



Production of CWC Schedule 3 chemicals

Guide to Permit Application/Renewal & Notification

When is a permit application or renewal required ?

Section 16(3) of the *Chemical Weapons (Prohibition) Act 1994* requires the operator of a facility to obtain a permit to operate the facility during a particular calendar year if an amount of a CWC Schedule 3 chemical exceeding, in the aggregate, 30 tonnes of that chemical is likely to be produced at a plant comprising, or comprising part of, the facility during the year.

Application to renew a permit for a calendar year needs to be made by 14 October in the preceding year. To apply for a permit or renewal of a permit, use the form referred to in this guide.

The *Chemical Weapons (Prohibition) Act* prescribes penalties for operating a facility without a permit, if one is required.

When is a notification required ?

Section 28 of the *Chemical Weapons (Prohibition) Act* requires the operator of a facility to make a notification if a permit is held under section 16(3) during a year, but one is not required for the next calendar year (eg. because activities will have ceased) - notification must be made by 14 October in the year.

To make a notification, use the form referred to in this guide, although questions 17 to 19 do not need to be answered.

How to complete the form

The form has been designed to minimise the need for the applicant or notifier to enter new data, where the Australian Safeguards and Non-Proliferation Office (ASNO) holds existing records. Existing data will be shown in the left hand column. Any corrections or updates should be written alongside in the right hand column, as should all details for a new application or notification.

When you have completed the form, please sign the declaration on the last page and return the form to ASNO. The *Chemical Weapons (Prohibition) Act* prescribes penalties for provision of false or misleading information.

The following notes should be of help in answering questions. If you have any queries, please contact the Director of the Chemical Weapons Convention Implementation Section on either (02) 6261 1914 or (02) 6261 1920.

Confidentiality

The main purpose of collecting this information is to enable ASNO to prepare declarations to be provided to the Organisation for the Prohibition of Chemical Weapons (OPCW). Each country which is a party to the CWC must make these declarations as a part of measures to provide assurance that the country is complying with its obligations under the Convention. The CWC contains strict measures for the protection of information provided to the OPCW. The principle guiding these measures is that it is only to fulfil obligations under the Convention that information and data can be used or

disseminated by the OPCW or requested by any other country. This is reflected in the *Chemical Weapons (Prohibition) Act*, which prescribes criminal penalties for unauthorised release of information by ASNO officers.

To help create transparency, and confidence in the CWC, the Convention provides that certain information be made available, if requested, to the ASNO's counterparts in other countries which are party to the CWC. Australian information disclosed following such a request must also be protected by the ASNO's counterpart with the level of confidentiality specified by the CWCO. For Schedule 3 facilities, information contained in Items 1 (name only), 6, 7, 11, 12, 14, 16 and 17 on the form would be available.

If there is any particular aspect of the information you provide which you believe requires special protection, the level of protection sought should be based on the OPCW criteria set out below. Please describe the information to be protected against the classifications at item 20 on the form. If you do indicate that certain details require particular protection, ASNO will not include these in the reminder sent to you for permit renewal. The OPCW's classification categories are :

"OPCW R estricted"	information for which unauthorised disclosure <i>would be prejudicial</i> to the interests of Australia, or of a commercial or governmental body or citizen
"OPCW P rotected"	information for which unauthorised disclosure may <i>cause substantial damage</i> to the interests of Australia, or of a commercial or governmental body or citizen
"OPCW H ighly Protected"	information for which unauthorised disclosure would <i>cause serious damage from the point of view of national security or commercial secrecy</i> , to the interests of Australia or of a commercial or governmental body or citizen

Definitions

The following definitions are provided for guidance, and are based on the more detailed definitions specified in the *Chemical Weapons (Prohibition) Act* and the CWC.

- A *plant site*, is the local integration of one or more *plants*, with any intermediate administrative levels, which are under one operational control, and includes common infrastructure. The term *facility*, when related to production of Schedule 3 chemicals, has the same meaning as *plant site*.
- A *plant* means a relatively self-contained area, structure or building containing one or more *units* with auxiliary and associated infrastructure. (A *unit* means the combination of those items of equipment, including vessels and vessel set up, necessary for the production, processing or consumption of a chemical.)
- *Production* of a chemical is its formation through chemical reaction. Production of chemicals should be reported, even if produced as intermediates and irrespective of whether or not they are isolated.