

## **AUKUS Bill to declare Osborne and Stirling as nuclear zones, to over-ride State Laws and impose a military nuclear waste dump**

*Briefing by David Noonan, Independent Environment Campaigner 17 Nov 2023*

Osborne is to be a 1<sup>st</sup> designated zone for nuclear powered submarines under powers of an ALP Bill introduced to Federal Parliament on 16 Nov: the [Australian Naval Nuclear Power Safety Bill 2023](#).

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. Nuclear subs have never used this Port.

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 he is to hold powers to direct the military nuclear regulator during an Emergency, citing ‘national security’ and the role of the subs as warships.

Stirling Naval Base near Fremantle in WA is to be the 2<sup>nd</sup> nuclear zone to be declared under the Bill.

### **What will our Federal Parliamentarians have to say on Key unanswered Questions?**

The SA and Port Adelaide communities have a right to have a say on nuclear safety and on the risks in bringing naval nuclear reactors into the Port. Key public interest Questions are yet to be answered.

See [TAKE ACTION ON AUKUS](#) and a [SAFETY BRIEF](#) (2023) on nuclear submarines by the Medical Association for Prevention of War. Read more about key safety and regulatory issues [here](#).

*“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...”*

**Key unanswered Question include:** *Will communities be consulted on accident response plans? What is the existing radiation emergency capability in current and proposed nuclear sub port sites? Will local health and medical services be consulted? How will communities be properly informed about the 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 2023)

### **To follow the Bill in Federal Parliament and to engage with an Inquiry:**

Firstly, the Bill can be tracked and Speeches on the Bill can be followed on a dedicated [webpage](#).

The Bill is now subject to an [Inquiry](#) by the “Senate Foreign Affairs, Defence and Trade Legislation Committee”, which is open for public submissions, to conduct Hearings and to report in April 2024.

The [Committee webpage](#) shows the Chair ALP Senator [Senator Raff Ciccone](#) from Victoria, the regular Membership of the Committee and potential Participating Members of the Committee. Contacts for the Committee Secretariat are Phone [02 6277 3535](#) and E-Mail [fadt.sen@aph.gov.au](mailto:fadt.sen@aph.gov.au)

Your local Federal MP and all Senators in your State, [from SA](#) regarding Osborne and [from WA](#) regarding Stirling, are supposed to represent you – so get in touch.

## **AUKUS Bill to over-ride State Laws and impose a military nuclear waste dump:**

The Bill assumes a power and a right to over-ride State laws by naming State laws in Regulations that are to be made next year. Section 135 of the Bill “Operation of State and Territory laws”, states:

*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 nuclear zones, which are to be authorised in part under Sec.135.

Civil Society faces imposition of an AUKUS military High-Level nuclear waste dump ([Brief](#) 13 August).

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).

If the ALP federal government wants to locate an AUKUS nuclear waste dump in SA, it will have to over-ride existing State law to impose the dump. **This AUKUS Bill is a threat to the people of SA.**

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

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

AUKUS claims of ‘[nuclear stewardship](#)’ in taking on 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 wastes.

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).

AUKUS may aim to compulsorily acquire and declare a nuclear waste dump site, with over-ride of State laws through this Bill, by the 2032 first purchase of a second-hand US nuclear submarine.

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 SA [Nuclear Waste Storage \(Prohibition\) Act 2000](#).

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.

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

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

South Australians have a democratic right to decide their own future and to Say No an AUKUS dump.