above I strongly support the Inquiry **opposing approval** of the Defence Legislation Amendment (Naval Nuclear Propulsion) Bill 2023.