



## PERMIT TO POSSESS NUCLEAR MATERIAL

**T**his Permit granted pursuant to Section 13 of the *Nuclear Non-Proliferation (Safeguards) Act 1987* ("the Act") authorises the Permit Holder to possess the nuclear material 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 does not make it lawful for the Permit 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.

In this Permit, 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 11.

The *Compliance Code* is an integral part of this permit.

### PART 1

1. **Name** **NAME**

**ABN/ACN** **NUMBER**

2. **Address**

2.1 Physical address **ADDRESS**

2.2 Postal Address **ADDRESS**

3. **Permit No** **PN** Version **1** Class **R1**

4. **Dates of Effect**

4.1 Commencement Date **DATE**

4.2 Expiration Date **DATE**

5. Chemical and isotopic composition and physical form of *nuclear material* in relation to which this Permit has effect ("the nuclear material"):

6. Maximum amount that the Permit Holder may possess at any one time under this Permit:

Source Material	Element Weight
5.1 Depleted uranium as shielding in radiography device .....	6.1 500 kilograms



7. Permit history

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

7.1. 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 13 of the Act, imposing a condition or restriction on the grant of a Permit, for review of the decision.



**8. Authorised use**

- 8.1. Industrial or medical radiography;
- 8.2. Storage.

**9. Locations for which this Permit has effect (“Approved Locations”)**

- 9.1. Use at:
- (a) [Permit Holder address];
  - (b) [Additional address as required or delete this point];
  - (c) any premises in Australia from time-to-time where the Permit Holder undertakes industrial radiography.
- Note: Locations of longer term use must be approved by the *Director General*.
- 9.2. Storage at:
- (a) [Permit Holder address];
  - (b) [Additional address as required or delete this point];
  - (c) any other location/s as approved by the *Director General*.

**10. Transport for which this Permit has effect**

This Permit grants the permit holder permission to transport nuclear material, to anywhere within Australia for amounts up to the amounts specified in paragraphs 5 and 6.

**11. Definitions**

- “(the) **Act**” means ..... the Nuclear Non-Proliferation (Safeguards) Act 1987.  
 NOTE: An electronic version of the Act can be found at:  
<https://www.comlaw.gov.au/Current/C2015C00078>
- “(the) **Agency**” means ..... the International Atomic Energy Agency (IAEA).
- “**Additional Protocol**”  
 means ..... the Protocol Additional to the Agency Agreement (INFCIRC/540).
- “**Agency Agreement**”  
 means ..... the Agreement between Australia and the International Atomic Energy Agency for the Application of Safeguards in Connection with the Treaty on the Non-Proliferation of Nuclear Weapons (INFCIRC/217), being the Agreement which was signed on behalf of Australia on 10 July 1974, a copy of which is set out in Schedule 3 of *the Act*.



<b>“ASNO”</b> means .....	the Australian Safeguards and Non-Proliferation Office.
<b>“Compliance Code”</b> means .....	the document called “Compliance Code for Class R1 permits”.
<b>“Designated Individual(s)”</b> means .....	individual(s) to whom the Permit Holder’s representative delegates some of the responsibility and authority with respect to compliance with this Permit.
<b>“Director General”</b> means .....	the Director General of the Australian Safeguards and Non-Proliferation Office.
<b>“Inspector”</b> means .....	a person appointed an inspector or a person declared an Agency inspector, pursuant to section 57 of <i>the Act</i> .
<b>“Inventory”</b> means.....	the entire physical stock of <i>nuclear material</i> , irrespective of its form or usefulness, held by the Permit Holder.
<b>“Loss of control”</b> of material means .....	the Permit Holder has lost the ability to apply the Permit Conditions to that material.
<b>“Nuclear Material”</b> means .....	the same as in the Act but for the purposes of this Permit excludes material that has been deemed by ASNO as practicably irrecoverable.
<b>“Permit Holder’s Representative”</b> means .....	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>“Physical protection”</b> (as applied to nuclear material) or <b>“Security”</b> means .....	the integrated set of measures intended to prevent unauthorised access to, or malicious acts against, <i>nuclear material</i> and associated infrastructure, including transport.
<b>“Prescribed international agreement”</b> means .....	those agreements prescribed in <i>the Act</i> .
<b>“Source Material”</b> and <b>“Special Fissionable Material”</b> means .....	the same as in Schedule 1 of <i>the Act</i> .



## **PART 2**

### **12. 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 his power to approve applications under this permit to staff of the Australian Safeguards and Non-Proliferation Office.

### **13. Operational Measures**

The Permit Holder shall:

- 13.1. implement the requirements of the *Compliance Code*;
- 13.2. not commence any activity for which approval of the *Director General* is required, prior to the receipt of written approval from the *Director General*;
- 13.3. carry out such activity in accordance with any requirements specified by the *Director General* in such approval;
- 13.4. not transfer *nuclear material* to another person in Australia, or aid, abet, counsel or procure such a transfer, unless the transferee is the holder of:
  - 13.4.1. a current appropriate Permit to Possess Nuclear Material granted under section 13 of *the Act*; except for *nuclear material* to which Part II of *the Act* does not apply when in the possession of the transferee; or
  - 13.4.2. a current appropriate Special Transport Permit granted under section 16 of *the Act*; except for nuclear material of a kind prescribed by the regulations for the purpose of sub-section 24(1) of *the Act*;
- 13.5. train all persons authorised by the Permit Holder to have access to *nuclear material* in the conditions of this Permit and the Permit Holder's procedures enabling it to meet these conditions;
- 13.6. advise the *Director General*, where a *loss of control* or incident involving *nuclear material* has occurred; and
- 13.7. apply any special conditions as set out in Appendix A of this Permit.



#### 14. Inspections by ASNO Inspectors and Agency Inspectors

14.1. The Permit Holder shall:

- 14.1.1. provide *inspector(s)* with an up-to-date *inventory* listing at the commencement of an inspection;
- 14.1.2. provide, within 2 hours of a request by *inspector(s)*, copies of any other record(s), demonstrating that the Permit Holder has operated, and is operating, in compliance with this Permit and the *Compliance Code*;
- 14.1.3. ensure, at the time of each inspection, the presence of persons responsible for those areas being inspected and the necessary personnel responsible for handling the *nuclear material*;
- 14.1.4. make available, at the request of the *inspector(s)*, equipment that the Permit Holder has available for measurement of the *nuclear material* and, the means and staff required for handling the *nuclear material*;
- 14.1.5. if requested, provide suitable office space at the Approved Location to facilitate inspection functions; and
- 14.1.6. afford every assistance and comply with any reasonable request.

14.2. For the purposes of Work, Health and Safety, the Permit Holder shall:

- 14.2.1. provide to the *inspector(s)* (and the *Director General*, on request) sufficient information, training, instruction or supervision in order to allow those *inspectors* to comply with any health and safety procedures applicable at the Approved Locations and carry out their duties at the Approved Locations without risk to their health or safety;
- 14.2.2. provide the *inspector(s)* with all necessary personal protective equipment in order to ensure, so far as reasonably practicable, their health and safety while carrying out duties at the Approved Locations;
- 14.2.3. respond promptly to any request for information by an *inspector*, *Agency inspector*, or an officer of ASNO acting on behalf of such an *inspector*, regarding the procedures or equipment referred to in paragraphs 14.2.1 and 14.2.2; and
- 14.2.4. take any other reasonable steps to ensure the health and safety of the *inspector(s)* while those inspectors are at the Approved Locations, including steps to comply with any applicable provisions of a radiation protection law or regulation of the jurisdiction in which the Permit Holder is located which applies to the Permit Holder (in whole or in part).



### **PART 3**

#### **15. Inspections to be Permitted**

- 15.1. The Permit is granted on condition that the Permit Holder consents, for the purposes of section 59 and 60 of *the Act*, to all inspections carried out including:
- 15.1.1. 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;
  - 15.1.2. 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;
  - 15.1.3. the entry by any *Agency inspector* upon any land or upon or into any premises occupied by the Permit Holder, and the exercise by that *Agency inspector* of any relevant power for the purposes of carrying out an inspection that the *Agency* has the right to make in accordance with the *Agency Agreement* and the *Additional Protocol*;
  - 15.1.4. the entry by an *Agency inspector* upon any vessel, aircraft or vehicle in the control of the Permit Holder, and the exercise by that *Agency inspector* of any relevant power for the purposes of carrying out an inspection that the *Agency* has the right to make in accordance with the *Agency Agreement* and the *Additional Protocol*; and
  - 15.1.5. the Permit Holder shall provide upon request of an *inspector* or *Agency 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.
- 15.2. An *inspector* or *Agency inspector* exercising any relevant power is required to comply with the provisions of section 64 of *the Act*.



## **Appendix A – Special conditions for permit PNXXX**

[Customised condition(s) only if required]

- END OF PERMIT -

REFERENCE ONLY