



THE ROYAL  
INSTITUTION  
OF NAVAL  
ARCHITECTS

## FADT Questions on Notice

### Question 1

**Senator SHOEBRIDGE:** Could I ask you to take on notice coming back to us on that, in particular given the power that the bill proposes to give the minister to direct the regulator. I think it's clause 105 of the bill. Could I ask you to come back on notice and review any concerns you may have about conflict of interest, and if it could perhaps be best resolved by simply having the regulator report to a different minister? That seems the obvious fix, doesn't it, Lynn? It's such an obvious fix.

### Response

*Whilst it is recognised the reporting structure is at the discretion of the Australian Government, RINA consider Nuclear Regulatory Independence to be paramount, and should not be open for influence by the defence sector. Legislation should reflect that in its entirety and clearly document the independence from the defence minister.*

*Interfaces with Australian ministers and governing bodies, for example Environmental Agencies and Comcare could be considered as healthy discussions but should in no way be allowed to influence the independence of the nuclear regulator or have any influence on decisions with regard to nuclear safety.*

*Clause 105 of the Bill refers to interests of national security, which may give way to emergency situations, and should be dealt with at ministerial level outwith the nuclear regulatory boundary.*

### Question 2

**Senator FAWCETT:** That's correct. I'm trying to understand. According to their policy statement, their website and so on, they seem to have a niche role where they're exempt from other regulatory requirements. I'm interested to understand what's their relationship, for example, with the Office of Nuclear Regulation. Does ONR have any oversight of Defence use of either nuclear weapons or propulsion, or is it a purely Defence function?

### Response

*ONR report into the public corporation of the Department for Work and Pensions. Sites include nuclear power stations, research reactors, nuclear fuel reprocessing and manufacture, the storage and transportation of nuclear fuel and radioactive matter, and civil nuclear security of each site.*

*DNSR is established as an independent regulator and investigator for HS&E protection under charter issued by the Secretary of State for Defence*

*ONR and DNSR share the narrative within the regulatory requirements – ONR use Licence Conditions (LCs) as they issue a Licence to Operate, whereby DNSR use Authorisation Conditions (ACs) as they in turn issue an authority to operate. DNSR have 4 further ACs with regard to nuclear weapons and warships in harbour.*

*ONR and DNSR share some sites within the UK, these being: Babcock - Devonport; BAE Systems - Barrow; Rolls-Royce Submarine Limited - Raynesway, and Babcock - Rosyth Royal Dockyard. The interface and responsibilities across these sites are clearly defined in order to ensure the requirements of IRR 2017,*

*REPIR and the Nuclear Installations Act 1965 are covered across all defence and civil nuclear sites as appropriate.*

*The ONR have no oversight of nuclear weapons, DNSR oversee the management and maintenance of weapons in accordance with the requirements of the US.*

### **Question 3**

**Senator FAWCETT:** I have two more questions. There has been some concern raised around the interaction with the ARPANS Act, or comparisons with the ARPANS Act. For example, there are no equivalent protections or provisions regarding directions to protect the health and safety of people and the environment, and reporting to the parliament. I'm just wondering if you have any comment from your experience in the UK as to whether this should be providing those similar provisions that are in the ARPANS Act, which I assume in the UK is covered by the HS&EP legislation?

### **Response**

*ARPANS Act covers a nuclear research facility not a nuclear submarine, therefore the risks to people, plant and the environment differ significantly.*

*UK nuclear regulators work closely with the Environment Agency in England, and the Scottish Environmental Protection Agency (SEPA) in Scotland, both regulators are therefore guided by, and enforce, the requirements of both organisations.*

**Sarah Watts**  
**Chair**  
**Safety Committee**  
**Royal Institution of Naval Architects**

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