



## PERMIT TO POSSESS ASSOCIATED TECHNOLOGY AND AUTHORITY TO COMMUNICATE INFORMATION

**T**his Permit granted pursuant to Section 13 and Authority granted pursuant to Section 18 of the *Nuclear Non-Proliferation (Safeguards) Act 1987* ("the Act") authorises the Permit Holder to possess the *associated technology* designated in Part 1 and the Authority Holder to communicate information of a kind referred to in the definition of *associated technology* in sub-section 4(1) of the Act, to the persons or classes of persons designated in Part 1, subject to the Act and any orders, directions or regulations made thereunder and to the restrictions and conditions set out in Parts 1, 2 and 3 hereunder. Under section 21 of the Act, this Permit and Authority does not make it lawful for the Permit and Authority Holder to do any act or thing that, apart from this Act, is unlawful under another law of the Commonwealth or under a law of a State or Territory. Where more than one person is the Permit or Authority Holder, all orders, directions, regulations, restrictions and conditions shall bind them jointly and each of them severally.

In this Permit and Authority, unless the contrary intention appears, words and phrases have the same meaning as in the Act. Terms in italics have specialised meanings, which are defined in paragraph 14 or the Act. Hereinafter, all references to the "Permit Holder" will be taken to refer to the holder of this Permit and Authority.

The *Compliance Code* for Class P1 Permits is an integral part of this Permit and Authority.

1.	<b>Name</b>	<b>NAME</b>
	<b>ABN/ACN</b>	<b>NUMBER</b>
2.	<b>Address</b>	
2.1	Physical address	<b>ADDRESS</b>
2.2	Postal address	<b>ADDRESS</b>
3.	<b>Permit No</b>	<b>PA (CI )</b>
		<b>Version 1</b>
		<b>Class P1</b>
	This Permit and Authority replaces and combines Permits PA000 – Permit to Possess <i>Associated Items</i> and CI000 – Authority to Communicate Information.	
4.	<b>Dates of Effect</b>	
4.1	Commencement Date	<b>DATE</b>
4.2	Expiration Date	<b>DATE</b>



## 5. Permit Version History

Version	Date of Effect	Description
1	DATE	[Reference to previous Permit versions]
2	DATE	This Variation – [Detailed description of variation]

### 5.1. Details of current variation

REFERENCE	CURRENT TEXT	REPLACEMENT TEXT
Refer to: Part, Paragraph, Title		

**NOTE:** Subject to the Administrative Appeals Tribunal Act 1975 and to sub-section 22(8) of the Nuclear Non-Proliferation (Safeguards) Act 1987, application may be made to the Administrative Appeals Tribunal, by or on behalf of a person whose interests are affected by a decision by the Minister, pursuant to sub-section (2) of section 16 and sub-section (3) of section 18 of the Act, imposing a condition or restriction on the grant of a Permit, for review of the decision.



## **PART 1**

### **6. Associated Technology**

The class of *associated technology* to which this Permit has effect is:

- 6.1. *associated technology* of any kind that is not *classified information*.

### **7. Authorised Uses**

Authorised uses of *associated technology* under this Permit are:

- 7.1. storage of *associated technology*;
- 7.2. preparation of an application for a patent;
- 7.3. lodgement of an application for a patent; and
- 7.4. provision of information or advice on patent-related matters.

### **8. Approved Locations**

Locations for which this Permit has effect are:

- 8.1. the premises of the Permit Holder at [Permit Holder address]; and
- 8.2. any other premises in Australia from time to time occupied by the Permit Holder and approved by the *Director General* (refer Form ASO113).

### **9. Information in Relation to which this Authority has Effect (“The Information”)**

Information of a kind referred to in the definition of *associated technology* contained in are:

- 9.1. the application of a patent;
- 9.2. any material for use in the preparation on an application for a patent; and
- 9.3. any material for the purpose of obtaining or providing advice on patent related matters.

### **10. Authority to Communicate Information (“Approved Persons”)**

10.1. The person(s) to which the Permit Holder may communicate information of a kind referred to in the definition of *associated technology* are:

- 10.1.1. an Australian national who is:
- 10.1.2. within the employ of, or contracted to, the Authority Holder; or
- 10.1.3. an officer of the Australian Safeguards and Non-Proliferation Office in the conduct of his or her duties; or
- 10.1.4. a client (who is the owner of *associated technology*) of the Authority Holder, but only in respect of matters relating to that client; or
- 10.1.5. otherwise approved by the *Director General*, but only in accordance with the conditions attached to such approval;



- 10.1.6. a Commonwealth officer performing a function or duty, or exercising a power, under the *Patents Act 1952* or regulations under the Act, or performing duties in the Patent Office;
- 10.1.7. a Commonwealth officer or authority of the Commonwealth engaged in the collection, maintenance or assessment, on behalf of the Australian Government, of information relating to nuclear activities or to disarmament, or engaged in the giving of information or advice to the Australian Government in relation to nuclear activities or to disarmament, provided that any such officer or authority is:
  - i. the holder of an appropriate Permit granted under section 13 of *the Act*; or
  - ii. a prescribed Authority for the purposes of sub-section 23(4) of *the Act*;
- 10.1.8. any foreign Patent Attorney who has provided instructions to the Permit Holder relating to lodgement of a patent application, but only in respect of that application;
- 10.1.9. any foreign Patent Office from time-to-time approved by the *Director General*; and
- 10.1.10. any other person who is approved from time-to-time by the *Director General*, but only in accordance with the conditions attached to such approval.
- 10.2. Notwithstanding the above, the Permit Holder shall not communicate information outside Australia that is applicable primarily to the design, production, operation, testing or use of nuclear weapons or other nuclear explosive devices.

## 11. Approved Purposes of Communications

Approved purposes of communication of *associated technology* for which this Authority has effect are:

- 11.1. lodgement of an application for a patent;
- 11.2. preparation of an application for a patent; and
- 11.3. provision of information or advice on patent-related matters.

## 12. Approved Means of Communication

Approved means of communication are those done:

- 12.1. by face-to-face conversation in a location where appropriate audio protection of the communication is assured; or
- 12.2. by phone, email or other electronic means which preserves the confidentiality of the communication.

## 13. Transport for which this Permit has Effect

This Permit grants the Permit Holder permission to transport *associated technology* specified in paragraph 6 anywhere in Australia subject to the provisions of the *Compliance Code*.



#### 14. Definitions

“(the Act)”	The <i>Nuclear Non-Proliferation (Safeguards) Act 1987</i> .
“ASNO”	The Australian Safeguards & Non-Proliferation Office.
“ASNO inspector(s)”	A person appointed to be an inspector pursuant to section 57(1) of <i>the Act</i> .
“Associated Technology”	<p>As defined in section 4 of <i>the Act</i> means any document that contains information (other than information that is lawfully available, whether within Australia or outside Australia and whether for a price or free of charge, to the public or a section of the public):</p> <ul style="list-style-type: none"><li>(a) that is applicable primarily to the design, production, operation, testing or use of:<ul style="list-style-type: none"><li>(i) equipment or plant for:<ul style="list-style-type: none"><li>(A) the enrichment of nuclear material;</li><li>(B) the reprocessing of irradiated nuclear material; or</li><li>(C) the production of heavy water; or</li></ul></li><li>(ii) nuclear weapons or other nuclear explosive devices; or</li></ul></li><li>(b) to which a prescribed international agreement applies and that is of a kind declared by the Minister, in writing, to be information to which this definition applies;</li></ul> <p>and includes any photograph, model or other thing from which such information may be obtained or deduced.</p>
“Classified Information”	Any document, equipment, component, photograph, model, material, electronically stored data, or other item from which information may be obtained or deduced that carries a national security classification. This includes <i>associated technology</i> and other information related to the security applied to <i>associated technology</i> .
“Compliance Code”	The document called “Compliance Code for Class P1 Permits”.
“Designated individual(s)”	Individual(s) to whom the <i>Permit Holder’s representative</i> delegates some of the responsibility and authority with respect to compliance with this Permit.
“Director General”	The Director General of the Australian Safeguards and Non-Proliferation Office.
DLM	Dissemination Limiting Marker as defined in the <i>Protective Security Policy Framework (PSPF)</i> . For the purpose of this Permit and Authority, it includes documents marked “Sensitive: Associated Technology”.
“Information and Communication Technology (“ICT”) System”	A related set of hardware and software used for the processing, storage or communication of information and the governance framework in which it operates.



<b>“Information Security Manual” (“ISM”)</b>	The Australian Signals Directorate’s document suite that details controls and principles for information security on <i>ICT systems</i> , as well as relevant rationale. The ISM (previously known as ASCI 33) comprises an Executive Companion, Principles document and Controls Manual and is part of the <i>PSPF</i> .
<b>“Inspection(s)”</b>	An activity by an <i>ASNO inspector</i> to verify the Permit Holder’s compliance with one or more conditions of the Permit.
<b>“Loss of control”</b>	The Permit Holder has lost the ability to apply the Permit conditions to <i>associated technology</i> .
<b>“Permit Holder’s Representative”</b>	The representative of the Permit Holder (i.e. the organisation) who will take responsibility and sign documents on behalf of the organisation. This person must be in a position with sufficient authority to ensure all permit conditions are met.
<b>“Protective Security”</b>	A combination of procedural, physical, personnel, and information security measures designed to protect people, information and assets from security threats, including theft, unauthorised access, illegal transfer or other malicious acts involving <i>associated technology</i> or their associated facilities.
<b>“Protective Security Policy Framework” (“PSPF”)</b>	The Australian Government’s <i>protective security</i> requirements for the protection of its people, information and assets providing policy, guidance and better practice advice for governance, personnel, physical and information security.
<b>“Register of Associated Technology” (“Register”)</b>	A register that includes location and details of all <i>associated technology</i> produced, received, sent or currently in possession of the Permit Holder.
<b>“Subcontract”</b>	An arrangement entered into by the Permit Holder with a person to provide goods or services in connection with this Permit. A subcontractor or “agent” has a corresponding meaning.

**NOTE:** *Information* includes documents and papers; electronic data; the software or systems and networks on which the information is stored, processed or communicated, intellectual information acquired by individuals and physical items from which information regarding design, components or use could be derived.



## 15. Communications with the Director General

The Permit Holder or *designated individual* shall submit all applications, notifications and reports to the *Director General* at the following address, or at such other place as the *Director General* specifies from time-to-time.

Australian Safeguards and Non-Proliferation Office,  
R G Casey Building,  
John McEwen Crescent,  
Barton, ACT 0221

EMAIL: nuclear.asno@dfat.gov.au

NOTE: The *Director General* may delegate powers to approve matters under this Permit and Authority to staff of the Australian Safeguards and Non-Proliferation Office.

## PART 2

### 16. Principles

The Permit Holder shall implement the following measures (as further elaborated in the *Compliance Code*) for the protection and non-proliferation of *associated technology*:

#### 16.1. Management

- 16.1.1. maintain policies and procedures to address the requirements specified in this Permit;
- 16.1.2. identify and treat significant risks including 'trusted insider' risk;
- 16.1.3. allocate sufficient resources to meet the conditions of this Permit;
- 16.1.4. train all authorised persons who have access to *associated technology* or perform security functions;
- 16.1.5. appoint *designated individuals* (and alternates) who will undertake specific obligations of the Permit and of their respective responsibilities and authorities (Form ASO214); and
- 16.1.6. allow for the delivery of all *associated technology* and other *classified information* held by the Permit Holder to either ASNO or another entity nominated by the *Director General* upon revocation of the Permit;

#### 16.2. Accounting and Control

- 16.2.1. maintain accounting and control measures for *associated technology* which:
  - i. control access to *associated technology* to authorised persons only;
  - ii. only authorise access to *associated technology* to persons who have a need-to-know so; and



- iii. promptly advise the *Director General*, where a *loss of control* or incident involving *associated technology* has occurred as well as the location and recovery of missing *associated technology*;
- 16.2.2. not transfer *associated technology* to another person in Australia unless the transferee:
- i. is the holder of a current appropriate Permit granted under section 13 of *the Act*; or
  - ii. has the appropriate and current Special Transport Permit granted under section 16 of *the Act*; or
  - iii. is Intellectual Property Australia; or
  - iv. has written approval from the *Director General*; and
- 16.2.3. only transfer associated technology outside Australia in accordance with the Compliance Code and with written approval from the Director General;
- 16.3. **Security**
- 16.3.1. use and store associated technology only at an approved location;
  - 16.3.2. implement security measures, as required by the Compliance Code; and
  - 16.3.3. protect all information that could prejudice the security of associated technology;
- 16.4. **Records and Reporting**
- 16.4.1. maintain records related to compliance with the conditions of this Permit and make these available for *inspection*;
  - 16.4.2. submit approvals, notifications and reports as specified in this Permit;
  - 16.4.3. promptly advise the *Director General* of reportable events (refer list in the *Compliance Code*);
  - 16.4.4. record holdings and transfers of *associated technology*; and
  - 16.4.5. record instances of communication of *associated technology*;
- 16.5. **Communication**
- 16.5.1. communicate information only:
    - i. to an approved person pursuant to paragraph 10;
    - ii. for an approved purpose pursuant to paragraph 11; and
    - iii. by methods approved pursuant to paragraph 12;
- 16.6. **Inspections by ASNO Inspectors and Agency Inspectors**
- 16.6.1. facilitate the preparation and support the conduct of *inspections*; and
  - 16.6.2. afford every assistance and comply with any reasonable request made by an *inspector* during the course of an *inspection*; and





## 16.7. Special Conditions

16.7.1. implement the special conditions described in Appendix A to this permit.

## 17. Subcontracts

The Permit Holder:

- 17.1. shall not *subcontract* the whole of its obligation under the Permit. It may *subcontract* part of its obligations under the Permit with the prior written consent of the *Director General*;
- 17.2. is responsible for ensuring the suitability of a subcontractor for the work proposed to be carried out and the work performed by the subcontractor complies with all the conditions and requirements of the Permit;
- 17.3. shall ensure that a subcontractor is aware of all the terms and conditions of the Permit relevant to the subcontractor's part in the performance of the work; and
- 17.4. notwithstanding any *subcontract*, remains fully responsible for performing its obligations under the Permit and will be liable for any breach of the Permit.

## PART 3

## 18. Inspections to be Permitted

- 18.1. The Permit is granted on condition that the Permit Holder consents, for the purposes of section 59 of *the Act*, to all *inspections* carried out including:
  - 18.1.1. the entry by any *ASNO inspector* upon any land or upon or into any premises occupied by the Permit Holder and the exercise by that inspector of any relevant power for any relevant safeguards purpose;
  - 18.1.2. the entry by any *ASNO inspector* upon any vessel, aircraft or vehicle in the control of the Permit Holder and the exercise by that inspector of any relevant power for any relevant safeguards purpose; and
  - 18.1.3. the Permit Holder shall provide upon request of an inspector, access to any place within an approved location as soon as possible and in any case within two hours of a request for such access.
- 18.2. An inspector exercising any relevant power is required to comply with the provisions of section 64 of *the Act*.



## **Appendix A – Special conditions for permit PAXXX/CIYYY**

Include special conditions here where required

– END OF PERMIT –

REFERENCE ONLY