



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 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	U4				
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 nuclear material"):	6. Maximum amount that the Permit Holder may possess at any one time under this Permit:						
<table border="0" style="width: 100%;"> <thead> <tr> <th style="text-align: left;">Source Material</th> <th style="text-align: left;">Element Weight</th> </tr> </thead> <tbody> <tr> <td style="vertical-align: top;">5.1 Natural Uranium Ore Concentrates</td> <td style="vertical-align: top;">6.1 2,000,000 kilograms or, other amounts as approved from time to time by the <i>Director General</i>.</td> </tr> </tbody> </table>		Source Material	Element Weight	5.1 Natural Uranium Ore Concentrates	6.1 2,000,000 kilograms or, other amounts as approved from time to time by the <i>Director General</i> .			
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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 16 of the Act, imposing a condition or restriction on the grant of a Permit, for review of the decision.



8. Authorised uses for which this Permit has effect

- 8.1. Any Port Authority service;
- 8.2. Temporary Storage.

9. Approved Storage or Interim Storage Incidental to Transport (“Approved Locations”)

- 9.1. Land or premises occupied by:
 - a) [Permit Holder address];
 - b) Any wharf or barge depot at Port of [City, State];
 - c) any other location in Australia, approved by the *Director General* from time-to-time.

10. Transport for which this Permit has effect

- 10.1. Transport of nuclear material by road vehicle(s) or vessel at the Approved Locations;
- 10.2. Transport by sea from the Port of [City, State].

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).
- “(the **Agency Inspector**)” means a person declared to be an inspector of the International Atomic Energy Agency pursuant to section 57(2) of *the Act*.
- “(the **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*.
- “(the **ASNO**)” means the Australian Safeguards and Non-Proliferation Office.
- “(the **Compliance Code**)” means the document called “Compliance Code for Class U4 permits”.
- “(the **Designated Individual(s)**)” means individual(s) to whom the *Permit Holder’s Representative*



delegates some of the responsibility and authority with respect to compliance with this Permit.

“Director General” means..... the Director General of the Australian Safeguards and Non-Proliferation Office.

“Inspector” means a person appointed an inspector or a person declared an *Agency inspector*, pursuant to section 57 of *the Act*.

“Loss of control” of material means..... the Permit Holder has lost the ability to apply the Permit Conditions to that material.

“Manifest” means..... a written summary to accompany conveyed *nuclear material* by sea, as part of the dangerous goods transport documents pursuant to current *Work Health and Safety Regulations 2011*.

“Nuclear Material” 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.

“Permit Holder’s Representative” 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.

“Nuclear Security” (as applied to *nuclear material*) or **“Security”** means..... the integrated set of measures intended to prevent unauthorised access to, or malicious acts against, *nuclear material* and associated infrastructure, including transport.

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

“Uranium Ore Concentrates” (UOC) are..... 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* 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 and its associated Compliance Code to staff of the Australian Safeguards and Non-Proliferation Office.

13. Principles

The Permit Holder shall:

- 13.1. implement the requirements of the *Compliance Code*;
- 13.2. maintain measures for nuclear material accounting and control including:
 - 13.2.1. control access to the *nuclear material* such that it is accessible only to persons authorised by the Permit Holder;
 - 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*; and
 - 13.2.3. record receipts and deliveries of *nuclear material*;
- 13.3. maintain *nuclear security* measures acceptable to the *Director General* for preventing sabotage, theft, loss, unauthorised handling or access of *nuclear material*;
- 13.4. transfer *nuclear material* to another person in Australia only if:
 - 13.4.1. the transferee 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
 - 13.4.2. the transferee 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*; or



- 13.4.3. the transferee is in control of a vessel nominated by the Consignor and approved by the *Director General*; or
 - 13.4.4. the Permit Holder has written approval from the *Director General*;
 - 13.5. not discard or dispose *UOC*;
 - 13.6. train all persons and subcontractors, authorised by the Permit Holder, that have access to *nuclear material*, on *security* arrangements to comply with the conditions of this permit, and to carry out the permit holder's plans and procedures; and
 - 13.6.1. maintain records of training for five years from date of creation of each representative record; and
 - 13.7. 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.
- 14. Inspections by ASNO Inspectors and Agency Inspectors**
- 14.1. For the purposes of inspections by *ASNO inspectors* or *Agency inspectors*, the Permit Holder shall:
 - 14.1.1. provide *inspector(s)* with an up-to-date cargo *manifest* 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*; and
 - 14.1.5. afford every assistance and comply with any reasonable request.
 - 14.2. 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:
 - 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*.

- END OF PERMIT -