



## The Department of Defence consideration of public submissions on the draft Australian Naval Nuclear Power Safety Regulations 2025

On 2 July 2025, the Deputy Prime Minister, the Hon Richard Marles MP, invited [<https://defence.gov.au/annpsr-consultation>] the Australian public to review the draft Australian Naval Nuclear Power Safety Regulations (the ANNPS Regulations). The Regulations will support the *Australian Naval Nuclear Power Safety Act 2024* and the establishment on 1 November 2025 of the future Australian Naval Nuclear Power Safety Regulator (the Regulator).

The Regulator will licence, monitor and enforce regulated activities associated with the naval nuclear propulsion (NNP) of Australia's conventionally-armed, nuclear-powered submarines. The draft ANNPS Regulations are central to the work of the Regulator and focus on licensing NNP facility and material activities in Designated Zones.

### The consultation period

The public consultation on the draft ANNPS Regulations supported transparency in this new regulatory area. The public consultation on the draft ANNPS Regulations period ran between 9am AEST, 2 July 2025 and 5pm AEST, 30 July 2025.

The materials for public consultation were hosted on the Defence internet website, and included the draft ANNPS Regulations (and companion Explanatory Statement), and two factsheets to support understanding of the regulation material.

Australians were invited to engage online, both via a dedicated email address to capture thoughts and to ask questions, and by formal submissions through the website.

During the public consultation period Defence also held face-to-face briefings with stakeholders representing communities, First Nations and special interests groups located in Western Australia (WA) and South Australia (SA). The briefings were delivered by senior Defence officials (represented by the Nuclear Power Submarine Regulatory Design Division) supported by senior representatives from the Australian Radiation Protection and Nuclear Safety Agency (ARPANSA), the Australian Submarine Agency (ASA), and the Australian Nuclear Science and Technology Organisation (ANSTO).

This summary report forms part of the public consultation, and continues the approach of following good practice and to support transparency.

### Consideration of all public submissions

A wide range of insights and views were received through the public consultation period. Fifteen face-to-face briefings were conducted in WA and SA with over 225 people, representing 45 community groups. A total of 33 written submissions were received from a range of interest groups, businesses and individuals, with the majority of submissions received from Australians who stated they lived in WA.

A comprehensive review was conducted of all responses submitted within the consultation period. There were a range of topics and issues raised that will be considered in developing the new regulatory framework and to inform effective communications. There were no submissions that justified Defence finding that the draft Regulations were insufficient to support the proposed regulatory framework and regime for licensing and ensuring radiological safety for regulated facility and material activities.

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The key themes from public submissions that are directly relevant to the scope of the draft ANNPS Regulations have been grouped into themes in Table 1, and these are being taken into account in the regulatory framework and communications. In overview, the themes were:

1. Radiological - safety of people and the environment

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2. Radioactive wastes and spent nuclear fuel – management, storage, transport and disposal

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3. Independence of the Regulator

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4. Safety and protection of the environment – transparency and publication of environmental concerns, monitoring, data, results and reports

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5. Safety incidents – reporting, including community visibility of incidents, as well as emergency response planning for incidents

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6. Clarification of provisions, or the lawfulness of provisions within the proposed Regulations, including radiological dose limits for workers

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7. Decommissioning of nuclear-powered submarines

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8. First Nations communities and considerations

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9. Consultation timing

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10. Privacy and publication – transparency of consultation

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11. Issues relating to scope and accuracy of the draft Regulations.

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Some responses and comments submitted related to themes that fall outside the scope of the draft Regulations, including state and local government issues, geo-political issues or the AUKUS technology sharing partnership more generally.

This document summarises the key themes from the public consultation on the draft ANNPS Regulations, both written and verbal, and Defence's response. It does not represent a comprehensive record of all feedback received. Individual submissions and identifying details have not been published to protect privacy of individuals. This document is provided for general information only and should not be relied upon for legal, regulatory, or other formal purposes.

Defence wishes to acknowledge and thank all those who have taken the time to prepare and provide a submission in response to the draft ANNPS Regulations. The submissions received have supported the Australian Government's considerations in establishing a fit-for-purpose regulatory framework for the safe and secure acquisition of Australia's conventionally-armed, nuclear-powered submarines, and ensuring timely and effective communication and engagement with the Australian public.

**TABLE 1 –  
Key themes raised through the public consultation of the Draft Australian Naval Nuclear Power  
Safety Regulations 2025**

Public submission theme	Defence response
<p><b>1. Radiological - safety of people and the environment</b></p>	<ul style="list-style-type: none"> <li>▪ The proposed Regulations were drafted to provide the highest assurances of the radiological safety of the environment, workers and the public. They have been informed by national and international standards for nuclear safety and radiation protection, and have drawn upon recognised best practice, including guidance from the International Atomic Energy Agency (IAEA) and peer regulators in the United States, United Kingdom and Australia.</li> <li>▪ Ultimately, the licence holder will be responsible for ensuring nuclear safety when conducting regulated activities. However, the draft Regulations establish a robust and comprehensive licensing, reporting, record keeping, and auditing framework for the regulated activities they are undertaking. The framework places the safety of people and the environment at the forefront of licensing decisions and ensures that compliance is actively adhered to and monitored throughout the lifecycle of the regulated activities.</li> <li>▪ For example, it is an obligation of the licence holder to provide each occupationally exposed person a personal radiation monitoring service, with records kept of doses received, and to have those persons registered on the Australian National Radiation Dose Register. Data on doses received must also be provided in accordance with the Privacy Act 1988. The Regulator is empowered to request this information be provided by the licence holder.</li> <li>▪ Defence has reviewed the concerns about the radiological safety of people and the environment and assesses the proposed Regulations effectively consider and address issues raised through the public consultation process.</li> </ul>

**TABLE 1 – (CONTINUED)**  
**Key themes raised through the public consultation of the Draft Australian Naval Nuclear Power Safety Regulations 2025**

Public submission theme	Defence response
<p><b>2. Radioactive wastes and spent nuclear fuel - management, storage, transport and disposal</b></p>	<ul style="list-style-type: none"> <li>▪ The Regulations provide a comprehensive framework in relation to regulation of radioactive waste management consistent with Australia's current standards.</li> <li>▪ The Regulations require that in order to authorise any kind of facility activity or material activity, a Licence Applicant must have a proposed radioactive waste management plan, and then that the regulated activity be conducted in accordance with that plan (among other plans).</li> <li>▪ A licence holder must report to the Regulator every 12 months the amount of radioactive waste from the regulated activity that is held in a Designated Zone awaiting disposal at that time, and a description of the kind of waste, its hazard level and classification.</li> <li>▪ 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 of movement of all materials, including radioactive waste.</li> <li>▪ Defence acknowledges concerns raised regarding the operation of the Regulations, which prescribes that various State and Territory laws do not apply in relation to a regulated activity, including those in relation to handling or storage of nuclear material or material contaminated with radiation. Importantly, any part of a Commonwealth, State or Territory law that is predominately for protecting the environment or regulating work or occupational health or safety is not prescribed in the Regulations and so will continue to apply.</li> <li>▪ Defence also acknowledges that broader social and economic aspects may need to be considered in the future in informing a whole-of-government approach on disposal of intermediate-level and high-level radioactive waste. The Government has made a commitment to identify disposal pathways for Australia's radioactive waste and that radioactive waste may be stored as an interim measure only in licensed facilities.</li> <li>▪ Facilities to manage and dispose of high-level radioactive waste generated from decommissioning Australia's future nuclear-powered submarines will not be required until after the first Australian submarine is decommissioned in the 2050s.</li> </ul>

**TABLE 1 – (CONTINUED)**  
**Key themes raised through the public consultation of the Draft Australian Naval Nuclear Power Safety Regulations 2025**

Public submission theme	Defence response
<p><b>3. Independence of the Regulator</b></p>	<ul style="list-style-type: none"> <li data-bbox="539 443 1362 611">▪ The <i>Australian Naval Nuclear Power Safety Act 2024</i> (ANNPS Act) confirms the operational independence of the Regulator. The future Regulator will be a non-corporate Commonwealth entity within the Defence portfolio. However, the Regulator will be independent of the Australian Defence Force’s chain of command and directions from the Department of Defence and the Australian Submarine Agency.</li> <li data-bbox="539 645 1374 730">▪ The Regulator will have discretion in performing its functions under the ANNPS Act and will not be subject to direction by any person in relation to the performance of those functions.</li> <li data-bbox="539 763 1406 848">▪ The exception to the above is the circumstance where the Minister for Defence may issue a direction to the Regulator if it is necessary to do so in the interests of national security and to respond to an emergency.</li> <li data-bbox="539 882 1378 1077">▪ In this circumstance, a statement that a direction was given to the Regulator must be tabled within 28 calendar days or the next parliamentary sitting day in each House of Parliament alongside any action taken by the Regulator or the relevant licence-holders. The ANNPS Act provides an additional qualification for appointment of a Director-General and Deputy Director-General, requiring a minimum of 12 months of separation between appointment and any previous service as a ‘Defence staff member’. <ul style="list-style-type: none"> <li data-bbox="571 1111 1326 1220">» A ‘Defence staff member’ includes ADF Service Chiefs and members, ADF Reservists, APS employees in the Department of Defence and Australian Submarine Agency, in addition to the Secretary of Defence, and Director-General of the Australian Submarine Agency.</li> </ul> </li> </ul>

**TABLE 1 – (CONTINUED)**  
**Key themes raised through the public consultation of the Draft Australian Naval Nuclear Power Safety Regulations 2025**

Public submission theme	Defence response
<p><b>4. Safety and Protection of the Environment – transparency and publication of environmental concerns, monitoring, data, results and reports</b></p>	<ul style="list-style-type: none"> <li>▪ These proposed Regulations have been designed to support delivering Australia’s sovereign nuclear-powered submarine capability while assuring the safety of the community and environment.</li> <li>▪ The Regulator operates alongside other federal regulators including the Australian Radiation Protection and Nuclear Safety Agency (ARPANSA), the Australian Safeguards and Non-Proliferation Office (ASNO), the Department of Climate Change, Energy, the Environment and Water (DCCEEW), the Australian Border Force, and the environmental and radiological regulators in Australian states and territories. In the context of the nuclear-powered submarine enterprise, the Regulator will co-regulate alongside other bodies such as Comcare and the Defence Seaworthiness Authority.</li> <li>▪ The draft Regulations provide a strong regulatory foundation to protect the environment.               <ul style="list-style-type: none"> <li>» The draft Regulations establish an obligation on the Licence Applicant and Regulator to take into account radiological data for the site of the naval nuclear propulsion (NNP) facility, or proposed NNP facility, including an analysis of the radiological consequences to the surrounding environment from a credible scenario ‘Reference Incident’ at the site of the regulated activity.</li> <li>» A Licence Applicant must also demonstrate compliance with requirements under the relevant Commonwealth, State and Territory environmental protection laws.</li> <li>» The Regulations prescribe that licence holders must have an Environmental Protection Plan in place, which must be complied with when undertaking regulated activity.</li> <li>» In accordance with the <i>Australian Naval Nuclear Power Safety Act 2024</i> (ANNPS Act, section 21), a licence holder must report immediately after they become aware of any nuclear safety incident that occurs in relation to a regulated activity; this includes ‘near misses’ related to the environment. The draft Regulations then specify the information to be given and the actions to be taken, including independent investigation. The ANNPS Act (section 123A) already requires to Regulator to report to the Parliament (within three sitting days) if a serious environmental incident has occurred.</li> </ul> </li> </ul>

**TABLE 1 – (CONTINUED)**  
**Key themes raised through the public consultation of the Draft Australian Naval Nuclear Power Safety Regulations 2025**

Public submission theme	Defence response
<p><b>5. Safety Incidents - reporting, including community visibility of incidents, as well as emergency response planning for incidents</b></p>	<ul style="list-style-type: none"> <li>▪ Under the draft Regulations, the licence holder must develop plans and arrangements for incident management and emergency response and preparedness in respect of a regulated activity. This includes conducting ‘field exercises’ that test the proposed emergency management and response plans for the activity. The Regulator then needs to consider the results of these exercises when granting a licence. It is expected that some of these exercise scenarios will include local fire and emergency services, and notification processes to the public.</li> <li>▪ In accordance with the <i>Australian Naval Nuclear Power Safety Act 2024</i> (ANNPS Act, section 21), a licence holder must report immediately after they become aware of any nuclear safety incident that occurs in relation to a regulated activity; this includes ‘near misses’ related to people and the environment. The draft Regulations then specify the information to be given and the actions to be taken, including independent investigation. The ANNPS Act (section 123A) already requires to Regulator to report to the Parliament (within three sitting days) if a serious incident has occurred.</li> </ul>
<p><b>6. Clarification of provisions, or the lawfulness of provisions within the proposed Regulations, including dose limits for workers</b></p>	<ul style="list-style-type: none"> <li>▪ Defence notes that a number of submissions sought clarification on certain regulatory provisions (such as what is intended by ‘international best practice’), the lawfulness of proposed regulatory provisions (such as the intersection with state and territory laws) or dose limits.</li> <li>▪ The <i>Australian Naval Nuclear Power Safety Act 2024</i> allows the draft Regulations to limit the operation of a state or territory law, and lists those laws that do not apply to regulated activities). However, the proposed Regulations do clarify that occupational health and safety and environmental laws will apply at all times. On this basis, Defence considers that the commentary about the lawfulness of those provisions does not give rise to any changes to either the proposed Regulations or the regulatory framework.</li> <li>▪ For radiological dose limits, the draft Regulations are grounded in the applicable international best practice and the standards established by Australian Radiation Protection and Nuclear Safety Agency (ARPANSA) on radiological dose limits and activity levels. <ul style="list-style-type: none"> <li>» As a result of comments about numerical levels, it was identified that there was a typographical error, which has been subsequently amended to ensure alignment with ARPANSA.</li> </ul> </li> </ul>

TABLE 1 – (CONTINUED)

Key themes raised through the public consultation of the Draft Australian Naval Nuclear Power Safety Regulations 2025

Public submission theme	Defence response
<p><b>7. Decommissioning of nuclear-powered submarines</b></p>	<ul style="list-style-type: none"> <li>▪ Defence understands the community interest in plans for decommissioning, dismantling and disposal of nuclear-powered submarines the end of life, including disposal of the spent nuclear fuel.</li> <li>▪ Facilities to manage and dispose of waste naval nuclear propulsion (NNP) material (such as reactor components and spent nuclear fuel) generated from dismantling Australia's future nuclear-powered submarines will not be required until after the first Australian submarine is decommissioned in the 2050s.</li> <li>▪ The facilities to enable dismantling will need to be in a Designated Zone, on a suitable site, and designed, constructed and operated in accordance with the Regulations. <ul style="list-style-type: none"> <li>» In addition, transportation of material will be a licenced activity in cooperation with ARPANSA. Any facilities for temporary storage or final disposal of radioactive waste and spent nuclear fuel will be licenced.</li> </ul> </li> </ul>
<p><b>8. First Nations - communities and considerations</b></p>	<ul style="list-style-type: none"> <li>▪ The Regulations require the Regulator to be satisfied that the applicant has undertaken meaningful consultation with all relevant stakeholders. Consultation is specifically required with Aboriginal and Torres Strait Islander peoples.</li> </ul>
<p><b>9. Consultation timing</b></p>	<ul style="list-style-type: none"> <li>▪ Defence notes some submissions requested consideration for longer consultation periods (more than four weeks). Some submissions were concerned that the four-week public consultation period on the Regulations overlapped with the ARPANSA consultation occurring for activities at HMAS Stirling, near Rockingham in WA.</li> <li>▪ Defence considers that a four-week consultation on the proposed Regulations was an appropriate timeframe for consultation.</li> <li>▪ Defence used a multi-layered approach to public consultation. Online materials were available for all Australians, and targeted briefings were conducted with stakeholders who represent communities or special interests in WA and SA. This approach ensured that there was opportunity across the consultation period for information and engagement for all Australians.</li> </ul>
<p><b>10. Privacy and publication – transparency of consultation</b></p>	<ul style="list-style-type: none"> <li>▪ A number of submissions sought transparency in the public consultation by way of publication of all responses received. Defence is publishing this summary report to balance transparency against privacy requirements, where not all respondents provided permission for their response to be shared or provided on an individual basis.</li> </ul>

TABLE 1 – (CONTINUED)

Key themes raised through the public consultation of the Draft Australian Naval Nuclear Power Safety Regulations 2025

Public submission theme	Defence response
<p><b>11. Issues relating to the scope and accuracy of the draft Regulations</b></p>	<ul style="list-style-type: none"> <li>▪ Submissions focused on the scope and accuracy of the Regulations. Key issues raised included:                             <ul style="list-style-type: none"> <li>» Definitions of terms, both technical and conceptual that are open to interpretation.</li> <li>» The scope of ARPANSA versus ANNPSR jurisdiction outside Designated Zones.</li> <li>» Clarification on the operation of discrete provisions.</li> <li>» Sections where record keeping, reporting and auditing provisions may be strengthened.</li> <li>» Other concerns relating to whether safety and hazard risks have been adequately addressed.</li> </ul> </li> <li>▪ Defence has actively considered the various issues raised, including whether amendments to the Regulations are warranted. Where appropriate, Defence has made amendments to the draft Regulations in order to provide further clarity.</li> </ul>