



## PERMIT TO POSSESS NUCLEAR MATERIAL

This 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 Codes* are integral parts of this Permit.

### PART 1

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>PN</b>	<b>Version</b>	<b>1</b>
			<b>Class</b>	<b>U1<sup>1</sup></b>
4.	<b>Dates of Effect</b>			
	4.1 Commencement Date	<b>DATE</b>		
	4.2 Expiration Date	<b>DATE</b>		
5.	Chemical and isotopic composition and physical form of <i>nuclear material</i> 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	
<b>Source Material</b>		<b>Element Weight</b>		
5.1	Natural <i>Uranium Ore Concentrates</i> ("UOC")....	6.1	Unlimited	

<sup>1</sup> Applicable *Compliance Codes* for this Permit also include U2 (land & rail) and U3 (sea) for transport and storage incidental to transport.



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. Mining, processing, production, storage and transport of *uranium ore concentrates*.
- 8.2. Export of *uranium ore concentrates* to authorised recipients under an export permission granted by the Minister administering Regulation 9 of the *Customs (Prohibited Exports) Regulations 1958*.

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

- 9.1. Mining, processing, production and storage 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 activities as approved by the *Director General*.

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

- 10.1. By road, rail or sea anywhere in Australia;
- 10.2. by sea to overseas destinations using vessels chartered by the Permit Holder;
- 10.3. up to a total 2,000,000 kg *UOC* being transported at any one time; and
- 10.4. along routes and to destinations approved by the *Director General*.

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>
- “**Additional Protocol**” means the Protocol Additional to the Agency Agreement (INFCIRC/540)
- “(the) **Agency**” means ..... the International Atomic Energy Agency (IAEA).
- “**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*.
- “**ASIO**” means ..... the Australian Security Intelligence Organisation.



<b>“ASNO”</b> means.....	the Australian Safeguards and Non-Proliferation Office.
<b>“Compliance Code”</b> means ..	the document called “Compliance Code for Class U1 Permits” or “Compliance Code for Class U2/U3 Permits” as relevant.
<b>“Designated Individual(s)”</b> means .....	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.
<b>“Director General”</b> means....	the Director General of the Australian Safeguards and Non-Proliferation Office.
<b>“Door-Facing-Door”</b> Configuration means.....	the placement of shipping <i>TEU</i> container(s) adjacent to each other such that the container doors cannot be opened sufficiently to allow access into the container.
<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>“Manifest”</b> means .....	a written summary to accompany conveyed <i>nuclear material</i> as part of the dangerous goods transport documents.
<b>“Material Control and Accountancy” (MC&amp;A)</b> means .....	an integrated set of measures designed to provide information on, control of, and assurance of the presence of <i>nuclear material</i> , including those systems necessary to establish and track nuclear material inventories, control access to and detect loss or diversion of <i>nuclear material</i> , and ensure the integrity of those systems and measures.
<b>“Nuclear Material”</b> means ...	the same as in <i>the Act</i> but for the purposes of this Permit excludes material that has been deemed by <i>ASNO</i> as practicably irrecoverable.
<b>“Nuclear Security”</b> (as applied to <i>nuclear material</i> ) 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>“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.

“(The) **Plan(s)**” means ..... the Permit Holder’s documented plans and procedures for implementing all of the objectives and conditions of the Permit and *Compliance Codes*.

“**Security culture**” means..... the characteristics and attitudes of an organisation and individuals that establish security as a high priority, and security risks receive the attention warranted by the potential for proliferation of *nuclear material*.

“**SCEC**” and “**SEEPL**” means .. Security Construction and Equipment Committee (SCEC) four level security level rating described in the Security Equipment Evaluation Product List (SEEPL)

“**Source Material**” and “**Special Fissionable Material**” means..... the same as in Schedule 1 of *the Act*

“**Subcontract**” means..... 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.

“**TEU**” means..... “twenty foot equivalent unit” a measurement of shipping container capacity.

“**Uranium Ore Concentrates**” (UOC) means..... Uranium oxides and other related compounds produced from and during ore processing that contain uranium greater than 50% w/v uranium.

**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* via the following means:

ASNO’s NUMBAT online database portal (<https://numbat.dfat.gov.au>);  
EMAIL: nuclear.asno@dfat.gov.au;  
Australian Safeguards and Non-Proliferation Office,  
RG Casey Building,  
John McEwen Crescent,  
Barton, ACT 0221  
or, at such other place or other means as the *Director General* may specify from time to time.

**NOTE:** *The Director General may delegate his power to approve certain applications under this Permit to staff of the Australian Safeguards and Non-Proliferation Office.*



### 13. Principles

The Permit Holder shall:

- 13.1. maintain a *nuclear security* system acceptable to the *Director General* for preventing sabotage, theft, loss, unauthorised handling of, or access to *nuclear material*;
- 13.2. maintain a *material control and accountancy (MC&A)* system covering *nuclear material* in its possession; that addresses the conditions set out in this Permit and current *Compliance Codes*:
  - 13.2.1. only authorise access to *nuclear material* to persons who have an operational need to access such material; and
  - 13.2.2. advise the *Director General*, where a *loss of control* or incident involving *nuclear material* has occurred as well as the location and recovery of missing *nuclear material*;
- 13.3. transport *UOC*:
  - 13.3.1. implementing a Nuclear Material Transport Plan, as required by the *Compliance Codes* U2 or U3 as relevant;
  - 13.3.2. in approved vessel(s) and along approved routes (refer to ASO111 and ASO113);
  - 13.3.3. in accordance with the transport schedule as provided to and approved by the *Director General* (refer to ASO110 and ASO136); and
  - 13.3.4. not exceeding the quantity limits specified in paragraph 10;
- 13.4. implement *nuclear security* plans and procedures ("*The Plan*") as required by the *Compliance Codes*;
- 13.5. not transfer *nuclear material* to another person in Australia unless the transferee:
  - 13.5.1. is the holder of 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
  - 13.5.2. has the appropriate and current 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*;
- 13.6. not discard or dispose *UOC* without written approval from the *Director General*;
- 13.7. train all persons and *subcontractors*, authorised by the Permit Holder, to have access to *nuclear material*, the transport of *nuclear material* or *security* functions to comply with the conditions of this Permit, and to carry out the Permit Holder's plans and procedures and:
  - 13.7.1. maintain records of training for 3 years from date of creation of each representative record;
- 13.8. notify ASNO of the appointment of *designated individuals* (and alternates) who will undertake specific obligations of the Permit and of their respective responsibilities and authorities; and
- 13.9. apply any special conditions as set out in Appendix A of this Permit.



## 14. Subcontracts

### 14.1. The Permit Holder:

- 14.1.1. 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*;
- 14.1.2. 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; and
- 14.1.3. 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
- 14.1.4. In regards to chartering vessels to transport *UOC* by sea, shall establish binding arrangements to ensure the requirements of the U3 Compliance code will be met.

14.2. Notwithstanding any *subcontract*, the Permit Holder remains fully responsible for performing its obligations under the Permit and will be liable for any breach of the Permit.

## 15. Inspections by ASNO Inspectors and Agency Inspectors

15.1. For the purposes of inspections by *ASNO inspectors* or *Agency inspectors*, the Permit Holder shall:

- 15.1.1. provide *inspector(s)* with an up-to-date *inventory* listing at the commencement of an inspection;
- 15.1.2. 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 Codes*;
- 15.1.3. 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*;
- 15.1.4. 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*;
- 15.1.5. if requested, provide suitable office space at the Approved Location to facilitate inspection functions; and
- 15.1.6. afford every assistance and comply with any reasonable request.

15.2. To further the health and safety requirements under the current *Work Health and Safety Act*, relevant State and Federal Safety Authority Acts, Regulations and Standards, the Permit Holder shall:

- 15.2.1. 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;



- 15.2.2. 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;
- 15.2.3. respond promptly to any request for information by *inspector(s)*, or an officer of ASNO acting on behalf of such an *inspector*, regarding the procedures or equipment referred to in paragraphs 15.2.1 and 15.2.2; and
- 15.2.4. 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**

#### **16. Inspections to be Permitted**

- 16.1. 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:
  - 16.1.1. 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;
  - 16.1.2. 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;
  - 16.1.3. 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;
  - 16.1.4. 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
  - 16.1.5. 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 2 hours of a request for such access.
- 16.2. 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