

25 November 2025

Committee Secretary  
Senate Standing Committee on Environment and Communications  
PO Box 6100  
Parliament House  
CANBERRA ACT 2600

Via email: [ec.sen@aph.gov.au](mailto:ec.sen@aph.gov.au)

Dear Committee Secretary

**Submission on the *Environment Protection Reform Bill 2025* and related bills**

The South Australian Chamber of Mines & Energy (SACOME) is the leading industry association representing resource and energy companies with interests in the South Australian resources sector, including minerals, energy, extractives and petroleum.

SACOME welcomes the opportunity to make this submission to the Senate Environment and Communications Committee inquiry in relation to the *Environment Protection Reform Bill 2025* and related bills ('the bills').

As a member of the Minerals Council of Australia (MCA), SACOME supports the positions expressed in the MCA's submission to the Standing Committee dated 13 November 2025.

While SACOME supports the Government's ambition to reform Australia's environmental laws, we believe amendments are required to ensure the Bills are workable, avoid unintended consequences and deliver outcomes that are both better for the environment and better for business.

In particular, we highlight that proposed reforms to the nuclear trigger may not operate as intended and result in increased duplication and capture of actions. Our key concerns are outlined below, alongside suggested amendments to ensure the proposed reforms function effectively and avoid unintended regulatory consequence.

SACOME supports the intent of modernising the nuclear provisions by ensuring that it is related to actions associated with the Nuclear Fuel Cycle (NFC). However, the proposed drafting does not yet deliver this outcome for the following reasons:

### **1. Terminology diverges from established international definitions**

The proposal to replace “nuclear action” with “radiological exposure action” is problematic as it widens the scope to which the provisions would apply. The term lacks international recognition and diverges from the International Atomic Energy Agency’s (IAEA) clear definition of “nuclear,” which relates specifically to activities involving energy released through nuclear fission or fusion. (See IAEA Glossary).

Retaining alignment with internationally recognised terminology remains essential to ensuring clarity, regulatory consistency, and ease of implementation.

Should “radiological exposure” be retained it is important that it is clearly and unambiguously defined in appropriate documents in order that other activities where radiation exposures occur are not inadvertently captured. One suggestion is to link it only to activities that are part of the NFC as defined by the International Atomic Energy Agency (IAEA).

### **2. Clarity on Trigger Thresholds**

Linking the application of the Act to threshold activity concentrations (ie; 1Bq/g) has historically resulted in the inadvertent capture of non-nuclear activities such as copper mining and Naturally Occurring Radioactive Material (NORM) activities. SACOME submits that greater consideration is required to ensure that the trigger criteria is appropriate.

A threshold of 1 Bq/g would inadvertently capture a wide range of non-nuclear activities, including routine operations in universities, hospitals, ports, laboratories, agriculture, and certain mining operations.

Such regulatory overreach would impose unnecessary burden on industry, government, and regulators without delivering improved environmental outcomes.

To address this concern we propose the “nuclear action” and/or its replacement to “radiological exposure action” is clearly defined and linked to only activities that are part of the Nuclear Fuel Cycle as defined by the IAEA.

### **3. Improve Clarity on Actions Captured by the Trigger**

The proposed 'radiation exposure action' should make it clear that all activities with NORM are excluded from the provisions of the Act, apart from those that are directly linked to the NFC.

SACOME submits that including naturally occurring radioactive materials (NORMs) in the trigger, while excluding mineral sands and rare earths, adds complexity and does not reflect the policy intent of focusing on nuclear-related activities. SACOME further notes that all NORM-related activities are already regulated at the State and Territory level.

This approach does not fully cover all sectors routinely dealing with NORMs, such as, ports, and copper mining operations.

Regulation of NORMs is already comprehensively and effectively managed at the state and territory level under radiation safety legislation and through ARPANSA guidance.

This is consistent with the original 1998 Explanatory Memorandum, which explicitly excluded mineral sands and rare earth operations from the national nuclear trigger. Duplication should therefore be avoided.

### **4. Recommended Changes**

SACOME submits that the amended provisions should:

- ensure that the term "radiological exposure" is specifically defined and unable to be misinterpreted and that it is clearly linked to activities that are part of the Nuclear Fuel Cycle as defined by IAEA
- remain aligned with IAEA definitions; and
- ensure that any radioactivity thresholds are calibrated to focus on activities directly related to nuclear energy or the nuclear fuel cycle.

This will ensure that the nuclear trigger and or radiological exposure trigger operates as intended capturing genuinely nuclear fuel cycle activities, avoiding unnecessary administrative burden, and maintaining coherence with existing state-based regulation and preventing NORM activities unintentionally being caught up in complicated Federal based approval regime.

To ensure the above, and that NORM materials triggering 1Bq/g or similar are not captured in the inclusion, we suggest inclusion of an additional Clause stating that only

actions that are part of the Nuclear Fuel Cycle as defined by the International Atomic Energy Agency apply.

Yours sincerely



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Chief Executive Officer (Interim)

South Australian Chamber of Mines & Energy