



PERMIT TO TRANSPORT NUCLEAR MATERIAL

This Permit granted pursuant to Section 16 of the *Nuclear Non-Proliferation (Safeguards) Act 1987* ("the Act") authorises the Permit Holder to transport 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 referenced *Compliance Codes* are integral parts 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	U5
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: ¹	
	Source Material	Element Weight		
	5.1 Natural Uranium Ore Concentrates("UOC").....	6.1 Unlimited		

¹ Other amounts may be approved by the *Director General* on a case-by-case basis



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 use**

8.1. 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. **Approved Storage Incidental to Transport (“Approved Locations”)**

9.1. Temporary storage, interim to transport, at any premises in Australia approved by the *Director General*.

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

- 10.1. By road, rail anywhere in Australia;
- 10.2. by sea from Port of Darwin, Northern Territory or Port Adelaide, South Australia;
- 10.3. by sea to overseas destinations using vessels chartered by the Permit Holder;
- 10.4. up to a total 2,000,000 kg *UOC* being transported at any one time; and
- 10.5. 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>
- “**AFP**” *means the Australian Federal Police.
- “(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*.
- “**Agency Inspector**” means a person declared to be an inspector of the International Atomic Energy Agency pursuant to section 57(2) of *the Act*.
- “**ASIO**” *means the Australian Security Intelligence Organisation.
- “**ASNO**” means the Australian Safeguards and Non-Proliferation Office.



- “Carrier(s)”** *means any person, organization or government undertaking the carriage of *nuclear material* by any means of transport including the entity to which any specific *nuclear security* responsibility related to transport is assigned.
- “Compliance Code”** means the documents called “Compliance Code for Class U2 permits” or “Compliance Code for Class U3 permits” as relevant.
- “Conveyance”** *means..... transport by road or rail: any vehicle/locomotive used for carriage of *nuclear material* cargo.
- “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.
- “Door-Facing-Door Configuration”** *means..... the placement of shipping *TEU* container(s) adjacent to each other such that the container doors cannot be opened sufficiently to allow access into the container.
- “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* 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.
- “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.
- “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.



“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) are uranium oxides and other related compounds produced from and during ore processing that contain uranium greater than 50% w/v uranium.

* Refers to definitions found in referenced *Compliance Codes*

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; or
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

For UOC possessed during or incidental to transport or export, the Permit Holder shall:

- 13.1. maintain *nuclear security* measures acceptable to the *Director General* for preventing sabotage, theft, loss, unauthorised handling of, or access to *nuclear material*;
- 13.2. apply the relevant conditions for transport as set out in the *Compliance Code U2* (transport by road or rail) or *Compliance Code U3* (transport by sea);
- 13.3. maintain a system for nuclear material control in its possession as set out in the *Compliance Code(s)* as relevant:
 - 13.3.1. only authorise access to *nuclear material* to persons who have an operational need to access such material; and
 - 13.3.2. 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*;
- 13.4. carry out the requirements of a Nuclear Material Transport Plan, as approved by the *Director General*;
- 13.5. not in total exceed the quantity limits specified in paragraph 10, for the transport of *nuclear material*;
- 13.6. not transfer *nuclear material* to another person in Australia unless the transferee:
 - 13.6.1. 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
 - 13.6.2. 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*;
- 13.7. not discard or dispose UOC without written approval from the *Director General*;
- 13.8. 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:
 - 13.8.1. maintain records of training for three years from date of creation of each representative record;
- 13.9. 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
- 13.10. 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;

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. Reports, Notifications and Requests for Approvals

15.1. The Permit Holder or *Designated Individual* shall report to, notify or apply to the *Director General* as appropriate for each activity or item listed in section 16.

15.2. Each such report, notification or application shall be made by completing the specified forms listed in section 16 or using other formats as approved by *ASNO*.

15.3. The reports, notifications or applications shall be delivered to the *Director General* in accordance with the reporting requirements specified on the respective form.

16. ASNO Forms

The Permit Holder shall use the forms listed in Paragraphs 18.1-18.3 available at www.dfat.gov.au/asno (as amended from time to time) or the equivalent on *ASNO's* online portal (the NUMBAT database portal <https://numbat.dfat.gov.au>).



16.1. Approval forms

APPLICATION FORMS TO CONDUCT CERTAIN ACTIONS: ¹	TIMEFRAME LIMITS FOR APPLICATIONS, NOTICE OR REPORTING: ²	FORM TO USE:
Application to Transfer Material (Import, Export or Domestic Transfer)	- 7 day notice	ASO106
Application to Transfer Uranium Ore Concentrates (UOC) Internationally	- 7 day notice ³	ASO110
Application to Use a Vessel to Ship Uranium Ore Concentrates (UOC)	- 7 day notice	ASO111
Application to Create a New Approved Location ⁴	- 7 day notice	ASO112
Application to Approve a New (or Variation to a Current) Transport Plan	- 20 day notice for new route - 10 day notice for modified transport plan	ASO113
Application to Subcontract Functions Subject to Permit Restrictions and Conditions	- 14 day notice	ASO135
Application for Approval to Export UOC to Bulk Overseas Converters (Include ASO110)	- Annual application - 20 day notice	ASO136

16.2. Notification forms

NOTIFICATION IS REQUIRED FOR: ¹	TIMEFRAME LIMITS FOR APPLICATIONS, NOTICE OR REPORTING: ²	FORM TO USE:
Notification of an Incident	- Report <i>incidents</i> by phone within 2 hrs. of detection - submit form within 4 hrs.	ASO201
Notification/Confirmation of UOC Discharge and Arrival Details	- 2 day packing notice prior to export or after receiving bills of lading serial no. - Departure date confirmed by 12 pm next day - Within 7 days of each change of custody	ASO203
Notification of Final Data Certificates from a Receiver	- Within 7 days of receiving certificates	ASO212
Notification of Designation of an Individual		ASO214
Notification of Change to Permit Holder's Particulars	- Within 10 days of effect of change	ASO231

16.3. Report Forms

REQUIRED REPORTS: ¹	TIMEFRAME LIMITS FOR APPLICATIONS, NOTICE OR REPORTING: ²	FORM TO USE:
Inventory Balance Report (Uranium Ore Concentrates – UOC)	- Biannual reporting - Within 15 days of reporting period	ASO301
Report on Incident Investigation	- Within 30 days of initial report	ASO303

¹ Each report, notification or application should be made by the *Permit Holder's Representative* or by a *Designated Individual* as notified under ASO214, responsible for compliance with that application requirement.

² Refer to related form for detailed timeframe requirements. All days refer to consecutive business days.

³ 7-day notice only applies to transfers undertaken pursuant to prior approved ASO136 forms in this regard. All other transfers require increased notice periods.

⁴ Interim storage location incidental to transport.



17. Inspections by ASNO Inspectors and Agency Inspectors

- 17.1. For the purposes of inspections by *ASNO inspectors* or *Agency inspectors*, the Permit Holder shall:
- 17.1.1. provide *inspector(s)* with an up-to-date *manifest* at the commencement of an inspection;
 - 17.1.2. provide, within two hours of a request by an *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(s)*;
 - 17.1.3. 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*;
 - 17.1.4. 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
 - 17.1.5. afford every assistance and comply with any reasonable request.
- 17.2. 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:
- 17.2.1. 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;
 - 17.2.2. 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;
 - 17.2.3. 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 17.2.1 and 17.2.2; and
 - 17.2.4. 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

18. Inspections to be Permitted

- 18.1. 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:
- 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;
 - 18.1.3. 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*;
 - 18.1.4. 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
 - 18.1.5. 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.
- 18.2. 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 PN205

No Customised condition(s) required

- END OF PERMIT -

REFERENCE ONLY