Independent and Peaceful Australia Network Inc. (IPAN)

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Submission on the Draft Australian Radioactive Waste Management Framework

Submitted to: Australian Government Department of Industry, Science and Resources

Submitted by: The Independent and Peaceful Australia Network Inc. (IPAN)

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About IPAN

The Independent and Peaceful Australia Network (IPAN) is a national grassroots network of community, faith and peace groups, trade unions, and concerned individuals aiming to build public dialogue and pressure for change to a truly independent foreign policy for Australia. IPAN's vision is an independent and peaceful Australia, free of foreign military bases and free of interventions by foreign governments, corporations, or vested interests that would diminish Australia's sovereignty.

Summary

IPAN welcomes the opportunity to comment on the draft Australian Radioactive Waste Management Framework, ('the draft Framework'). The Government describes the draft Framework as part of its commitment to 'protect people, places and the environment over the long term'. In this submission, IPAN measures the Government's stated commitment against what the draft Framework actually provides, arguing that it must identify the risks to people, places and the environment, and set out enforceable, transparent protections that will address them.

IPAN recognises that radioactive waste already exists from medical, research, industrial and defence activities, and that some of those activities provide important benefits. The draft usefully describes the waste hierarchy, the lifecycle of radioactive waste, the need to maintain safe interim storage, the responsibilities of key agencies, and the importance of engagement and First Nations rights. It also acknowledges that Australia stores waste at over one hundred locations and that current storage arrangements are not a permanent solution. [1]

However, the draft Framework remains too high-level as a document in its current form; it must translate its principles into clear, detailed and enforceable commitments. The draft Framework, for example, does not explain in sufficient detail how waste generation will be prevented and reduced. It does not set out the waste streams, quantities, timeframes and liabilities that the national approach must plan for. It also leaves unresolved the full lifecycle of the Australia–United Kingdom–United States (AUKUS) submarine waste stream; the exclusion of foreign-origin waste; the need for limits on private-sector control; the practical effect of First Nations rights, community participation and legal protections; and the assessment of human-rights impacts. Nothing can be left to chance - the stakes are far too high.

This submission responds to the consultation's broad questions about the draft Framework's purpose and direction, information needs, useful sections and gaps or ambiguities. IPAN recommends that the Government strengthen the final Framework by using its own commitments to transparency, trust, respect and long-term protection as the standard. [2]

For the avoidance of doubt, nothing in this submission should be taken as support for AUKUS, nuclear-powered submarines or the development of a nuclear industry in Australia. IPAN opposes these developments. The recommendations that follow do not endorse them; they set out the minimum safeguards IPAN considers necessary to reduce harm should any of them nevertheless proceed.

1. Purpose, direction and scope

The Government's stated purpose is clear and significant: radioactive waste must be managed safely and securely, protecting people and the environment for current and future generations. The draft Framework's discussion of waste types, the waste hierarchy, interim storage, disposal pathways and agency responsibilities provide a useful foundation. The draft Framework also appropriately recognises that technical safety alone is not enough: trust, meaningful engagement and respect for communities' social, cultural and economic wellbeing are also of significant importance. [1]

IPAN, however, is concerned that these commitments are described as objectives, while many of the actions that would make them real remain future work. The draft Framework says that further decisions will be made about disposal pathways, facility types and siting approaches, and that legislation may later be updated. We believe, however, that the final Framework must state the principles and protections that will govern those decisions, what information will be made public, and how affected people and communities can influence outcomes before decisions are settled.

The scope of the draft Framework applies to current and future Commonwealth waste, but also recognises that Commonwealth facilities may provide pathways for other Australian waste holders in the future – and refers to emerging private-sector services and AUKUS-related waste. It is imperative that the Government lays out now exactly which waste streams are included, which are excluded, and what legal and policy safeguards prevent the scope from expanding without public scrutiny.

2. Information needed about waste, storage and disposal

While, the Framework outlines how radioactive waste is categorised and managed, including the distinction between storage and long-term disposal [1], to enable informed public participation the final draft Framework must provide or commit to publishing a more complete account of the waste that Australia must manage to enable the public and affected communities and the broader public information now.

To support informed public participation, the final Framework must commit to an accessible, regularly updated national inventory covering waste types and origins, quantities and uncertainties, storage arrangements, future waste streams, hazard periods, and associated costs and liabilities.

While the draft Framework proposes three-year updates and early clarity on waste intended for any future facility, it must also explain what information will be made public, how sensitive details will be handled without obscuring safety information, and how communities can scrutinise planning assumptions [1].IPAN considers it essential that the Government clearly distinguish interim storage from permanent disposal in plain language accessible to non-specialist readers, and explain how long any interim storage is intended to last and what limits will apply.

The draft Framework currently refers to interim storage and permanent disposal in broad, technical terms, but does not explain the practical difference clearly enough for a general public audience. The draft Framework describes interim storage as an arrangement requiring continuing monitoring, maintenance and human intervention, which implies that waste remains in a managed facility for a period while a longer-term solution is developed, but does not clearly state:

- how long "interim" may last;
- whether there is a maximum duration;
- what standards apply if interim storage continues for decades;
- what happens when a storage facility reaches the end of its design life; or
- who remains responsible if the proposed disposal pathway is delayed or abandoned.

It describes disposal as a longer-term pathway intended to isolate radioactive waste from people and the environment. But it does not sufficiently explain:

- what 'permanent' means in practice;
- whether permanent disposal means that waste is never retrieved;
- what type of facility or geological setting is contemplated for different waste classes;
- how long the facility must remain safe;
- who monitors it after closure;

The final Framework must explain what happens if a disposal pathway is delayed, a proposed facility does not proceed, or storage infrastructure reaches the end of its design life. Critical to this is that the Government be required by legislation to identify and clearly spell out who will remain responsible under these circumstances and that those deemed responsible will be required to fund safe management over time.

The final Framework must make safe and secure management of all existing radioactive waste a national priority. It must include clear responsibilities, funding and public reporting for interim storage and the remediation of contaminated sites. [19]

The final Framework must not assume that future storage or disposal capacity will become available when new waste-generating activities are approved. Before such activities proceed, the Government must identify an appropriate pathway for the resulting waste and publish evidence of sufficient capacity, the necessary regulatory approvals, an adequate and current safety case, appropriate facility design life, monitoring and surveillance arrangements, secured funding, clear legal responsibility, and contingency arrangements if the proposed facility is delayed or does not proceed.

The safety case must address the facility's siting, design, construction, operation, transport arrangements, emergency planning, decommissioning, closure and post-closure impacts. These matters must be independently reviewed, with the relevant information made publicly available in accessible form, subject only to narrowly defined security limits. If these requirements cannot be demonstrated, the activity must not proceed. [13] [14] [19]

The AUKUS Inquiry report makes this a practical rather than a theoretical concern. It records that the AUKUS Inquiry considered a new permanent high-level waste repository infeasible within the required timeframe, and that Australia has gone more than thirty years without establishing a national low and intermediate-level facility. It also records a consistent view which was put to the AUKUS Inquiry that AUKUS should not proceed until a safe and affordable method of managing and storing high-level waste is assured, noting that the United States and the United Kingdom have not resolved the problem after decades. [21]

The AUKUS Inquiry report also identifies a gap in the published cost estimate. It states that the $368 billion figure for the submarine program does not include permanent long-term storage and management of high-level waste, and cites an estimate of at least $180 billion for that task. [21] The final Framework must require costs of that kind to be identified, attributed and funded rather than left outside the published cost of the activity that produces the waste.

3. Prevention, minimisation and defence-related waste

IPAN acknowledges the draft Framework's adoption of the waste hierarchy, which places prevention and minimisation ahead of reuse, recycling and disposal. IPAN supports the tenet of the draft that says the most effective way to manage radioactive waste is to avoid generating it, and that unavoidable waste must be minimised. Those principles must guide decisions about future activities and not merely describe how waste is treated after it has been produced. [1]

The draft however, does not apply the waste hierarchy principles that way. It describes the waste hierarchy as 'the theoretical framework underpinning radioactive waste management', and describes the waste lifecycle as reflecting 'how radioactive waste is currently managed in practice'. Because 'waste already exists', the lifecycle is presented as a description of the end-to-end process from generation to disposal. The hierarchy is therefore applied to waste that is already on hand, rather than to the decisions that create it.

There is no process within the draft that requires a person or agency to apply the hierarchy before waste is created. There is no assessment at the point where an activity, a facility or an acquisition is approved. The draft instead asserts that 'waste holders are actively taking steps to apply the hierarchy in practice', without a baseline, target, indicator or report against which that claim could be tested. Its account of the national nuclear decommissioning policy follows the same pattern: it states that the Australian Radioactive Waste Agency (ARWA) policy 'will consider the benefits of minimising waste generation', which is a consideration to be weighed rather than an obligation to be met. The definition of prevention is likewise confined to planning, design, process optimisation and alternative materials, each of which operates after a decision to proceed has been made.

Defence-related waste is where this gap matters most, because the submarine program will produce the first high-level radioactive waste Australia has ever held, and it was authorised without a published assessment of whether that waste could be avoided or minimised.

The final Framework must explain how these future defence waste streams fit with the Government's commitment to prevent and minimise waste. It must identify what is known, what remains uncertain, the types and volumes of waste expected at each lifecycle stage, the interim arrangements, and the disposal pathway and funding assumptions. It must also explain what independent review and public reporting will occur before additional waste-generating activities or facilities are approved.

The AUKUS Inquiry report puts the scale of the problem beyond doubt. It states that the submarines will produce high-level weapons-grade waste requiring safe underground storage for tens of thousands of years, and that Australia has no plan or facility for the task. [21]

IPAN's August 2026 submission to the Parliamentary Joint Committee on Defence raised concerns about AUKUS-related radioactive waste, including the lack of a publicly established long-term pathway, proposed storage of operational waste, and reliance on future facilities that have yet to be determined. These concerns are relevant to the national radioactive-waste Framework, which must explain how waste will be managed across its full lifecycle and how associated risks and liabilities will be addressed. [8]

The final Framework must clearly identify who is responsible for policy and waste-management decisions, who generates and manages the waste, and which bodies regulate nuclear safety, radiation protection, environmental impacts and safeguards. It must explain how the roles of ARWA, the Department of Industry, Science and Resources (DISR), Defence, the Australian Submarine Agency (ASA), the Australian Naval Nuclear Power Safety Regulator (ANNPSR), the Australian Radiation Protection and Nuclear Safety Agency (ARPANSA) and other relevant Commonwealth, state and territory regulators fit together.

It must identify who is accountable for each decision, how overlaps or gaps will be resolved, and who retains legal and financial responsibility when functions are divided among agencies, contractors, waste holders and project proponents. The decision whether to accept foreign-origin radioactive waste must also be distinguished from the safety regulation of any activity involving that waste.

IPAN's September 2026 submission to the AUKUS Public Inquiry makes the point that Article IV(D) of the Agreement among the Government of Australia, the Government of the United Kingdom of Great Britain and Northern Ireland, and the Government of the United States of America for Cooperation Related to Naval Nuclear Propulsion (ANNPA) makes Australia responsible for the management, disposition, storage and disposal of spent nuclear fuel and radioactive waste resulting from transferred naval nuclear propulsion plants, including waste associated with operation, maintenance, decommissioning and disposal. The same submission notes that the Agreement also places substantial nuclear-risk liability on Australia. These legal and financial responsibilities must be stated plainly in the radioactive-waste Framework, with the assumptions, limits and funding arrangements open to public scrutiny. [3] [9]

The obligations discussed here concern the nuclear propulsion plants in the submarines Australia is expected to acquire: Virginia-class submarines to be transferred from the United States, and the SSN-AUKUS submarines (nuclear-powered attack submarines) to be built at Osborne. [25] The draft Framework summarises the obligation as applying to waste 'resulting from the operation of our nuclear-powered submarines', while Article IV(D) is explicit that it extends to waste 'generated through submarine operations, maintenance, decommissioning, and disposal'. [3] [22] Maintenance is the category that arises on Australian soil, including at facilities used by foreign submarines, and it is the category the draft says least about. [22] [24]

Australia is not accepting spent nuclear fuel or reactors from the United States or the United Kingdom, with the exception of 'propulsion plants transferred to Australia' with the planned acquisition of US-origin Virginia-class submarines. Section 8A of the Australian Naval Nuclear Power Safety Act 2024 prohibits the storage or disposal in Australia of spent nuclear fuel that is not from an Australian submarine, as the Joint Standing Committee on Treaties recorded in its report on ANNPA. [22] The draft's own appendix records that the Geelong Treaty of 2025 'codifies that Australia will not manage, store or dispose of any spent nuclear fuel from United Kingdom SSNs'. [1] The Australian Submarine Agency states that Australia 'will not process spent nuclear fuel or reactors from the US, UK or other countries'. [23]

In addition, IPAN's 2024 submission to the In 2024, the Independent and Peaceful Australia Network (IPAN) made a submission to the Joint Standing Committee on Treaties (JSCOT) concerning the Agreement among the Government of Australia, the Government of the United Kingdom of Great Britain and Northern Ireland, and the Government of the United States of America for Cooperation Related to Naval Nuclear Propulsion (the AUKUS Naval Nuclear Propulsion Agreement). This JSCOT made the practical point that allocating responsibility to Australia in an international agreement does not itself establish a safe domestic pathway. The final Framework must require evidence of storage, monitoring, disposal and funding capacity before a future facility is relied upon. [13]

The final Framework must name these activities, state what waste they may generate, and commit to public and parliamentary scrutiny of their safety, waste and long-term liability implications.At present it establishes no parliamentary reporting or scrutiny mechanism of any kind. Transparency appears in the draft as a principle of engagement and information-sharing, never as a requirement for public reporting or parliamentary oversight.

The final Framework must also make it explicitly clear that, in addition to the spent nuclear fuel and reactors noted above, Australia will not accept radioactive waste from other countries, including spent nuclear fuel from US or UK submarines. It must explain how section 8A of the Australian Naval Nuclear Power Safety Act 2024 applies to spent nuclear fuel that is not from an Australian submarine and must clarify the legal treatment of other foreign-origin submarine waste and components. The Framework must not leave readers to infer whether those other materials are covered. [4] [8]

IPAN's 2024 submission on the Australian Naval Nuclear Power Safety Bill also raised concerns that the Bill's definition of an AUKUS submarine, now in the Australian Naval Nuclear Power Safety Act 2024, could allow material or equipment from United States or United Kingdom submarines to be brought into Australia for maintenance, storage or disposal.[11] The final Framework must address that broader concern expressly, including contaminated components and operational waste—not only spent nuclear fuel.

Given that the danger of exposure is real at the lower end of the waste stream, IPAN expresses grave concern that the draft Framework is silent on this matter. On 17 July 2024, ARPANSA issued a siting licence to the Australian Submarine Agency for a Controlled Industrial Facility at His Majesty's Australian Ship (HMAS) Stirling that 'will provide low-level waste management and maintenance services to support the Submarine Rotational Force – West program'. [6] [24] The submarines that will use that base are United States Navy Virginia-class and Royal Navy Astute-class submarines. ARPANSA received 165 submissions on the application. [6] [24]

The draft Framework's account of submarine waste is framed around Australia's own submarines: what the Australian Submarine Agency will store and manage, and what Australia will do at decommissioning. It does not state what waste from foreign submarines will be managed or stored in Australia, at what quantities and activity levels, for how long, or on what cost-sharing basis.

IPAN urges the Department to clarify in the final Framework the current licensing status of the Controlled Industrial Facility (CIF) at Stirling, including which regulator now has jurisdiction over the facility and what categories of waste its licences permit. We understand that ARPANSA granted the siting and construction licences, which transferred to the Australian Naval Nuclear Power Safety Regulator (ANNPSR) when the new regulatory arrangements commenced on 1 November 2025. The ASA has yet to apply for an operational licence, which is expected to follow a facility "walk-through" that is not anticipated before September 2027. We also understand that the CIF is licensed for low-level waste only. The Framework should clarify whether, and under what authority, any intermediate-level waste or contamination could be managed at the facility.

In addition, IPAN urges the Department to clarify in the final Framework what categories and quantities of waste Australia will accept from US and UK submarines, and under what financial arrangement. Neither question is answered in the draft, and both bear on whether the commitment to protect people, places and the environment can be tested against anything.

It is important to note that IPAN's concerns about AUKUS go far deeper than AUKUS-related radioactive waste, which is but one of a myriad of concerns - as outlined below. IPAN's fundamental concerns are that AUKUS may weaken rather than strengthen Australia's security by increasing dependence on the United States and United Kingdom, limiting Australian sovereignty and potentially drawing the country into conflicts shaped by other nations' priorities. It also objects to the submarine program's very high and uncertain long-term costs, reliance on overseas technology and approvals, and the diversion of public resources from issues such as climate change, housing, healthcare and education.

IPAN is also concerned that AUKUS facilities and deeper military integration could heighten the risk of crisis escalation while reducing Australia's practical control over how its territory is used. It points to potential environmental, radioactive-waste, regulatory and community impacts, and calls for greater transparency, scrutiny and parliamentary inquiry. IPAN argues that diplomacy, regional cooperation, peacebuilding and a more self-reliant, non-aligned approach would better serve Australia's security. [9]

Ultimately, IPAN believes the only way to avoid the concerns about AUKUS waste is through the cancellation of the AUKUS submarine deal.

4. First Nations rights, communities and social licence

The draft's recognition of First Nations peoples' rights, self-determination, connection to Country, and the objective of free, prior and informed consent (FPIC) is welcome. In addition we are pleased that the final Framework also recognises that past and current disposal programs must be examined for historical injustice. [1] These principles, however, must be central to the final Framework, not confined to a discussion of future site selection, as is the case at the moment - see pp. 20–22 of Draft Framework. [1]

While the draft Framework refers to "social licence" and says any future disposal site will require broad community support, including from First Nations peoples, rights holders and Traditional Custodians, it must clarify how that support will be established and how it differs from consultation. The process must guard against treating consultation, or selectively expressed views, as evidence of genuine community support. It must explain how disagreement within communities will be recognised and how decision-making will avoid privileging some voices or deepening divisions in ways that could create an appearance of consensus.

IPAN considers that meaningful participation must begin early, be properly resourced and culturally informed, and give affected First Nations peoples genuine decision-making power, including the ability to withhold consent where their rights, lands, waters, heritage or culture are affected. It is also very important that engagement not be treated as a substitute for consent or for legal rights and protections.

IPAN's November 2025 submission to the Australian National University (ANU) National Security College Community Consultation similarly warned that communities could face the prospect of living and working in nuclear-affected areas without adequate consultation. The radioactive-waste Framework must therefore require early public and parliamentary scrutiny of the risks, safeguards and long-term responsibilities associated with any such activities, and ensure that consultation will never be treated as a process that follows settled commitments. [10]

The final Framework must set out the practical process: who is consulted; when engagement begins; what independent technical and legal advice and capacity support are available; how information is provided in accessible formats and relevant languages; how differing views are recorded; and how feedback will be incorporated to ensure that decisions are changed. It must make clear that any benefit-sharing proposal cannot replace consent, safety, or respect for rights. On no account, should any benefit-sharing proposal replace Free Prior and Informed Consent, safety or respect for rights as outlined in the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP).

Free, prior and informed consent must apply throughout the entire waste lifecycle, not only during site selection. The Framework must provide ongoing decision-making roles and address continued access to Country with affected First Nations rights holders. [7]

The final Framework must also specify that eligibility for consultation, decision-making and any measure of community support cannot be limited by land tenure, residency, electoral or local-government criteria in a way that excludes Native Title holders, Traditional Owners or other cultural rights holders. IPAN's 2023 submission recorded Barngarla concerns about exclusion from the Kimba process. The final Framework must expressly guard against comparable exclusion. [12]

The draft Framework itself acknowledges that earlier Australian radioactive-waste programs have faced public opposition, legal challenges and disputes about whether affected communities were properly recognised and included. The history of proposed sites—including Woomera, Muckaty, the Flinders Ranges and Kimba—is therefore not mere background; this information demonstrates the consequences of processes that communities perceive as imposed or predetermined.

The Barngarla experience during the Kimba process is particularly important. That process raised concerns about whether Traditional Owners and Native Title holders could be excluded from meaningful participation because of the way the Government defined the relevant community or eligibility to take part. The final Framework must address that history directly. It must demonstrate a genuine break from past practice by specifying who has rights to participate and give or withhold consent, how First Nations authority and connection to Country will be recognised, and how disagreements about representation or community support will be resolved. The Government's commitments to transparency, trust and respect must be expressed in protocols that are capable of being tested in practice, rather than left as general statements of principle. [1] [5] [12]

'The National Radioactive Waste Management Act 2012 (Cth)'. Section 22 establishes the Regional Consultative Committee, and section 5 concerns nomination by a Land Council.

IPAN wishes to make clear that the Act's consultation architecture is thin. A Land Council is no longer able to nominate land (this provision was removed in 2014). A regional consultative committee is established under section 22 to facilitate communication - but these consultative committees only exists after a site has already been selected, irrelevant to consultation (s 22).

Nothing in those provisions makes the consent of the Traditional Owners of the selected land a precondition of selection, and nothing requires the Minister to record, or to be bound by, opposition from the community that would host a facility. Support from one group can be treated as support from all. [20]

The AUKUS Inquiry report adds a further dimension. It records concern about potential waste storage on First Nations lands, notes that the Government has made no commitment to free, prior and informed consent for AUKUS waste, and quotes Traditional Owners linking their concerns to the legacy of nuclear testing. [21] A draft Framework that claims to honour free, prior and informed consent cannot leave open the possibility that AUKUS waste is stored on Country without that principle being observed.

5. Roles, regulation and private-sector involvement

While the draft Framework clearly explains the roles of waste holders, the ARPANSA, the Australian Safeguards and Non-Proliferation Office (ASNO), environmental regulators, states and territories, and ARWA. However, the final Framework must make accountability easier to follow. It must identify which agency is responsible for each decision, who monitors compliance, how incidents and non-compliance are reported, and who retains responsibility if a contractor or waste holder fails. [1]

The draft describes ARWA as a division within the Department of Industry, Science and Resources, with policy and implementation functions. It also says an effective national waste management organisation must have a clear mandate and be separate from the interests of waste producers and operators. The final Framework must explain how ARWA's functions, oversight and decision-making are sufficiently independent from these waste-generating agencies and project proponents to avoid actual or perceived conflicts of interest. [1]

The draft describes each regulator as independent, but it does not explain how that independence is secured for a program operated within the Defence portfolio, and it imposes no disclosure obligation on operators or licensees. IPAN's 2024 submission further emphasised that nuclear-safety regulation must be functionally independent from Defence, operators and departments responsible for purchasing or operating the program. In that submission, IPAN also called for operators and licensees to publish information about safety management, discharges, emissions, incidents, near misses and abnormal occurrences. Any decision to withhold information on security grounds must be subject to independent review and appeal, so that security is narrowly defined and is not used to keep relevant material from the public. [11]

The AUKUS Inquiry report gives that concern a concrete form. It records that the Australian Naval Nuclear Power Safety Regulator is responsible for safety incidents and radioactive-waste regulation, and that its reporting to the Minister for Defence compromises its independence. [21] The draft does not address the point. The final Framework must state how the regulator's independence is secured, including its reporting lines, appointment and removal arrangements, and any ministerial direction powers.

The draft records that private-sector entities already deliver some radioactive waste services, including transport, characterisation and disposal, and that ARWA is assessing whether industry could support or participate in waste

management. [1] IPAN considers that the final Framework must, as a matter of urgency, confine private involvement to technical advice and support under strong public oversight. Publicly accountable government agencies, operating on full disclosure, must be the default for contracting on nuclear waste. For-profit entities must not own or control radioactive waste or long-term storage and disposal facilities.

The Government must retain ultimate responsibility for radioactive-waste decisions and clearly identify the government entity or decision-maker accountable for each decision. The final Framework must also provide for transparent procurement, independent auditing and review, and meaningful representation of affected communities, First Nations rights holders and Traditional Custodians. It must establish a timely, transparent process for review or appeal, ensure public access to relevant safety information, and set out financial assurance and clear arrangements for liability and remediation. Commercial-in-confidence claims must not be used to withhold information needed for independent assessment, public participation or accountability. [12]

6. Environmental, legal and intergovernmental protections

The Government's purported intention in the draft Framework is to protect people, places and the environment over the long term. To meet that commitment, the final Framework must explain how environmental assessment, monitoring, emergency planning, transport safety, incident reporting and remediation will work across the full waste lifecycle, including for activities linked to defence and AUKUS.

The final Framework must stipulate exactly how cumulative impacts on communities, Country, waterways and marine environments will be identified, assessed and addressed across connected activities, facilities, transport routes and waste-management stages. It must specify the methodology, decision-making criteria, review process and responsibilities of each relevant committee, agency and regulator, including their membership, expertise, independence and reporting obligations. It must also explain how First Nations knowledge and community concerns will be incorporated into cumulative-impact assessments. Independent environmental and safety regulators must, as a matter of course and without waiting for approval from a proponent or another agency, have immediate access to all information required to perform their statutory roles, including information held by waste producers, Defence, ARWA, contractors and project proponents. They must also have the legal authority, resources and enforcement powers necessary to obtain further information, require corrective action, suspend or refuse approval, and report non-compliance publicly, subject only to narrowly defined security limits. [1] [8]

The final Framework must require a documented safety case, long-term monitoring arrangements, and contingency plans for foreseeable storage and disposal failures. These requirements must be assessed before a new waste-generating activity or facility is approved. [12] [14]

Emergency arrangements must be independently reviewed by a tribunal open to the public and to public scrutiny generally, tested through training and exercises, and published in accessible form for affected communities and relevant responders. These emergency arrangements must identify alerting, protective actions, evacuation, medical care and decontamination arrangements. Security-sensitive limits must be narrowly defined and must not withhold information necessary to protect people - and must be appealable to an independent tribunal or similar. [17] [18]

Baseline environmental and radiological data must be collected before any waste-related activity begins. Monitoring must cover terrestrial, marine, surface-water and groundwater environments, as applicable. It must identify pre-existing contamination, be independently verifiable and be published at regular intervals. First Nations knowledge holders must be resourced to participate in the design and interpretation of water, groundwater, heritage and ecological assessments. [15]

The assessment process must consider connected works, support facilities, transport, storage and disposal together. It must not treat individual elements as isolated activities where their combined effects may be material. [16]

The draft Framework lists Commonwealth laws and says state and territory laws may also apply. It also anticipates that legislative updates may be needed to enable future disposal facilities. This is an important area of potential ambiguity. The final Framework must have safeguards within it, stating clearly that it does not itself displace environmental protections, the Native Title Act, Aboriginal and Torres Strait Islander heritage protections, protections under the Racial Discrimination Act, or state and territory laws and safeguards, and that no measure taken under it may operate inconsistently with the Racial Discrimination Act 1975.

Any proposed legislative change must be disclosed, assessed transparently, and subject to public scrutiny and meaningful participation before it is pursued. Where legal change is proposed, it must strengthen rather than override or extinguish these protections.

Appendix B of the draft Framework states that 'The NRWM Act is subject to the EPBC Act'. [1] The National Radioactive Waste Management Act 2012 (NRWM Act) says otherwise: section 13(1) provides that the Environment Protection and Biodiversity Conservation Act 1999 (EPBC Act) and the Aboriginal and Torres Strait Islander Heritage Protection Act 1984 have no effect to the extent that they would regulate, hinder or prevent the doing of a thing authorised by section 11, which authorises site investigation and related activities during site selection. Section 12 does the same for State and Territory laws relating to land use, environmental consequences, archaeological or heritage values, controlled material and licensing, while section 24 applies that displacement to activities at the selected site. [20]

Section 19 provides for the acquisition or extinguishment of rights and interests. Section 20 provides that Section 19 has effect despite any other law of the Commonwealth, a State or a Territory. The Commonwealth laws it names include the Lands Acquisition Act 1989 and the Native Title Act 1993. Sections 12(2), 12(3) and 13(2) go further. They empower regulations to disapply other State, Territory or Commonwealth laws. [20] The protection the Act expressly preserves is narrow. Section 14(6) provides that the Minister's declaration has effect subject to section 9 of the Racial Discrimination Act 1975. That protection applies to the declaration. It does not extend to the conduct of activities at the selected site.

The effect is that the laws displaced in this way do not apply to the selection of a radioactive waste facility. They would otherwise test a site for environmental harm, protect cultural heritage and require native title processes. A draft Framework that describes itself as protecting people, places and the environment should say so plainly. It must not tell readers that the Act is subject to a law that the Act itself says does not apply.

The AUKUS Inquiry report raises a related siting problem. It argues that the Government had not identified the proposed Defence-land storage location for submarine waste or consulted the communities affected by it, and that the National Radioactive Waste Management Act 2012 was among the matters the Inquiry examined. [21] A draft Framework that is silent on where waste will be stored, and on which laws would govern the choice, does not give communities the information they need to take part in the decision.

IPAN further recommends repeal or substantial overhaul of the National Radioactive Waste Management Act 2012, so that First Nations rights, community participation and environmental protection are at the centre of any future radioactive-waste approach.

Any statement that a proposed policy, facility, legislative change or waste-management activity is compatible with human rights must be supported by a completely independent assessment - published in full, with no redactions. That assessment must identify the rights engaged, the evidence considered, potential impacts, safeguards and review mechanisms. A bare assertion of compatibility is not adequate for decisions with potentially long-term consequences for people, communities and Country. [12]

The draft Framework recognises that states and territories have their own responsibilities and that successful long-term solutions require collaboration. It must explain how the Commonwealth will work with jurisdictions where laws or community preferences differ, and confirm that national coordination will not be used to override protections or impose facilities on unwilling communities.

The IPAN AUKUS public-inquiry submission also calls for no further approval, construction, operation or commitment at HMAS Stirling or Henderson without a full, transparent and cumulative environmental assessment of interconnected developments, including nuclear-support activities, waste management, port and dry-dock infrastructure, operations, and effects on communities and waters. IPAN in that submission called for independently verifiable public disclosure of environmental harms, risks, monitoring results and long-term liabilities. The final Framework must adopt these requirements as minimum conditions for any defence-related waste-generating activity or facility, while making clear that disclosure is not a substitute for lawful approval, independent assessment or community and First Nations rights. [9]

7. Responses to the consultation's guiding questions

How clear are the purpose and direction?

The document has captured much of the relevant discourse and expresses many of the right principles. The broad purpose is clear: the safe, secure and sustainable management of radioactive waste to protect people and the environment for current and future generations. The direction towards interim stewardship and permanent disposal is also understandable at a general level.

However, the absence of concrete statements about accountability, responsibility, oversight, timeframes and consequences makes it difficult to be convinced that the Government's stated intentions will be implemented in practice. This is particularly significant given the historical record of contested and unsuccessful radioactive-waste programs discussed above.

It remains unclear how the principles set out in the draft Framework will bind decisions, prevent and minimise waste generation, govern AUKUS-related and foreign-origin waste, and protect legal, environmental, First Nations and community rights. The final Framework must therefore move beyond capturing the appropriate discourse and establish enforceable requirements, clear decision-making responsibilities and independent review mechanisms.

Is more information needed about storage and the need for disposal?

Yes. The final Framework must provide publicly accessible detail - any member of the Australian public must be able to locate this information, without difficulty - on the national inventory, waste streams and uncertainty ranges, storage duration and limits, future defence-related waste, costs and liabilities, contingency plans, and the criteria used to determine which waste requires which disposal pathway. In this content, the document must unambiguously explain in language that can be interpreted by members of the public - and not provided in a density of detail that only the specialist can access - what protections apply if disposal is delayed and how long-term oversight will be financed.

Which parts are most useful?

Discursively, the document is not without value, in that it provides some insight into the Government's purported position on matters such as the waste hierarchy, the distinction between interim storage and disposal, and a lifecycle approach to radioactive-waste management. However, statements concerning these matters, First Nations rights, the history of past programs, and early, inclusive engagement will have practical value only if they are strengthened by clear standards, defined timeframes, independent oversight, transparent public-reporting requirements consistent with free, prior and informed consent, and clear statements of accountability. This last requirement is imperative.

The final Framework must identify where ultimate responsibility for decision-making lies, which body is responsible for monitoring compliance, how independent oversight will operate, and who remains legally and financially responsible if a waste holder, operator or contractor fails. The multiplicity of agencies and regulatory bodies involved makes this difficult, and potentially impossible, unless their respective powers, responsibilities and reporting relationships are clearly defined and capable of constraining government decision-making. IPAN's identification of these matters are not to be understood as an endorsement of the draft Framework or of the Government's stated policy direction.

Are there gaps or ambiguities?

IPAN's concerns are not limited to gaps or ambiguities in the draft Framework. IPAN opposes Australia accepting radioactive waste generated by foreign activities, including waste from US or UK nuclear-powered submarines. The final Framework must expressly rule out accepting such waste—not merely clarify how it might be managed. Separately, it lacks an explicit waste-prevention and minimisation program; sufficient detail on AUKUS waste and long-term pathways; clarity about private-sector ownership, control and liability; an adequate account of how ARWA's independence will be assured; and an operational explanation of how Free, Prior and Informed Consent and community rights will affect decisions. It also provides insufficient assurance that environmental, heritage, Native Title, and state and territory protections will not be displaced.

8. Recommendations

IPAN recommends that the Australian Government revise the Framework to and reiterates that **nothing in these recommendations should be understood as support for AUKUS, nuclear-powered submarines or the development of a nuclear industry in Australia.**

National Purpose, Waste Reduction and Existing Waste

1. Protect people, places and the environment

Make this the governing test for every radioactive-waste decision, supported by measurable safeguards, public reporting and clear accountability. This must include independent review [e.g. an independent tribunal process] that sits outside the portfolio of the minister responsible. Where information is withheld on security grounds, that decision must be reviewable by an independent reviewer holding the necessary clearance, with a statutory duty to give reasons and publication of unclassified reasons. Because an appeal right requires legislation, the Framework must record the Government's commitment to legislate it.

2. Prevent and minimise waste

Establish an explicit national program to prevent and minimise the generation of radioactive waste across all current and future waste-generating activities, including medical, research, industrial and defence activities. The program must require waste prevention to be considered at the design, procurement, approval and operational stages of each activity; identify practicable measures to avoid, reduce, reuse or recycle materials where this can be done safely; and set transparent targets, responsibilities, progress measures and regular public reporting. It must also identify which waste streams cannot be avoided, the reasons why, their expected quantities and hazards, and the measures that will be taken to reduce their duration, volume and long-term risks. No new waste-generating activity should be approved without showing how it will contribute to the program and how its radioactive waste will be safely managed over its full lifecycle.

The program must state which body or which entity (e.g. the Minister) bears the full lifecycle cost of managing, storing and disposing of each waste stream, and require that cost to be reported separately from the cost of the activity that produced the waste.

Note: This recommendation does not imply support for AUKUS, nuclear-powered submarines or the development of a nuclear industry in Australia. It requires the Government to apply prevention and minimisation standards to activities it is pursuing or proposing, while recognising that the safest radioactive waste is waste that is never generated.

3. Maintain a comprehensive national waste inventory

Publish and maintain a comprehensive, accessible and regularly updated national inventory of radioactive waste. The inventory must identify the waste's origin, classification, quantity, uncertainty ranges, current storage arrangements, projected future waste streams, costs, liabilities and lifecycle assumptions. It must include any radioactive waste that the Government proposes or permits to arise from AUKUS-related activities, without implying IPAN's support for those activities. Any withholding of information on security grounds must be limited to narrowly defined and demonstrable security needs, with the reasons for withholding information publicly explained and essential safety information disclosed.

4. Prioritise existing waste and contaminated sites

Make safe and secure management of existing radioactive waste a national priority, with clear responsibilities, funding and public reporting for interim storage and site remediation. [19]

5. Establish a disposal pathway and fund it before waste is generated

Set out a staged pathway to disposal for intermediate-level and high-level waste, with dated milestones, published site selection criteria, and a siting process that requires the consent of the host community. Require the full lifecycle cost of storage, management and disposal to be identified and funded as waste is generated, rather than deferred to future budgets. Report publicly each year on progress against the milestones and on the funding position. The pathway must state how communities and First Nations peoples will be engaged, consistent with the United Nations Declaration on the Rights of Indigenous Peoples, which the draft records that Australia has endorsed.

AUKUS and Foreign-Origin Radioactive Waste

6. Clarify the AUKUS waste lifecycle

Without endorsing AUKUS or the acquisition or operation of nuclear-powered submarines, require the Government to publish a full account of the proposed lifecycle pathway for any radioactive waste that could arise from submarine construction, operation, maintenance and decommissioning. This must identify the waste streams, storage arrangements, spent nuclear fuel arrangements, timing, funding, legal responsibilities, contingency plans and independent oversight. The Government must not proceed on the assumption that an appropriate storage or disposal pathway will be established in the future.

7. Exclude international radioactive waste

Explicitly rule out accepting both overseas radioactive waste, including spent nuclear fuel from United States and United Kingdom submarines, and other foreign-origin submarine waste and components.

8. Require cumulative assessment of AUKUS-related activities

Conduct a full, transparent cumulative environmental assessment prior to issuing any approvals or commitments for connected nuclear-support infrastructure and radioactive-waste activities. This must consider communities, Country, waters, transport, storage and disposal together. [9] [16]

9. Disclose AUKUS-related risks and liabilities

Require the Government to publish independently verifiable information about the environmental harms, risks, monitoring results, long-term liabilities, and legal and financial responsibilities associated with AUKUS-related nuclear-support activities and radioactive waste. Disclosure must include uncertainty, known information gaps and the consequences of failure, delay or accident, subject only to narrowly defined security limits. Public disclosure must not be treated as evidence that these activities are safe or acceptable, nor as a substitute for independent environmental and safety assessment, lawful approval, parliamentary scrutiny, or the rights and consent of affected communities and First Nations peoples. [9]

First Nations Rights, Country and Legal Protections

10. Require free, prior and informed consent

Make free, prior and informed consent a genuine decision-making requirement for matters affecting First Nations peoples, Country, waters, heritage or culture. This must include the right to withhold consent, independent support and early participation.

11. Protect ongoing rights and access to Country

Recognise continuing decision-making rights and access to Country. Ensure that Native Title holders, Traditional Owners and other cultural rights holders are not excluded by land tenure, residence, electoral or local-government criteria. [7] [12]

12. Repeal the overrides in the National Radioactive Waste Management Act 2012

Repeal or substantially amend the National Radioactive Waste Management Act 2012 to remove the provisions that suspend environmental, heritage and native title law for radioactive waste site selection and facility operation, being sections 12, 13, 20(2)(b) and 24, so that First Nations rights, community participation and environmental protection sit at the centre of radioactive waste management. Section 14(6) preserves only section 9 of the Racial Discrimination Act 1975, and only in relation to the Minister's declaration; that protection must be extended to all activities under the Act. Any future legislative change affecting environmental, heritage or native title protections must be subject to public consultation and a human rights impact assessment. [12]

13. Weigh community views honestly, including disagreement

Require decision-making that represents the views of affected communities, including disagreement, and does not treat support from selected groups as evidence of broad community consent.

Public Control, Independent Oversight and Implementation

14. Retain public control of waste management

Limit private-sector involvement to technical advice and support under public control for an interim period only - until there is sufficient capacity in the public sector/statutory organisations to undertake tasks implemented through necessity by the private sector . Exclude private ownership or control of radioactive waste and long-term storage or disposal facilities. Set clear liability, financial assurance, transparency and enforcement requirements. [12]

15. Ensure independent oversight of the Australian Radioactive Waste Agency

Explain how the Australian Radioactive Waste Agency's combined policy-development and implementation functions will be independently overseen. Because ARWA may be involved both in shaping radioactive-waste policy and in coordinating or implementing waste-management facilities and pathways, the Framework must identify how conflicts involving waste producers, project proponents, regulators and contractors will be prevented and disclosed. It must also explain how ARWA's decisions will be independently reviewed, how its performance will be publicly reported, and who will retain legal and financial responsibility if an operator, waste holder or contractor fails.

16. Publish a staged implementation plan

Set out a staged plan with clear responsibilities, public milestones, timelines, funding arrangements and review points. Include regular reporting on progress and explain how independent oversight and participation by affected communities, First Nations peoples, rights holders and Traditional Custodians will be built into implementation. Make clear that this consultation is not a process for selecting a disposal-facility location.

Environmental, Safety and Emergency Safeguards Across the Lifecycle

17. Apply independent environmental and safety safeguards throughout

Require independent assessment, cumulative-impact consideration, documented safety cases, baseline and long-term monitoring, independently reviewed emergency arrangements, incident reporting and remediation across the full radioactive-waste lifecycle, including transport and defence-related activities. Publish accessible information on alerts, protective actions, evacuation, medical care and decontamination, subject only to narrow security limits. [12] [14] [15] [17] [18]

Conclusion

The draft Framework is an important opportunity to set a clear national direction for radioactive waste.

IPAN supports the Government's stated aim of protecting people, places and the environment over the long term. We nevertheless consider that, without stronger and more specific safeguards to make that commitment credible, there is a real possibility, given the historical record, that the written aims will not be transformed into direct and transparent action that is immediately visible to all Australians. Australians should not have to resort, as is fast becoming the general case, to Freedom Of Information requests to discover decisions made by Government putatively on their behalf.

The final Framework must:

- Prevent and minimise waste
- Ensure that all responsibilities and liabilities are transparent
- protect First Nations rights and community decision-making
- safeguard environmental and jurisdictional protections,
- Refuse foreign waste
- And, as a matter of urgency, set firm limits on private contracts and fund public sector capability for work needed

These changes would make the final Framework clearer, more practical and more consistent with the Government's own stated purpose.

IPAN strongly advocates for a nuclear-free Australia and Pacific. While this broader principle underscores our demand for caution, transparency, and human rights in all radioactive waste decisions, this specific submission focuses strictly on the Framework currently under consultation.

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