



Australian Government
**Department of Climate Change, Energy,
the Environment and Water**

IS24-000001

Mr Mark Fitt
Committee Secretary
Senate Standing Committee on Foreign Affairs, Defence and Trade Legislation

Seniorclerk.committees.sen@aph.gov.au

Dear Mr Fitt

Thank you for your letter of 23 November 2023 to Secretary David Fredericks inviting the Department of Climate Change, Energy, the Environment and Water (DCCEEW) to make a submission to the inquiry by the Senate Committee on Foreign Affairs, Defence and Trade Legislation into the Australian Naval Nuclear Power Safety Bill 2023 and Australian Naval Nuclear Power Safety (Transitional Provisions) Bill 2023. The Secretary has asked that I respond on his behalf.

The Australian Naval Nuclear Power Safety Bill 2023 will establish a new regulatory framework and a new entity, the Australian Naval Nuclear Power Safety Regulator, to ensure nuclear safety within Australia's nuclear-powered submarine enterprise and capability life cycle. The new regulator will be responsible for monitoring and, where necessary, enforcing compliance with the nuclear safety duties applicable under the Bill.

The Australian Naval Nuclear Power Safety (Transitional Provisions) Bill 2023 will allow for licences for regulated activities granted under the Australian Radiation Protection and Nuclear Safety Act 1998 to be transitioned to Australian naval nuclear power safety licences on commencement of the regulatory regime established by the Australian Naval Nuclear Power Safety Bill 2023.

DCCEEW is responsible for administering the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act) which provides a legal framework to protect and manage Australia's unique plants, animals, habitats and places. This includes protection in relation to matters of national environmental significance, which includes listed threatened species, Commonwealth marine areas, wetlands of international importance, migratory species and nuclear actions. The EPBC Act also provides protection for the environment when actions are taken on Commonwealth land, or by the Commonwealth (or Commonwealth agency).

The Bills do not affect the application or operation of the EPBC Act. The licence holder, regulator and regulated activities will not be exempt from the requirements of the EPBC Act. The Bills also will not prevent authorised officers under the EPBC Act from entering designated zones in the performance of their powers, functions or duties to the extent that such actions are permitted under the EPBC Act.

A person must not take an action that has, will have or is likely to have a significant impact on matters of national environmental significance (or other matters protected by Part 3) without approval from the Minister for the Environment and Water. Such actions need to be referred, assessed, and approved before they can proceed. The requirements under Parts 7 to 9 of the EPBC Act remain unaffected by the Bills.

DCCEEW.gov.au

John Gorton Building, King Edward Terrace, Parkes ACT 2600 Australia
GPO Box 3090 Canberra ACT 2601 ABN: 63 573 932 849

The new regulator may consult or cooperate with other regulators (including DCCEEW) if it is necessary for, or conducive to, the performance of the other regulator's functions.

DCCEEW was consulted on the proposed legislation and supports its passage.

Yours sincerely

Rachel Parry

Deputy Secretary

31 January 2024