



**Australian Government**

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**Defence**

**Senate Foreign Affairs, Defence and Trade Legislation  
Committee**

**Defence Legislation Amendment (Naval Nuclear  
Propulsion) Bill 2023**

**Department of Defence  
Submission**

**May 2023**

## Defence Response

Dear Committee Secretary

The Department of Defence welcomes the opportunity to provide a submission to the Senate Foreign Affairs, Defence and Trade Legislation Committee's inquiry into the Defence Legislation Amendment (Naval Nuclear Propulsion) Bill 2023.

This bill is the first legislative step in support of Australia's acquisition of conventionally-armed, nuclear-powered submarines. It demonstrates the action Australia is taking to safely and securely steward conventionally-armed nuclear-powered submarines throughout their entire life cycles.

This bill clarifies that the moratorium on civil nuclear power does not prevent the relevant regulators (the CEO of the Australian Radiation Protection and Nuclear Safety Agency (ARPANSA) and the Minister for the Environment and Water) from exercising their regulatory powers and performing functions in respect of conventionally-armed, nuclear-powered submarines and their supporting infrastructure and facilities.

The Bill achieves this purpose by amending the relevant sections of the Australian Radiation Protection and Nuclear Safety Act 1998 (ARPANS Act) and the Environment Protection and Biodiversity Conservation Act 1999 (EPBC Act) to enable the relevant regulators to perform their respective regulatory functions, if and when required, in relation to Australia's acquisition and operation of conventionally-armed, nuclear-powered submarines and their supporting infrastructure and facilities.

While these amendments are necessary to enable decisions to be made in relation to activities for the nuclear submarine enterprise, they will not disrupt Australia's moratorium on civil nuclear power. It is not necessary to modify the moratorium on civil nuclear power, other than to clarify that it does not prevent the performance of regulatory functions that might be necessary in respect of conventionally-armed, nuclear-powered submarines and their supporting infrastructure and facilities. The Bill does not change the existing protections regarding the health and safety of people and the environment that are currently contained in the ARPANS Act and the EPBC Act.

Building the legal architecture to support this endeavour will involve multiple tranches of legislation as the enterprise progresses. This current bill is a modest and necessary first legislative step towards Australia acquiring conventionally-armed, nuclear-powered submarines. The passage of this Bill will support activities that are planned to commence in the 2023-24 period relevant to Australia's acquisition of conventionally-armed, nuclear-powered submarines.

Defence is developing legislation to support the establishment of the Australian Nuclear-Powered Submarine Safety Regulator and its functions and powers as announced on 6 May 2023 by the Deputy Prime Minister. This is in addition to the Defence Legislation Amendment (Naval Nuclear Propulsion) Bill 2023 that is being currently being considered by this Committee. The new regulator will have the functions and powers necessary to regulate the unique circumstances associated with nuclear safety and radiological protection across the life cycle of Australia's nuclear-powered submarine enterprise. This includes associated infrastructure and facilities. The new regulator will be a fundamental part of a system of regulation. It will work with existing Australian regulators, including ARPANSA and the Department of Climate Change, Energy, the Environment and Water, to support the safety of our submariners, Australian and international communities, and the environment.