

Committee Secretary
Joint Standing Committee on Treaties
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To the Committee Secretary, Joint Standing Committee on Treaties

Re: Nuclear-Powered Submarine Partnership and Collaboration Agreement between the Government of Australia and the Government of the United Kingdom of Great Britain and Northern Ireland

Thank you for the opportunity to comment on this proposal for a treaty between Australia and the United Kingdom relating to nuclear powered submarines.

We make this submission on behalf of both Nuclear Free WA and Stop AUKUS WA. Nuclear Free WA is a registered charity formed in 2023 with over 80 members and thousands of supporters. The organisation is just the latest form of the strong and long standing anti-nuclear movement in WA. Stop AUKUS WA is an organising collective comprised of over a dozen organisations and community groups and more than 400 individuals.

Many of our members live in the Western Australian local government areas of Rockingham (situated on the border of Whadjuk and Binjareb Noongar peoples' territories), Kwinana, Cockburn and Fremantle (Whadjuk Noongar) which all face Derbal Nara (Cockburn Sound). HMAS Stirling is located at Meandip (Garden Island) at the southern end of the Sound and is the intended base for AUKUS SRF-West rotations and home port of the SSN-AUKUS. Furthermore, the proposed dry docking facility for nuclear powered submarines is on the mainland at Henderson, within the City of Cockburn. Consequently, citizens of The Cockburn Sound region are directly and personally impacted by what is intended under AUKUS Pillar 1.

Nuclear Free WA and Stop AUKUS WA stand for a nuclear free Indo-Pacific, peace and for Australia to have an independent foreign policy fostering good relationships with countries within our region. We are fundamentally opposed to AUKUS and the Force Posture Agreement; the visitations, rotations, procurement and building of naval nuclear-propelled submarines in Australia; and the storage of any form of nuclear waste from US and UK nuclear-powered submarines.

With respect to the overarching precepts of AUKUS we are in general agreement with the assessments of former Australian prime ministers (e.g. Paul Keating, Malcolm Turnbull), foreign ministers (e.g. Gareth Evans, Bob Carr) and other foreign policy experts (e.g. John Menadue, Hugh White) that the proposed acquisition by Australia of nuclear-powered submarines is not viable nor desirable.

More specifically, we oppose AUKUS Pillar 1 for its potential deleterious effects on our homeland, the hinterland of Cockburn Sound. Basing US nuclear powered submarines at HMAS Stirling – both under Submarine Rotational Force-West (SRF-W) as of 2027 and if procured from the US in 2030's

as planned, is not in the local public interest. This presents Cockburn Sound as a prime military target in the case of war and increases the risk of radioactive release.

We have lodged submissions to public consultations concerning AUKUS , including:

1. Australian Naval Nuclear Power Safety Bill 2023 to the Foreign Affairs, Defence and Trade Committee Department of the Senate, (ANNPS)
2. Public Works Committee Inquiry into Submarine Rotational Force—West, Priority Works, HMAS Stirling, Western Australia July 2024
3. Australia-UK-USA Agreement to JSCOT, Sept 2024
4. Submarine Rotational Force – West, Priority Infrastructure Works: Maritime Upgrades to EPBC
5. Citing (2024) and Construction (2025) of a Controlled Industrial Facility (CIF) at HMAS Stirling license applications to ARPANSA
6. Australian Naval Nuclear Power Safety Regulations 2025 to Department of Defence

We have attached these submissions for your reference to highlight the broad range of implications and risks associated with this partnership and urge you to consider these alongside this submission.

Additionally, we have petitioned local councils on the Cockburn Sound hinterland, discussed with federal and state politicians representing our region, presented at public fora and appeared before the JSCOT Committee on the Inquiry into the ANNPA.

In this submission we point to some obvious flaws in this proposed Australia-UK agreement.

False Premises in the Preamble

- *“peaceful and stable Indo-Pacific region and support of the international rules-based order”* – most non-western countries regard “rules based order” as rules applied by western countries to serve their own purposes irrespective of the perspectives of other countries. This particularly applies in the Indo-Pacific region where the USA is trying to maintain its hegemony.
- *“enhanced trilateral security partnership”* – Security against who/what is not specified. It has long been understood that arming for deterrence simply encourages supposed enemies to themselves further arm for self defence.
- *“strong, cooperative, and enduring defence partnership”* – It didn’t “endure” in 1942 when the UK withdrew its troops from East Asia to protect its homeland. See comments below regarding the UK’s current role in the Indo-Pacific region.
- *“shared ambition to support Australia in acquiring a conventionally armed, nuclear-powered submarine”* – That ambition by the USA now seems to be wavering in its capacity and willingness to sell Australia Virginia class submarines, as has been exposed by several US Congressional Resource Service (CRS) reports and various media platforms.
- *“interoperability, commonality”* – by implication this would render Australian sovereignty an impossibility.
- *“obligations under the Treaty on the Non-Proliferation of Nuclear Weapons (“NPT”)”* – AUKUS opens pathways that could undermine the Treaty. It could even lead to Australia unintentionally breaching the Treaty e.g. through inadequate security, storage and disposal of spent reactors and HEU fuel, etc.

- “unmatched safety records” – For example, nine [nuclear submarines have sunk](#) in accidents, [789 nuclear incidents](#) have been reported at Scottish nuclear submarine bases, with a serious one occurring in [April 2025](#).
- “provides economic benefits” – but negative economic benefits for other sectors of defence (e.g. army, air force) and the entire economy through diversion of funds that could be used for more socially productive purposes.

Contentious Items

UK role in the Indo-Pacific

Being a former colonial power in the Indo-Pacific region, countries that were former European colonies in that region will not welcome the return of British “gunboats” to police the region, to impose their version of “rules based order”. If Australia provides succour to those British warships, and accompanies them on their patrols, Australia’s neighbours will undoubtedly be unfavourably impressed. It would hinder Australia’s efforts to improve diplomatic relations in the region, and hence regional security. Indeed, it is likely to increase insecurity in the region, the opposite of what AUKUS is touted to do (Article II.E).

It remains unclear as to why the UK would once again wish to be militarily engaged in the Indo-Pacific region, which in any case is not likely to come to pass. Operational UK submarines are likely to remain deployed in the Atlantic due to ongoing tensions within Europe and the UK’s commitment to NATO. The UK is increasingly devoting its military posture to European security, and would surely give lower priority to AUKUS,

Sovereignty (Article 1V)

It is difficult to imagine how true sovereignty (Article IV) can be held if there is complete interoperability, commonality and exchange of personnel (Article XI). Surely, Australia would be pressured to join in if British SNN AUKUS submarines become engaged in conflict. The same argument arises concerning Australia’s proposed purchase of US Virginia Class submarines – the USA has clearly expressed its expectations in this regard.

Nuclear Stewardship (Article VI)

In the absence of Australia having a permanent secure facility to safely store radioactive waste, especially in the case of the reactors which use highly enriched uranium fuel which requires storage for tens of thousands of years, we suggest that Australia is unable to genuinely provide assurance of nuclear stewardship.

Nothing is mentioned about Australia accepting radioactive waste of visiting UK nuclear submarines. This is a major concern of those living near the proposed servicing docks. In view of the UK’s servicing and maintenance backlog for nuclear submarines it would seem that the UK would be advantaged by the opportunity of bringing their nuclear submarines to Australia, and specifically to SRF-West, for maintenance and disposal of radioactive waste. This would make Australia a repository for UK submarine radioactive waste with all of the hazards, costs and long term storage dilemmas that would pose, to be funded by Australia. Such an agreement should clearly delineate partner responsibilities in the handling of radioactive waste from visiting UK nuclear submarines.

Article VI. E should be more definitive in prohibiting receipt, management, storage or disposal of any spent nuclear fuel from United Kingdom SSNs. It is stated that this is dependent on “Australia’s

domestic legal obligations”, which are subject to change, especially if governments favouring nuclear energy come to power.

Further, the agreement says nothing about visiting UK SSNs carrying nuclear weapons. Does the same “don’t ask don’t tell” policy, as in the Force Posture arrangement with the USA, apply here?

SSN-AUKUS Design (Article IX)

Due to volatile, but generally deteriorating, relations between the USA and UK, it would seem increasingly likely that the USA could withdraw its agreement with the UK enabling the UK to share the US’s nuclear propulsion technology employed by Rolls Royce in the SSN-AUKUS nuclear reactors.

Willingness of the USA to share their nuclear technology is also a factor in the increasing uncertainty about the sale of Virginia class submarines to Australia during the 2030’s.

To our knowledge Australia has not been involved in the design to date. It has however agreed to ‘grant’ non refundable payments to Rolls Royce and other areas of UK shipbuilding in order to assist the UK to meet supply demands to comply with their part of the contract. Although covered under Article XIX Section C this seems incredibly trustworthy to the point of being naive.

Port Visits and Rotational Presence of United Kingdom SSNs (Article X)

There is a lack of clarity as to what will happen to the LLW from the in-water maintenance of this United Kingdom SSN on rotation: if it is to be managed and temporarily stored at the Controlled Industrial Facility (CIF) at HMAS Stirling, similarly to the waste from the US SSNs on rotation.

Intellectual Property (Article XV111 Clause E)

This assumes that actually reaching an agreement between the parties is a foregone conclusion: it doesn’t cover the possibility there may be different interpretations and beliefs between the parties as to who is responsible to what degree, e.g. in the design of the SSN-AUKUS. Basing one agreement on another agreement yet to be made paves the way for ‘a lawyer’s delight’.

Liability (Article XX)

There is no specific mention of indemnity for radioactivity spillage, collision with other vessels, or any other damage resulting from visiting/rotating UK nuclear submarines.

Conclusion

Being fundamentally opposed to AUKUS and for the above reasons we request the Joint Standing Committee on Treaties (JSCOT) to recommend that the Australian Parliament does not ratify this Agreement.

However, if JSCOT views the Agreement favourably we advocate its recommendation be deferred pending the outcome of the current USA review of AUKUS, and hopefully after a widely advocated review of AUKUS by the Australian Parliament with public involvement.

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