Australian Government
Defence

FACTSHEET B:

Overview of the draft Australian Naval Nuclear Power Safety Regulations

July 2025

What is this consultation?

The Department of Defence has released the draft Australian Naval Nuclear Power Safety Regulations for public consultation. Defence is inviting key stakeholder groups and the Australian public to share their views on the draft Regulations.

This consultation is the opportunity to see what is being proposed and to provide feedback on specific details of the draft Regulations for the future Regulator.

Defence invites parties such as state governments, defence industry, unions, First Nations groups, local communities and individuals to make contributions.

The public consultation period will run from **2 – 30 July 2025**.

What is in the draft Regulations?

The draft Regulations are comprised of seven Parts and two Schedules focussed around licencing activities for facility activities and material activities. These Parts are outlined below, with additional information to guide submissions made by potential licence applicants.

Part 1

Introduction

Includes definitions of specific words or concepts used throughout the Regulations.

Includes prescription of the Stirling and Osborne Designated Zones, as specified in subsections 10(3) and (4) of the *Australian Naval Nuclear Power Safety Act 2024* (the ANNPS Act).

Describes the minimum activity levels required for facilities to be classified as naval nuclear propulsion (NNP) facilities inclusive of the management, storage and disposal of radioactive waste.

It also prescribes what will be classified as NNP equipment or plant.

Part 2

Making an application for a licence authorising a facility activity or material activity

This Part lays out the information needed for an Australian Naval Nuclear Power Safety (ANNPS) licence application for material or facility activities.

It includes:

- What kinds of information an applicant must include in their application for an ANNPS licence.
- A list of the kinds of plans and arrangements that a licence holder is required to develop ahead of applying for a licence.
- How the requirements differ based on the regulated activity of the licence.
- How an application is to be made to the Regulator.

Part 3

Matters to be satisfied of or taken into account in issuing licence authorising facility activity or material activity

This Part details:

- What the Regulator will take into account when deciding a licence application.
- What are the minimum considerations of the Regulator in deciding a licence application.

Part 4

Conditions applying to licence authorising facility activity or material activity

This Part details:

- The general and specific licence conditions related to regulated activities.
- A list of the kinds of plans and arrangements that a licence holder is required to maintain.
- Licence holder reporting obligations.
- Conditions relating to dose limits for ionising radiation exposure.

Part 5

Nuclear safety incidents

This Part details:

- The definition of a nuclear safety incident.
- The information that must be included in any nuclear safety incident report provided to the Regulator to fulfil a licence holder's reporting conditions.
- Post-reporting obligations held by the licence holder and person/s authorised to conduct the regulated activity.

Part 6

Suspension of licences and reviews of licence decisions

This Part details:

- The periods a licence may be suspended for, including default periods.
- Methods and requirements of making an application for review of a regulatory decision.

Part 7

Other matters

This Part details:

- The Regulator's reporting obligations.
- Applicability of relevant state and territory laws in relation to the regulated activity.
- Obligations under international agreements for the conduct of the regulated activity.
- Method and requirements of an application for exemption to a provision or licence condition.

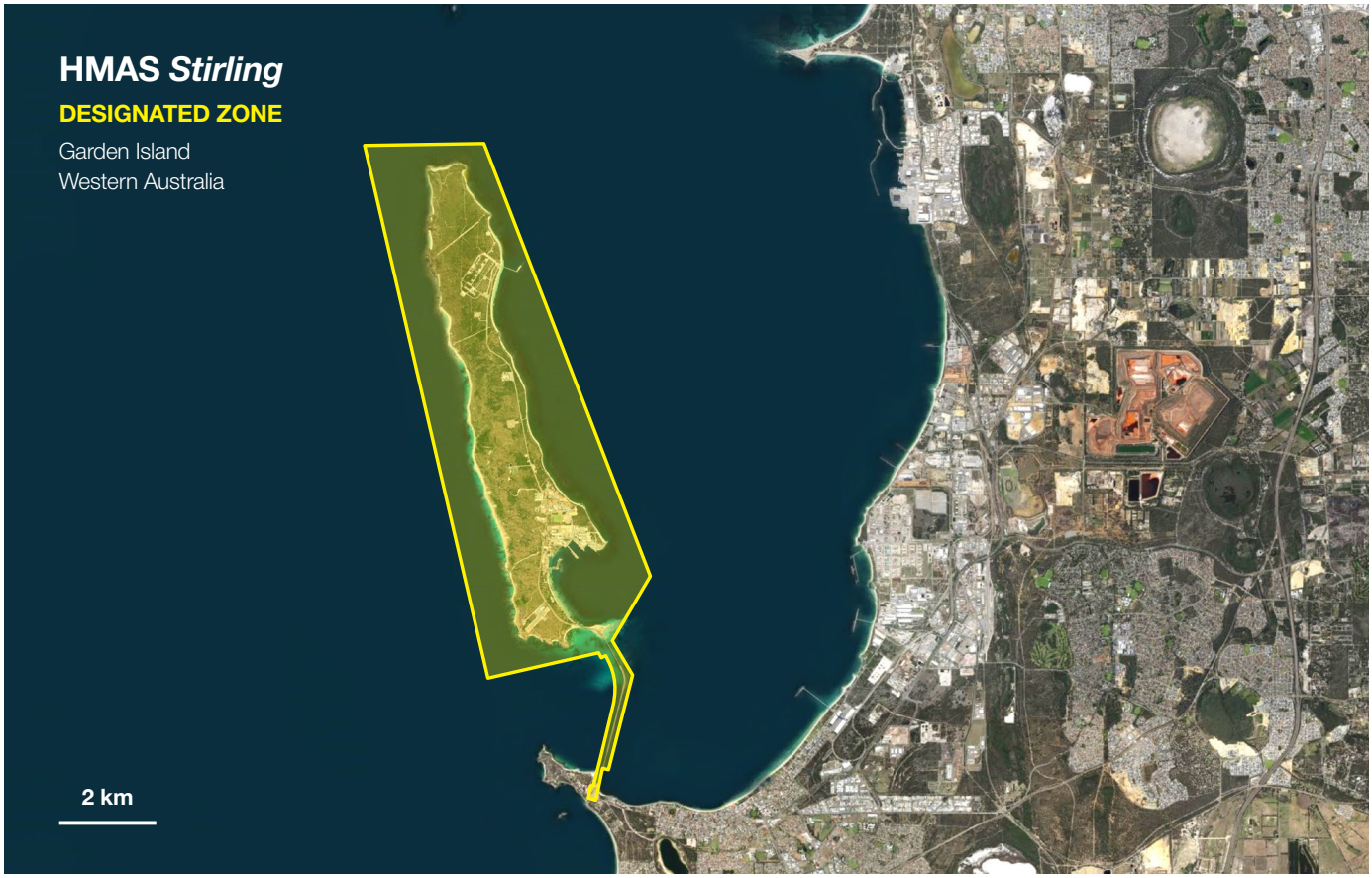
Schedule 1 – Designated Zones

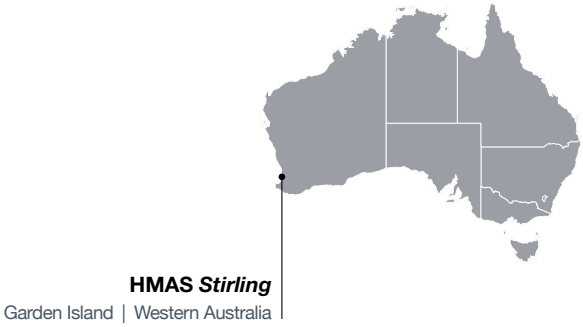
There are two Designated Zones; the Stirling Designated Zone at HMAS *Stirling* at Garden Island, Western Australia, and the Osborne Designated Zone at Osborne Naval Shipyard, South Australia.

The Stirling and Osborne Designated Zones are specified in the ANNPS Act. The ANNPS Regulations will show the geographic extent of those zones. Maps of these Designated Zones are included here.

The Regulator's responsibility is to provide assurance to the Australian community that the naval nuclear propulsion (NNP) facilities and material activities conducted within the Designated Zones maintain the safety and health of the public and the surrounding environment.

Designated Zones represent a regulatory boundary and clearly define and distinguish the responsibilities and jurisdiction of the Regulator separate to those of the Australian Radiation Protection and Nuclear Safety Agency (ARPANSA), and State and Territory radiation safety Regulators.





The Designated Zones have been identified based on their suitability for the development and sustainment of Australian nuclear-powered submarines and related activities. These are boundaries for the Regulator and do not represent exclusion zones for the public.

While the full area of the Designated Zone could be utilised for regulated activities, such as constructing a site for an NNP facility, these activities are unlikely to cover the complete area. Non-NNP activities can and will take place within the Designated Zones.

Before another Designated Zone can be prescribed, the ANNPS Act requires that public consultation occurs on the proposed new area. The public will be notified of the proposed boundary of any new Designated Zone with parties invited to make a submission.

Schedule 2 –
Activity and concentration values for nuclides

This Schedule contains technical data that supports the definitions and calculations in sections 5 and 6 of the Regulations. These definitions are then used in the Regulations, such as in section 30, which deals with information to be provided in a licence application for a material activity.

The data in the schedule is taken directly from the technical information used by the International Atomic Energy Agency (IAEA) and the Australian Radiation Protection and Nuclear Safety Agency (ARPANSA).

Frequently asked questions

Q **Will the public be excluded from accessing Designated Zones?**

A The Designated Zones are a regulatory boundary. They provide clarity on the jurisdiction of the future Regulator. As such, where activities like fishing and swimming are currently permitted, these will still be able to continue. There may be times and locations where public access is not permitted. These areas will be clearly marked. For example, if there is a submarine docked alongside a pier, the surrounding waters may not be accessible for fishing or recreation during that time for security reasons.

Q **How are the Designated Zones consulted on?**

A Stirling and Osborne Designated Zones were specified in the ANNPS Act. The ANNPS Regulations show the geographic extent of those Zones.

Before a Designated Zone can be prescribed, the ANNPS Act requires that public consultation occur on the proposed new area. The public will be notified of the proposed boundary of any new Designated Zone with interested parties invited to make a submission regarding the area.

Q **How will radioactive waste for the Nuclear Powered Submarine programme be regulated in future?**

A For over 25 years, ARPANSA has regulated radioactive waste in Australia. The future Regulator will harmonise with ARPANSA. All licence applicants will be required to demonstrate, to the satisfaction of the Regulator, appropriate plans and arrangements are in place for the safe management and movement of all materials, including radioactive waste. Where radioactive waste leaves a Designated Zone there must be an appropriate licence from ARPANSA and/or the relevant State regulators.

Once a licence is approved, the future Regulator will conduct inspections to assure that the plans and arrangements are being complied with, and any licence conditions are being met. Enforcement activities will be undertaken if there are deficiencies.

At commencement of the ANNPS Act, and in accordance with the Australian Naval Nuclear Power Safety (Transitional Provisions) Act 2024, the new Regulator will take on licences previously granted by the CEO of ARPANSA for the Controlled Industrial Facility in the Stirling Designated Zone. The Controlled Industrial Facility is a technical and engineering industrial workshop for servicing and repair of NNP components and tools. It will also receive, manage, treat, decontaminate and temporarily store solid and liquid, low-level radioactive material generated from the submarines at HMAS *Stirling* during their operations.

Q **How are Designated Zones determined?**

A The Designated Zones have been identified based on their suitability for the development and sustainment of Australian nuclear-powered submarines and related activities. These are determined by factors including proximity to relevant shipbuilding infrastructure and Defence facilities.

Designated Zones represent a regulatory boundary to clearly define the responsibilities and jurisdiction of the Australian Naval Nuclear Power Safety Regulator with that of the Commonwealth nuclear safety Regulator, ARPANSA, and state radiation safety regulators.

The Designated Zones are the Stirling Designated Zone at HMAS *Stirling* at Garden Island in Western Australia, and the Osborne Designated Zone at Osborne Naval Shipyard in South Australia. These are provided for in the ANNPS Act. The ANNPS Regulations show the geographic extent of those Zones.

Before a Designated Zone can be prescribed, the ANNPS Act requires that public consultation occur on the proposed new area. The public will be notified of the proposed boundary of any new Designated Zone with interested parties invited to make a submission regarding the area.

Q **What is actually changing with these Regulations and how are these areas covered currently?**

A The nuclear safety regulatory landscape in Australia currently consists of one Commonwealth regulator, ARPANSA, and regulators for radiation safety in each state and territory.

The Regulations have been drafted to align with existing national standards and regulatory requirements for nuclear safety.

Regulating a nuclear-powered submarine presents a different regulatory requirement in the Australian context and so there will be some differences to existing Regulations and arrangements.

The draft ANNPS Regulations have been informed by the highest international standards for nuclear safety from the IAEA and designed to operate within the Australian context.

Prior to the establishment of the Regulator, legislative changes made in 2023 allow the CEO of ARPANSA to grant licences for nuclear-powered submarine related facilities in accordance with the *Australian Radiation Protection and Nuclear Safety Act 1998*. Upon commencement of the ANNPS Act, and enabled by the *Australian Naval Nuclear Power Safety (Transitional Provisions) Act 2024*, the new Regulator will take on licences granted by the CEO of ARPANSA and ensure the continuity of licencing activities and nuclear safety is maintained.

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Defence acknowledges the Traditional Custodians of the land, water and sky and pay respect to elders both past and present. Defence would also like to pay respect to Aboriginal and Torres Strait Islander peoples who have contributed to the defence of Australia in times of peace and war.