**Sample Layout of Submission – and Dot Points for Submissions**

Committee Secretary
Joint Standing Committee on Treaties
PO Box 6021
Parliament House
Canberra ACT 2600

**TITLE: Submission to the Joint Standing Committee on Treaties concerning the:**

**Agreement among the Government of Australia, the Government of the**

**United Kingdom of Great Britain and Northern Ireland, and the Government**

**of the United States of America for Cooperation Related to Naval Nuclear Propulsion**

Dear Committee Secretary

If writing on behalf of an organisation - briefly describe your organisation

Briefly outline your interest in making a submission, i.e.

* I/We/Our organisations has had a long history of raising concerns regarding nuclear power
* I/We/Our organisation have been closely monitoring the developments related to the AUKUS nuclear submarine plan
* The high-level and low-level waste that would be associated with any nuclear submarine plan under AUKUS is of great concern to our organistra

This submission urges that the Joint Standing Committee on Treaties recommends against the Australian Government signing this Agreement as I/we believe that it is not in the best interests of the Australian people on a number of grounds, as outlined in this submission

**The grounds for my concerns are outlined here:**

1. This Agreement requires Australia to *“be responsible for the management, disposition, storage, and disposal of any spent nuclear fuel and radioactive waste resulting from the operation of Naval Nuclear Propulsion Plants transferred pursuant to this Article, including radioactive waste generated through submarine operations, maintenance, decommissioning, and disposal.”* (ARTICLE IV Naval Nuclear Propulsion Plants, Related Equipment, and Material, Section D)

Australia has a poor history with existing radioactive waste management and siting and does not have a waste management facility that can guarantee such disposition, storage and disposal of spent fuel and radioactive waste in a manner that is safe for our population, which would require safe storage for thousands of years.

In fact there does not appears to be any example world-wide of such a facility. It seems an enormous risk for Australia to take will put the Australian people’s health at risk for many, many years.

1. The nuclear weapons grade fuel and nuclear reactors pose a significant threat to the health of the Australian people who live or work within the nuclear zones associated with the storage of the imported nuclear fuel, the construction of nuclear submarines and the designated facilities for disposal of nuclear waste produced by these activities.

Independent Environment Campaigner David Noon has pointed out that the existing US military nuclear reactors in second-hand N-Subs that Australia intend to buy will be “up to 10-12 years old, [and] loaded with intractable US origin High-Level nuclear wastes” that Australia intends to buy are “also weapons usage fissile materials – and remain as Bomb Fuel long after decommissioning.”[[1]](#endnote-1)

In addition, the nuclear zones associated with the porting of foreign nuclear submarines pose a significant threat to the health of the Australian people

1. ARTICLE IV, Section F states the following

 *The United States and the United Kingdom shall have the right to cease further cooperation under this Agreement, including suspension or termination of transfers of Material and Equipment, and to require the return of any Material or Equipment transferred pursuant to 8 this Agreement, and any Special Nuclear Material produced through the use of any Material or Equipment transferred pursuant to this Agreement, if Australia: materially breaches its obligations under the NPT, the Australia-IAEA Safeguards Agreements, or the Article 14 Arrangement; terminates, abrogates, or otherwise withdraws from any of the foregoing agreements or arrangements;* **or *detonates a nuclear weapon or other nuclear explosive device. [my emphasis]***

It is of the utmost concern that that one of the potential breeches described is that Australia is not able to *detonate “a nuclear weapon or other nuclear explosive device.” – as it suggests that it is possible for a nuclear weapon to be present on Australian shores.* We are extremely concerned that it is even necessary to list this as a potential breech.

How could it even be possible for a nuclear weapon to make its way into Australia? it would be a clear breech of the highest order of the Treaty on the Non-Proliferation of Nuclear Weapons (NPT) because as a signatory to NPT Australia is not allowed to manufacture or otherwise acquire **nuclear weapons.**

1. It intriguing that The ‘Agreement’ does not guarantee the cooperation of the UK or USA in fulfilling the objectives of the Agreement, if in doing so that would “constitute an unreasonable risk to its (own) defence and security (Article I).”

Despite Australia paying both US shipyards and UK shipyards billions of dollars, it appears there are no watertight arrangements in place to ensure Australia obtains the nuclear fuel, nuclear reactors outlined in the agreement nor ensuring that Australia will be able to construct nuclear-propelled submarines.

It should be of concern to all Australians that our Government is expending such vast sums of money without guarantees in place.

1. Article IV E. Australia shall indemnify, subject to paragraph F of this Article, the United States and the United Kingdom against any liability, loss, costs, damage or injury (including third-party claims) arising out of, related to, or resulting from Nuclear Risks connected with the design, manufacture, assembly, transfer, or utilization of any Material or Equipment, including Naval Nuclear Propulsion Plants and component parts and spare parts thereof, transferred or to be transferred pursuant to this Article.

It is a concern the agreement appears to be very one sided, in terms of responsibility and the question must be asked if this is in Australia’s best interests

1. The ‘National Interest Analysis [2024] ATNIA 14 with attachment on consultation’, acknowledges that “*There has been no public consultation”,* with paragraph 55 stating that “*No public consultation has been undertaken, given the classified scope of consultations between the Parties on the Agreement, including matters relating to national security and operational capability.”*

7. The Treaty clearly outlines that Special Nuclear Material to be transferred under the agreement, *“shall contain highly enriched uranium and, only with respect to irradiated fuel, may contain plutonium”,* albiet “*only in complete, welded Power Units pursuant to Article IV.B of the Agreement:* (ARTICLE VI Conditions and Guarantees, SECTION I – SPECIAL NUCLEAR MATERIAL)

This is highly dangerous material, and given Australia’s poor history with existing radioactive waste management and siting (as mentioned above) t is of extreme concern that despite the potential implications of the Agreement for the Australian people and especially those living and working in nuclear zones as defined in the Australian Naval Nuclear Power Safety Bill 2023, that no public consultations have occurred*.*

It is for each of these reasons that I/we recommend against the signing of the Agreement

Yours sincerely

**ADD NAME AND CONTACT DETAILS**

1. Civil Society faces imposition of an AUKUS military High Level nuclear waste dump, Updated Briefing by David Noonan, Independent Environment Campaigner 22 August 2024 [↑](#endnote-ref-1)