

To: The Secretary

**Inquiry into the Australian Naval Nuclear Power Safety Bill 2023**

Senate Foreign Affairs, Defence and Trade Legislation Committee

Public Submission by Mr David Noonan B.Sc., M.Env.St.

28 January 2024

**RE: Public Safety and Community Consent are compromised as Port Adelaide is targeted for Naval nuclear reactor risks and SA is targeted for an imposed AUKUS High-Level Nuclear Waste Storage.**

Contents:

Introduction	2
The Port Adelaide community is targeted as a Designated Nuclear Zone	3
What will this Inquiry have to say on key unresolved Questions on Nuclear Safety?	
Questions raised in the UK over the Safety of N-Subs at their Ports	4
The Bill sets up Designated Zones to impose storage & disposal of N-Sub nuclear wastes	6
Indigenous South Australians have a Human Right to Say No to an imposed AUKUS dump	7
The AUKUS military High-Level nuclear waste storage facility is to take US origin N-wastes	8
Discussion	9
Recommendations	10
As to my background	12

Author Mr David J Noonan B.Sc., M.Env.St.

Independent Environment Campaigner and ABN Sole Trader Consultant  
Seaview Downs SA

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**RE: Public Safety and Community Consent are compromised as Port Adelaide is targeted for Naval nuclear reactor risks and SA is targeted for imposition of AUKUS High-Level nuclear waste storage.**

Dear Secretary

This Inquiry goes to matters of fundamental public interest through the powers and roles the Bill provides to an unfolding federal agenda to impose nuclear powered submarines (N-Sub) and associated infrastructure and facilities, with consequent serious consequences for Civil Society.

Please consider the overview points and 10 Recommendations I provide to the Inquiry (see p.10-11).

I request an opportunity to give Evidence as a Witness at a Hearing of this Inquiry on these public interest matters, preferably in Adelaide in person rather than by a zoom call to Canberra.

Further, I give notice of a Supplementary Submission once matters sought from the UK are available.

Integrity, transparency, and accountability are key to public confidence in government. This Inquiry is an important opportunity for the public to formally engage and start to scrutinise the federal N-Sub agenda. An array of important public interest consequences follows on from this Bill.

My public input focuses on Designated Nuclear Zones to be declared through powers sought by this Bill and the associated public interest and Safety issues that confront South Australians as a result.

**Port Adelaide is targeted as a Designated Nuclear Zone and SA is already in a target range for an AUKUS military High-Level nuclear waste storage and disposal facility (a nuclear dump).**

The Port Adelaide community that encompasses the proposed Osborne Designated Zone is a Port that has never had a nuclear-powered vessel visit and has no real emergency response capacity commensurate to the serious Safety risks and impacts of Naval nuclear reactor accident scenarios.

The Bill Section 10 'Regulated activities and Designated Zones', seeks to legislate powers to impose Designated Zones as Nuclear Zones for the conduct of 'regulated activities' under the Bill.

Section 10 names the first two proposed zones as the Osborne Designated Zone at Port Adelaide in SA and the Stirling Designated Zone off Fremantle in WA. However, the Bill inappropriately provides for further Designated Zones to be matters that can be passed by decree in Regulations.

**Recommendation:** For integrity and accountability, all AUKUS Designated Nuclear Zones must be proposed by Legislation, face full Parliamentary scrutiny, and none be set in place by Regulations.

In particular, the flagged Designated Zones for storage and/or disposal of N-Sub nuclear wastes must absolutely at a minimum be matters subject to full Parliamentary scrutiny in all respects.

The Bill Section 10 must be so amended such that all future Designated Zones are legislated matters.

## **The Port Adelaide community is targeted as a Designated Nuclear Zone:**

### **What will this Inquiry have to say on key unresolved Questions on Nuclear Safety?**

It is contrary to the public interest for Naval nuclear reactors are to be sanctioned at Port Adelaide under powers of a non-independent military nuclear regulator, the “Australian Naval Nuclear Power Safety Regulator”, which is to report directly to the Minister for Defence Richard Marles MP.

The Bill Section 132 is to over-ride the *Australian Radiation Protection and Nuclear Safety Act 1998* and the military regulator is to take precedence over the civilian Nuclear Safety Agency ARPANSA.

Minister Marles has stated in a [speech](#) to Parliament that he is to hold powers to direct the military nuclear regulator during an ‘Emergency’, citing ‘national security’ and the role of N-Subs as warships.

**An onus on the Committee:** To see to it that ‘national security’ grounds and circumstances to constitute an ‘Emergency’ are clearly defined and subject to public scrutiny during this Inquiry.

**Recommendation:** the Defence Minister’s powers to direct the “Australian Naval Nuclear Power Safety Regulator” should be deleted from the Bill, otherwise the regulator can-not be independent.

The SA and Port Adelaide communities have a right to have a say on nuclear Safety and on the serious risks in introducing Naval nuclear reactors into the Port. N-Subs have never used this Port.

I refer the Committee ‘s consideration to the public submission to this Inquiry by the Medical Association for Prevention of War and to a [SAFETY BRIEF](#) (MAPW, Jan 2023) on nuclear submarines, with further introductory points on key Safety and regulatory issues [here](#), Extract:

*“Naval nuclear reactors - like all nuclear reactors - pose potentially **serious risks** for people and the environment. But unlike other reactors, most information about naval reactors is kept classified, and it can be difficult to say how safe they are...”*

**For the Safety of the Port Adelaide community, I submit a Recommendation for the Inquiry to seek and provide substantive public answers to key unresolved Questions on Nuclear Safety:**

How will communities be consulted on accident response plans?

What is the existing radiation emergency capability in current and proposed nuclear sub port sites?

How will local health and medical services be consulted?

How will communities be properly informed about the serious risks of Naval nuclear reactors?

How will safety issues be monitored and communicated?

How will the public interest in safety issues be protected?

When will accident scenarios for nuclear subs at base be modelled and made public?

How can the public verify the quality of emergency management plans and systems?

How can authorities demonstrate their capacity to respond to radiation emergencies, and other accident scenarios? ([MAPW](#) Safety Brief, Jan 2023)

**For public confidence in Government, I raise these Safety matters for serious address by the Inquiry as a public interest pre-condition to consideration to passage of the Bill.**

## Questions raised in the UK over the Safety of N-Subs at their Ports:

**Recommendation:** The Inquiry must provide substantive answers to Questions of Safety at a Port Adelaide Nuclear Zone arising from concerns raised in the UK over Safety of N-Subs at their Ports.

For instance, the Inquiry should seriously consider a [Report](#) by Large and Associates Consulting Engineers: “A BRIEF REVIEW Of The OFF-SITE EMERGENCY PLANNING MEASURES Relating To The BIRTHING ROYAL NAVY NUCLEAR POWERED SUBMARINES At SOUTHAMPTON” (Nov 2009). The Report is recommended by David Cullen, Head of Research at the UK [Nuclear Information Service](#).

I provide a precis of the Safety concerns raised in this Report in context of federal imposition of N-Sub Safety risks at Port Adelaide, a community facing future AUKUS promotional visits of UK and US N-Subs and the Bill’s intent to declare a Designated Zone for future build of N-Subs.

Failure of the UK MoD to release crucial information for reasons of national security precluded Southampton City Council from being able to prepare realistic and workable emergency plans:

*“I concluded that SotonSafe would not achieve its purpose of practically mitigating the radiation exposure of members of public should a nuclear powered submarine incident occur at the Z-Berth, or while the vessel is in transit in the busy commercial shipping waters leading to and from the berth.*

*I found the MoD’s nominated Reference Accident to be unrealistically moderate in damage severity and, particularly, in the amounts of radioactive release which, coupled with the MoD’s refusal to release crucial projections of the radiation dose exposures to members of public in the residential and commercial areas nearby Southampton Docks, resulted in SotonSafe being then fundamentally flawed.”*

**Q Will Defence secrecy over N-Subs, and a ‘national security’ Defence Ministerial power to direct a military safety regulator in an emergency, contrive to compromise public Safety at Port Adelaide?**

The 2001-09 response plan at Southampton applied a 2 km radius Counter-Measures Zone (CMZ) as a pre-prepared emergency zone around a UK N-Sub. This was unjustifiably reduced to 1.5 km.

**Q What size Emergency Response Zone and radius around a N-Sub will be applied at Port Adelaide and at Osborne and in the transit of a N-Sub through Outer Harbour and along the Port River?**

**“Incident Severity:** *The MoD continues to downplay the damage severity, and hence the quality and quantity of radioactive release from a reasonably foreseeable incident involving the Z-berthed (etc) submarine, particularly in that:*

*i) The MoD Hazard and Risk Evaluation (HIRE) excludes malicious acts (such as sabotage and acts of terrorism), acts of war, and events external to the nuclear plant which I assume includes malfunctioning (explosion, fire, etc) of any part or the whole of the considerable arsenal of conventional weaponry carried as a matter of course by nuclear powered submarines.*

*ii) The refusal of the MoD to make public its projected radiation dose rates, from hull gamma shine and fission product release is unjustified ...*

**Dose Exposure:** *Obviously, to prepare the appropriate countermeasures to minimise the health harm (both short and long term) the radioactive release has to be defined in terms of its composition (radionuclide inventory), amount of radioactivity involved and released (the release fraction), and the*

*timing and duration of the release have to be established for a number of viable incident scenarios. ...*

**However:**

- *The MoD refuses to publish its own analysis of the dispersion and deposition of any radioactive release from the submarine, nor will it provide any information whatsoever on the radiation dose rates and the projected exposures for its own personnel who have been instructed to participate in emergency actions and counteractions ...*
- *Moreover, the MoD is dismissive of the need of the other participating parties (including SCC, the other local authorities, the ambulance trust, police, etc) to comply ...*
- *The point here is how can these other parties inform, reach agreement with, and train and resource a significant number of their employees (as required by Regulation 14) in the absence of the crucial radiation dose projections. Seemingly compromised in the absence of this information ...”*

**Q What are the N-Sub accident *projected radiation dose rates and radiation release fraction to be applied at the proposed Osborne Designated Zone at Port Adelaide? Or is that still a secret?***

The Large and Associates Consulting Engineers Report (p.3) says: *“The inability of the participating parties to meet with a contingency (which I consider more probable than not) of a greater than nominal radioactive release renders SotonSafe an ineffectual emergency plan.”*

The Report (p.4) says in regard to the MoD’s projected nominal radiation release, it *“is unjustifiably low at just 0.05% of the total I-131 inventory of the reactor core - a more realistic release fraction of the gaseous iodine would be around few to 10% at least”*.

The Report (p.3) cites a *“severe loss-of-coolant and the ‘explosive’ fuel meltdown scenario nominated in the MoD Hazard and Risk Evaluation (HIRE)”*. Saying *“I consider it more probable than not that the fission product release will exceed the 0.05% release fraction assumed by the MoD”*.

**The lives of our Emergency Services personnel may be at risk in a Naval nuclear reactor accident.**

The Report (p.3) raises **Implementation Anomalies** in the aftermath of a N-Sub incident:

*“For those emergency services personnel that have in place a dose limitation system (that is the firefighters) ... their effectiveness in the immediate area of the submarine might be impaired by the very high dose rates. For example, stationed at 200m distance from the stricken submarine, from exposure of gamma shine alone a firefighter would exhaust his entire 20mSv incident dose (and then have to withdraw from the fireground) within 30 minutes. (Note the public dose limit is 1mSv/year)*

*Because the intense gamma shine rates inside and in close proximity to the submarine, ambulance personnel at zero dose tolerance could not participate in close rescue ... and firefighters are likely to completely exhaust their incident dose limit in the approach and recovery operation for a single incapacitated crew member. Recovery more than a few casualties of the 120 or so crew from in and around the submarine hull would be impracticable ...”*

The Report (p.5) cites a responsibility and a duty of care on authorities *“irrespective of the advice it receives from the MoD”* to satisfy itself that emergency plans are adequate in all practical respects.

**There is a Duty of Care on this Inquiry and on the State of SA to act independently of Defence and to protect the lives of our Emergency Services personnel and residents from nuclear risks.**

### **The Bill sets up Designated Zones to impose storage & disposal of N-Sub nuclear wastes:**

This AUKUS nuclear dump is likely to be imposed on community in SA or in NT, with override of State / NT legislation, compulsory land acquisition, and disregard for Indigenous People's right to Say No.

Minister Marles has stated there will be 'another AUKUS announcement' by early 2024 on a process to manage High-Level nuclear waste and to site a waste disposal facility ([ABC News](#) 15 March 2023).

### **The public has a Right to Know what this N-waste process is before considering this Bill's powers.**

Defence is reported to be working with the [Australian Radioactive Waste Agency](#) to conduct a review to identify nuclear waste disposal sites. The public has a Right to Know who's targeted.

Defence should also disclose associated plans for ANSTO nuclear fuel wastes and long-lived Intermediate Level Wastes (ILW) to also be stored / disposed at a military High-Level nuclear waste storage site, alongside Navy nuclear wastes arising from buying existing US nuclear subs.

WA, Queensland and Victoria immediately [rejected](#) a High-Level nuclear waste disposal site in their States. The SA Premier said it should go to a safe (?) 'remote' location in the [national interest](#).

Civil Society in SA faces federal imposition of an AUKUS military High-Level nuclear waste dump.

The national press has reported the **Woomera** rocket range is understood to be the 'favoured location' for storage and disposal of submarine nuclear waste, "[Woomera looms as national nuclear waste dump site including for AUKUS submarine high-level waste afr.com](#)" (11 August 2023).

The "[Woomera Protected Area](#)" (WPA) a large Defence weapon testing range had already been flagged by other State Premiers as a site for a military High-Level nuclear waste disposal facility.

Most of the WPA is State owned Crown land and not Federal owned Defence lands. Siting a nuclear waste dump would be imposed through compulsory land acquisition and over-ride of the Law in SA.

### **Storage and disposal of nuclear wastes compromises the Safety and welfare of the people of South Australia, that is why it is prohibited by the [Nuclear Waste Storage \(Prohibition\) Act 2000](#) (SA).**

The Objects of this Act cover public interest issues at stake, to protect our health, Safety and welfare:

*"The Objects of this Act are to protect the health, safety and welfare of the people of South Australia and to protect the environment in which they live by prohibiting the establishment of certain nuclear waste storage facilities in this State."*

The import, transport storage and disposal of High-Level nuclear reactor waste is prohibited in SA.

The Bill assumes a power and a right to over-ride State SA and NT laws by naming our laws in Regulations to be made after the Inquiry. Section 135 "Operation of State and Territory laws", says:

*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.*

The Bill provides for regulated activities in 'nuclear waste management, storage and disposal' at AUKUS facilities in future Designated Zones, that are to be authorised in part through Sec.135.

### **This AUKUS Bill is a threat to the democratic rights of the people of SA to decide their own future.**

The [Reforming Defence Legislation](#) Review also proposes to take on Defence Act powers to override State and Territory legislation to ‘provide certainty’ to Defence roles, operations and facilities. My [input](#) and Recommendations to the Defence Review called for transparency on these issues:

*Defence should become transparent over proposed Navy High-Level nuclear waste disposal, policy, siting process, rights and legal issues. Defence must declare whether the SA [Nuclear Waste Storage \(Prohibition\) Act 2000](#) will be respected OR is intended to be over-ridden to impose a Navy High-Level nuclear waste storage or disposal site on ‘remote’ lands and unwilling community in South Australia. (April 2023, p.7 & Rec 6-7)*

Equally, this Inquiry must be transparent over federal intent to either respect OR to over-ride the SA [Nuclear Waste Storage \(Prohibition\) Act 2000](#) to impose a AUKUS dump on unwilling community.

**Recommendation:** This Inquiry must be explicit on whether or not the Committee supports federal over-ride of the Law in SA, specifically the [Nuclear Waste Storage \(Prohibition\) Act 2000](#), to impose a Designated Zone under this Bill for storage of AUKUS military High-Level nuclear waste in SA.

This AUKUS Bill must be challenged over taking up powers and a path to impose a nuclear dump.

### **Indigenous South Australians have a Human Right to Say No to an imposed AUKUS dump:**

AUKUS nuclear waste dump plans trigger the [United Nations Declaration on the Rights of Indigenous Peoples](#) (adopted by United Nations, Sept 2007) in Indigenous People’s Article 29 Rights to “Free, Prior and Informed Consent” over storage or disposal of hazardous materials on their lands.

Traditional owners Human Right to [Say No](#) to the imposition of nuclear wastes must be respected, see [“AUKUS nuclear waste dump must be subject to Indigenous veto”](#) (By [Michelle Fahy](#) May 2023):

*“Bipartisan secrecy and Defence’s poor record with Indigenous groups at Woomera are red flags for consultations over an AUKUS nuclear waste dump. Human rights experts say government must establish an Indigenous veto right.”*

My [input](#) and Recommendations to the Defence Review called for transparency on these issues:

Defence should become transparent over proposed Navy High-Level nuclear waste disposal, policy, siting process, rights and legal issues. Defence should commit to respect and to comply with the [United Nations Declaration on the Rights of Indigenous Peoples](#) Article 29 provision of Indigenous People’s rights to “Free, Prior and Informed Consent” over storage or disposal of hazardous materials on their lands.

The Premier is yet to say if he will support an Indigenous Right to Say No to an AUKUS dump in SA.

**Recommendation:** This Inquiry must act in accordance with the Recommendations of the federal Inquiry into the UN Declaration on the Rights of Indigenous Peoples ([Report](#), Nov 2023): that the Commonwealth ensure its approach to developing legislation and policy on matters relating to Aboriginal and Torres Strait Islander people be consistent with the Articles outlined in the UNDRIP.

**Recommendation:** This Inquiry must be explicit on whether or not the Committee supports the Rights of Indigenous Australians under the UNDRIP Article 29 to “Free, Prior and Informed Consent” (as a Human Right to Say No) over imposition of a Designated Zone proposed under this Bill for storage and disposal of AUKUS military High-Level nuclear waste on their lands.

### **The AUKUS military High-Level nuclear waste storage facility is to take US origin N-wastes:**

The Federal ALP belatedly [disclosed](#) a AUKUS pre-condition to Australia's purchase of existing US nuclear submarines: for Australia to keep the US N-Subs military High-Level nuclear waste forever.

This was kept secret in the federal election and only revealed to the Australian public in March 2023.

The ALP is effectively seeking to 'normalise' High-Level nuclear waste in Australia with simplistic claims of '[nuclear stewardship](#)' in taking on the untenable liabilities in retaining US N-Subs N-wastes.

Disposal of High-Level nuclear waste is unprecedented at a global scale, with the US and UK having proven unable to do so in over 60 years since first putting nuclear powered submarines to sea.

In Defence seeking to demonstrate '[nuclear stewardship](#)' over nuclear waste it can be anticipated that a final site for an AUKUS military High-Level nuclear waste storage or disposal facility will be declared before a first purchase of an existing US nuclear powered submarine, due in 2023.

This Bill Section 10 provides powers to declare a Designated zone to impose a nuclear waste dump site and Section 135 provides powers to over-ride State laws that protect public Safety.

AUKUS aims Australia buy existing US military nuclear reactors in second-hand N-Subs that can be up to 10-12 years old, loaded with intractable US origin weapons grade High-Level nuclear wastes.

This is 'flag swapping' an Australian flag onto existing US N-Sub High-Level nuclear reactor wastes.

It has been reported the existing US nuclear subs for purchase by Australia could be up to 10-12 yrs old to allow approx. 20 yrs of nuclear reactor operations to be left out of a cited 33-yr reactor period.

US Vice Adm. Bill Houston revealed the sales of in-service Virginia-class subs will be in 2032 and 2035 with a newly produced sub in 2038 (US [Breaking Defence](#) 08 Nov, and [ABC News](#) 09 Nov 2023).

**Recommendation:** The Inquiry must explain how and where Australia will manage intractable US origin High-Level nuclear wastes from the two US second hand N-Subs to be bought in the 2030's.

I commend the ICAN input to this Inquiry on the serious issues Australia faces in managing US nuclear weapons grade High-Level nuclear wastes in perpetuity from these first two US second hand N-Subs.

AUKUS claims of '[nuclear stewardship](#)' in taking over US nuclear subs and in retaining the US origin High-Level nuclear wastes are a farce. The US has been unable to dispose of High-Level N-wastes.

AUKUS touted production of a future British N-Sub design in the 2040's, to be built at the Bill's declared Osborne Dedicated Nuclear Zone, may never be realised. But this US origin threat is real.

**Recommendation:** At no point should Civil Society in SA have to face the serious risks and impacts in AUKUS imposed storage of intractable US military weapons grade High-Level nuclear wastes.

These US origin nuclear wastes present an unprecedented, untenable threat to the health, Safety and welfare of the people of SA and to the environment in which they live.

The import, transport storage and disposal of these US origin nuclear wastes is against the Law in SA and must remain prohibited in our State to protect the Safety of the people.

### Discussion:

The federal AUKUS N-Sub agenda is compromising public confidence in governance in Australia.

This Bill adds to that loss of confidence. The Inquiry must address Civil Society concerns over imposition of Designated Zones and perpetual untenable liabilities in Naval High-Level N-waste.

The public has a Right to Know and to decide its own future over nuclear risks in the AUKUS agenda.

The Inquiry must visit Port Adelaide, hold a Hearing in Adelaide, and explain the consequences of the Bill's powers to affected communities facing Public Safety risks from multiple Naval nuclear reactors.

How will the Inquiry and federal authorities answer the many unresolved Safety Questions over N-Subs and a clear lack of Emergency Response capacity for N-Sub visits and N-Sub build in the Port?

Will federal authorities have the integrity to explain the proposed process to manage Naval nuclear wastes and to site a storage and disposal facility during this Inquiry and before passage of the Bill?

Defence has an ongoing process to study regions deemed 'suitable' for Naval nuclear waste storage.

The public has a Right to Know who is targeted for potential sites Defence will compulsorily acquire.

Does the Inquiry respect Indigenous Australians Human Rights under UNDRIP Article 29 to Say No to imposed hazardous material on their lands? In Naval nuclear waste imposition on Country. Or not?

Will the Inquiry be transparent and accountable in identifying the State SA Laws to be over-ridden as a result of the Bill's proposed Osborne Designated Zone, or will this only be revealed after the event?

The people of SA have a Right to Know in advance what public interest Laws in our State will be over-ridden in the likely event of a future federal attempt to impose a Designated Zone under this Bill for the storage and disposal of Naval High-Level nuclear reactor wastes in SA?

No doubt the *Environment Protection Act 1993*, the *Aboriginal Heritage Act 1988* and *Nuclear Waste Storage (Prohibition) Act 2000* are targeted to be over-ridden by the federal AUKUS N-Sub agenda.

The Bill is undemocratic and disrespectful to the people of SA in a proposed power under Section 135 "*Operation of State and Territory laws*" to over-ride any SA Laws or provisions of our Laws effectively by decree, a fiat of unaccountable federal agents to annul our Laws by naming them in Regulations.

**Recommendation:** The Bill's Section 135 "*Operation of State and Territory laws*" should be deleted.

The Inquiry and federal authorities must become transparent and respectful and identify the public interest State Laws targeted to be trampled to impose N-Sub '*regulated activities*' under this Bill.

SA has a long sad history of repeated nuclear impositions with disrespect for Public Safety and disproportionate impact on Indigenous Australian's Human Rights, their culture and country.

I refer the Committee's consideration to "The Politics of Nuclear Waste Disposal: Lessons from Australia", a [Report](#) by Dr Jim Green and Dimity Hawkins AM, Published by the Asia-Pacific Leadership Network (January 2024). The federal AUKUS N-Sub agenda needs to learn lessons.

There is an onus on this Committee to see this Inquiry doesn't add to that sad history of disrespect.

### Recommendations:

1. For transparency and accountability, the Bill Section 10 must be amended so all AUKUS Designated Nuclear Zones for the conduct of 'regulated activities' under the Bill must be proposed by Legislation and thereby face full Parliamentary scrutiny. Further Designated Nuclear Zones must not be set in place by decree in Regulations as is proposed in the Bill.

In particular, the proposed Designated Zones for the storage and/or disposal of nuclear wastes must absolutely at a minimum be matters subject to full Parliamentary scrutiny.

2. Defence Ministerial powers to direct the "Australian Naval Nuclear Power Safety Regulator" should be deleted from the Bill, otherwise the new military nuclear safety regulator can-not credibly be deemed to be independent on key public interest matters of public Safety.

At a minimum, to meet public expectations on transparency the 'national security' grounds and circumstances to constitute an 'Emergency', that are intended to trigger Defence Ministerial direction of the new nuclear safety regulator, must be clearly defined and publicly reported as a pre-condition to Committee consideration to support for the Bill.

3. For the Safety of the Port Adelaide community and as a public interest pre-condition to the Committee of Inquiry's consideration to support for the Bill:
  - The Inquiry should seek and provide substantive answers to the array of key unresolved Questions on Nuclear Safety set out in the N-Sub [SAFETY BRIEF](#) by the Medical Association for Prevention of War (Jan 2023), see herein p.3.

The Inquiry must provide substantive answers to Questions of Safety at a Port Adelaide Nuclear Zone arising from concerns raised in the UK over Safety of N-Subs at their Ports:

- For instance, the Inquiry should consider a [Report](#) by Large and Associates Consulting Engineers: "A BRIEF REVIEW Of The OFF-SITE EMERGENCY PLANNING MEASURES Relating To The BIRTHING ROYAL NAVY NUCLEAR POWERED SUBMARINES At SOUTHAMPTON" (Nov 2009). A Report recommended by David Cullen, Head of Research at the UK [Nuclear Information Service](#).
- A precis of the concerns raised in this Report and Questions raised in context of federal imposition of N-Sub Safety risks at Port Adelaide is provided herein at p.4-5.

Port Adelaide faces serious Safety risks in future AUKUS promotional visits of UK and US N-Subs and in the Bill's intent to impose a Designated Zone for future build of N-Subs.

4. In Civil Society facing federal imposition of an AUKUS military High-Level nuclear waste dump, the public has a Right to Know what Minister Marles proposed process is to manage High-Level nuclear waste and to site a waste disposal facility *before* having to consider this Bill's powers for N-waste Designated Zones

(Minister Marles has stated there will be an AUKUS announcement setting out a N-waste management and facility siting process by early 2024, [ABC News](#) 15 March 2023).

5. This Inquiry must be explicit on whether or not the Committee supports federal over-ride of the Law in SA, specifically the [Nuclear Waste Storage \(Prohibition\) Act 2000](#), to impose a Designated Zone under this Bill for storage of AUKUS military High-Level nuclear waste in SA.

6. This Inquiry must act in accordance with the Recommendations of the federal Inquiry into the UN Declaration on the Rights of Indigenous Peoples ([Report](#), Chair Senator Patrick Dodson, Nov 2023), stating that:

*“the Commonwealth Government ensure its approach to developing legislation and policy on matters relating to Aboriginal and Torres Strait Islander people be consistent with the Articles outlined in the UNDRIP”.*

This Inquiry must be explicit on whether or not the Committee supports the Rights of Indigenous Australians under the UNDRIP Article 29 to “Free, Prior and Informed Consent” (as a Human Right to Say No) over imposition of a Designated Zone proposed under this Bill for storage and disposal of AUKUS military High-Level nuclear waste on their lands.

Further, the Inquiry should recognise the claim in the “Statement of Compatibility with Human Rights” (at p.97-102 of the Explanatory Memorandum to the Main Bill) to consider that the Bills are compatible with Human Rights is misleading as it excludes the UNDRIP and ignores Rec.6 of the federal Inquiry into the UNDRIP (Nov 2023):

*“The Committee recommends that the Human Rights (Parliamentary Scrutiny) Act 2011 (Cth) be amended to include the UNDRIP in the definition of ‘human rights’, so that it be formally considered when scrutinising legislation.”*

7. The Inquiry must explain how and where Australia will manage intractable US origin High-Level nuclear wastes from the two US second hand N-Subs to be bought in the 2030’s.
8. At no point should Civil Society in SA have to face the serious risks and impacts in AUKUS imposed storage of intractable US origin military weapons grade High-Level nuclear wastes.

These US origin nuclear wastes present an unprecedented, untenable threat to the health, Safety and welfare of the people of SA and to the environment in which they live.

The import, transport storage and disposal of these US origin nuclear wastes is against the Law in SA and must remain prohibited in our State to protect the Safety of the people.

9. The Bill’s Section 135 “Operation of State and Territory laws” should be deleted.

The Inquiry and federal authorities must become transparent and respectful and identify the public interest SA Laws that are intended to not apply to ‘regulated activities’ under this Bill.

To confirm the SA *Environment Protection Act 1993*, the *Aboriginal Heritage Act 1988* and *Nuclear Waste Storage (Prohibition) Act 2000* are targeted to be over-ridden by the federal AUKUS N-Sub agenda for a Naval nuclear waste storage Designated Zone under this Bill.

10. Regarding the Defence Department’s ongoing process to study regions across Australia deemed ‘suitable’ for Naval weapons grade High-Level nuclear waste storage and disposal:

The public has a Right to Know who is targeted for potential dump sites that Defence will go on to consider to compulsorily acquire for a Designated Zone under powers of this Bill.

The Inquiry should forth-with release the array of regions across Australia that Defence is currently studying for public scrutiny during the Inquiry in consideration of the Bill’s powers.

**As to my background:** In 30 years' experience scrutinising environment and nuclear public interest issues. I have provided public input and Recommendations relevant to matters now before this Inquiry to AUKUS Federal Parliamentary and Defence processes held over the last 2 years:

- The [Reforming Defence Legislation](#) Review, [Submission No.34](#), Recommendations 6-7 at p.3 and discussion at p.7, 20 April 2023;
- An earlier [AUKUS Inquiry](#) by the Senate Foreign Affairs, Defence and Trade Legislation Committee held on the *Defence Legislation Amendment (Naval Nuclear Propulsion) Bill 2023 [Provisions]*, see [Submission No.46](#), Recommendations 1-5 at p.2, 26 May 2023;
- The [Defence Strategic Review](#), my public input is recorded but was not released by that process;
- The "Exchange of Naval Nuclear Propulsion Information Agreement" ([ENNPIA](#)) Inquiry by the Treaties Committee, [Submission No.40](#) (27 p), Recommendations at p.12, 25 Nov 2021.

I served for sixteen years as an Australian Conservation Foundation (ACF) environment campaigner 1996-2011 with primary roles on public interest nuclear issues.

Including as lead author of ACF nuclear issues input to the Joint Standing Committee on Treaties Inquiries and as an ACF witness in JSCT Hearings on uranium sales issues with China & with Russia.

As an individual, I later gave evidence as a witness before the JSCT Inquiry on UAE uranium sales, provided input to the JSCT Inquiry on Ukraine uranium sales, and am quoted in both JSCT Reports.

Roles as an ACF campaigner included over 5 years on a prior federal attempt to impose a nuclear waste dump in SA - 1998 through 2004 – another flawed process that had to be abandoned.

I have been an invited Witness as an individual involved on nuclear waste issues at a 2016 Hearing of the SA Parliament Joint Committee Inquiry on the Findings of the SA Nuclear Royal Commission.

As an Independent Environment Campaigner, I have provided public interest Briefing and Public Submissions throughout the [National Radioactive Waste Management Facility](#) process 2015-23.

For instance see a Brief "[Nuclear Waste Store siting at Napandee also targets the Port of Whyalla](#)" (Feb 2020, 2 p), and a formal Public Comment: "[Input to the CEO of ARPANSA on Alternative Storage of ANSTO ILW at Lucas Heights](#)" (Nov 2021, 26 p).

As illustrative of some of the public interest issues in nuclear waste siting processes I refer you to my public [input](#) to the Federal Environment Department on Guidelines for an Environmental Impact Statement process on the then proposed nuclear waste facility at Kimba (March 2023, 11 p).

I have a role in media comment on public interest nuclear issues, for instance see an article: "**Alarm on nuclear waste transport**" (By Clare Peddie, SA Sunday Mail Rural Edition, 31 July 2022).

Yours sincerely

Mr David J Noonan B.Sc., M.Env.St.

Independent Environment Campaigner and ABN Sole Trader Consultant