



## PERMIT TO POSSESS NUCLEAR MATERIAL

This Permit granted pursuant to sections 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 *the 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 section 21 of the Class U1 *Compliance Code*.

The *Compliance Codes*<sup>1</sup> are 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 NUMBER	PN	Permit to Possess Nuclear Material
	Version	1	Class U1
4.	DATES OF EFFECT		
4.1.	Commencement Date	DATE	
4.2.	Expiration Date	DATE	
5.	Chemical and isotopic composition and physical form of <i>nuclear material</i> in relation to which this Permit has effect ("the <i>nuclear material</i> ")	6. Maximum amount that the Permit Holder may possess at any one time under this Permit	
	Source Material	Element Weight	
5.1	Natural <i>Uranium Ore Concentrate</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	PNXXX 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

Authorised uses of *nuclear material* under this Permit:

- 8.1. Mining, processing, production, storage and transport of *uranium ore concentrate*.
- 8.2. Export of *uranium ore concentrate* 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]
- 9.2. The *Approved Locations* may be updated by a Form ASO112 – "Application to Create or Remove an *Approved Location*" that is approved by the *Director General*.

## 10. TRANSPORT FOR WHICH THIS PERMIT HAS EFFECT

This Permit grants the Permit Holder, in accordance with a transport plan approved by the *Director General*, permission to transport *UOC*:

- 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*.



## PART 2

### 11. 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](mailto:nuclear.asno@dfat.gov.au);
- Australian Safeguards and Non-Proliferation Office  
RG Casey Building  
John McEwen Crescent  
Barton, ACT 0221; or
- as otherwise specified in writing by the *Director General*.

*NOTE: A reference to the Director General in relation to applications, approvals, notification or reports under this Permit or its Compliance Codes includes the Director General and ASNO inspectors.*

### 12. GENERAL REQUIREMENTS

The Permit Holder shall implement all requirements within this Permit maintaining systems for management, safeguards, *security, inspections*, and reporting, including to:

- 12.1. implement the requirements of the *Compliance Codes*;
- 12.2. maintain *nuclear security* measures that are acceptable to the *Director General*, for preventing sabotage, theft, loss, unauthorised handling of, or access to *nuclear material*;
- 12.3. maintain a system for *material control and accountancy (MC&A)* for *nuclear material* which:
  - 12.3.1 only authorises access to *nuclear material* to persons who have an operational need to access such material; and
  - 12.3.2 ensures timely notification to the *Director General*, where a *loss of control* or incident involving *nuclear material* has occurred, and detailing the location and recovery of missing *nuclear material*;
- 12.4. 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:
  - 12.4.1 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
  - 12.4.2 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*; or
  - 12.4.3 (the Permit Holder has) written approval from the *Director General*;



- 12.5. not discard or dispose *UOC* prior to the receipt of written approval from the *Director General*;
  - 12.6. submit applications, notifications and reports as specified in the *Compliance Codes* and:
    - 12.6.1 not commence any activity for which approval of the *Director General* is required, prior to the receipt of written approval from the *Director General*; and
    - 12.6.2 carry out such activity in accordance with any requirements specified by the *Director General* in such approval;
  - 12.7. train all persons and *subcontractors*, who are authorised by the Permit Holder to access or transport *nuclear material*, or conduct *security functions*, to:
    - 12.7.1 comply with the conditions of this Permit, and to carry out the Permit Holder's *plans* and procedures; and
    - 12.7.2 maintain records of training for 3 years from date of creation of each representative record;
  - 12.8. notify *ASNO* of the appointment of:
    - 12.8.1 a new *Permit Holder's Representative*;
    - 12.8.2 *Designated Individuals* (and alternates for continuous oversight) who will undertake specific permit obligations and of their respective responsibilities and authorities; and
  - 12.9. apply any special conditions as set out in Appendix A of this Permit.
13. **TRANSPORT OF UOC:**
- The Permit Holder shall:
- 13.1. implement an approved *nuclear material* transport security plan, as required by the *Compliance Codes* U2 or U3 as relevant;
  - 13.2. transport *nuclear material* in approved vessel(s) and via approved routes (refer to ASO111 and ASO113);
  - 13.3. transport *nuclear material* in accordance with the transport schedule as provided to and approved by the *Director General* (refer to ASO110 and ASO136); and
  - 13.4. not in total exceed the quantity limits specified in paragraph 10, for *nuclear material* in transport.



#### 14. SUBCONTRACTS

The Permit Holder:

- 14.1. may *subcontract* part (but not the whole) of its obligations under the Permit with the prior written consent of the *Director General*;
- 14.2. is responsible for ensuring the suitability of *subcontractors* for the work proposed to be carried out;
- 14.3. shall ensure that *subcontractors* are aware of all the terms and conditions of the Permit relevant to the *subcontractor's* part in the performance of the work;
- 14.4. shall ensure that the work performed by *subcontractors* complies with all the conditions and requirements of the Permit;
- 14.5. shall provide for confidentiality arrangements to protect *security sensitive information*;
- 14.6. shall establish binding arrangements to ensure U3 *Compliance Code* requirements are met for chartering vessels to transport *UOC* by sea; and
- 14.7. notwithstanding any *subcontract*, remains fully responsible for performing its obligations under the Permit and will be liable for any breach of Permit conditions.

#### 15. INSPECTIONS BY ASNO INSPECTORS AND AGENCY INSPECTORS

- 15.1. The Permit Holder shall:
  - 15.1.1 provide *ASNO* and *Agency 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 *ASNO* or *Agency 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 *ASNO* or *Agency inspector(s)*, the Permit Holder's equipment for measurement of *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(s)* to facilitate inspection functions; and
  - 15.1.6 afford *ASNO* and *Agency inspector(s)* every assistance and comply with any reasonable request in order to achieve a relevant safeguards purpose.



- 15.2. To meet the requirements of state or federal workplace health and safety legislation, regulations and standards, the Permit Holder shall:
- 15.2.1 provide to *ASNO* and *Agency 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 requirements and procedures applicable at the *Approved Locations* and carry out their duties at the *Approved Locations* without health and safety risk;
  - 15.2.2 provide *ASNO* and *Agency 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 an *ASNO inspector*, *Agency inspector*, 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 *ASNO* and *Agency inspector(s)* while those inspectors are at the *Approved Locations*. This 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 (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 *ASNO 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 *ASNO 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