



ANSTO is the Australian Nuclear Science and Technology Organisation.

1. PRINCIPLES

- 1.1. The community has the right to all information that has potential to enable members of the community to make decisions about their own lives and health.
- 1.2. In particular, the community has a right to know what hazards or risks ANSTO brings to the community and to access information to enable them to inform themselves regarding potential incidents arising from the hazards or risks.
- 1.3. This Community Right to Know Charter was created with the intent that ANSTO and the community will deal fairly with each other in regard to information requested, provided and disseminated.

2. REQUESTS FOR INFORMATION

- 2.1. It is acknowledged that an individual member of the community or an organisation with community members may request information from ANSTO about its present and proposed activities and operations under the terms of this Charter and ANSTO shall provide the information requested in a written reply (subject to clause 4).
- 2.2. The processes for requesting information shall be as follows:
 - 2.2.1. A request for information to ANSTO pursuant to this Charter must be specific as to the information requested, in writing or by email forwarded to Education and Community Liaison, ANSTO PMB 1, Menai NSW 2234 or enquiries@ansto.gov.au
 - 2.2.2. If the written reply is considered to be unsatisfactory to the party requesting the information, the requesting party may request further information.
 - 2.2.3. Further information may be requested from ANSTO in the following manner, by one or more requests:
 - a. Requesting a more detailed reply, and/or
 - b. Making a further request for information arising from the initial ANSTO reply, and/or
 - c. Requesting that a list of documents held by ANSTO that are related to the information requested be provided, and/or
 - d. Requesting that copies of these documents be provided.
 - 2.2.4. Copies of documents that ANSTO is required to provide under Clause 2.2.3(d) above are subject to clause 4 of this Charter.
- 2.3. An individual member of the community may make an oral request for information to ANSTO. Where an oral request is made, ANSTO will, within 24 hours of the commencement of the next working day following receipt of the request, make available to that person a standard form of inquiry for completion and forwarding to ANSTO.
- 2.4. Clauses 2.1, 2.2 and 2.3 do not preclude the community's right to immediate responses from ANSTO to urgent public inquiries.

3. INFORMATION PROVIDED BY ANSTO

- 3.1. Information to be provided by ANSTO under this Charter means information concerning the present and proposed operations and activities of ANSTO that is contained in documents held by ANSTO. For the purpose of this Charter, the term document shall mean "document" as defined in Section 4 of the Freedom of Information Act 1982 (Cth).
- 3.2. ANSTO will provide information in writing to the requesting party and provide access to tapes subject to clause 4.
- 3.3. ANSTO will provide to the requesting party all information free of charge to the requesting party subject to any fee payable under clause 3.7.
- 3.4. Information shall be provided by ANSTO within 30 calendar days of receipt of a request for information. The reply from ANSTO shall be written in plain English.
- 3.5. Where ANSTO is requested to list documents in relation to a request for information, ANSTO shall provide a list in writing. The list shall describe each document. ANSTO shall identify any document on the list that it considers is an exempt document under clause 4.
- 3.6. Copies of documents provided by ANSTO shall be complete and unaltered, except as provided under sub clause 4.3.
- 3.7. Where a reply from ANSTO to a request will involve substantial resources or an extensive workload:
 - 3.7.1. ANSTO will provide the requesting party (within 7 days of receipt of the request) with an estimate of the resources or workload involved in responding, a list identifying all subject headings relating to the request and a summary of the information included with the subject heading.
 - 3.7.2. ANSTO and the requesting party will attempt to negotiate a more specific request and/or a negotiated fee for the provision of the information.
 - 3.7.3. If no agreement can be reached under clause 3.7.2, then the Commonwealth Ombudsman shall be requested to make a determination of an appropriate specific request for information and/or the appropriate fee payable by the requesting party.
- 3.8. ANSTO shall keep a record of all information provided in response to all requests as well as the requests themselves (without names of requesting parties disclosed) under this Charter and the record shall be available for perusal on request to ANSTO.

4. EXEMPT INFORMATION

- 4.1. ANSTO shall not be obliged to provide requested documents where such documents would be exempt from production under Part I-V of the Freedom of Information Act 1982 (Cth). The grounds for exemption under the Act do not include a general 'public interest' ground.
- 4.2. ANSTO shall not be obliged to otherwise disclose requested information if such information, were it in documentary form, would be exempt pursuant to sub clause 4.1. 4.3. If the deletion of part or parts of an otherwise exempt document would take it outside the scope of sub clause 4.1, ANSTO should provide an appropriately edited version of the document.
- 4.3. ANSTO shall identify, in writing, all documents, information or parts of a document not provided to the requesting party. In each case, ANSTO should indicate which section of the Freedom of Information Act 1982 (Cth) they rely upon in declining to provide the document, information or parts of a document.
- 4.4. This clause shall not affect the rights of individuals or organisations with community members to request documents under the Freedom of Information Act 1982 (Cth), including the right to apply to the Administrative Appeals Tribunal for a review of any decision not to provide certain documents or parts thereof.

5. COMPLAINTS ABOUT COMPLIANCE TO CHARTER

- 5.1. Any complaint concerning ANSTO's compliance with this Charter may be made to the Commonwealth Ombudsman, who will investigate and report to both parties.

6. INFORMATION TO BE MADE PUBLIC

- 6.1. ANSTO may publicly disclose information provided pursuant to this Charter but may not disclose the names of the requesting party unless the party agrees.
- 6.2. ANSTO shall include the text of the Charter on its web site and shall publicise the existence of the Charter and make copies available on request.

7. PERFORMANCE REVIEW

- 7.1. At the conclusion of six-months from the date of this Charter (or 12 months if Sutherland Shire Council and ANSTO agree) a performance review shall be undertaken of the requests for and information provided pursuant to this Charter, together with a performance review of the terms of this Charter. Performance reviews will be undertaken thereafter at yearly intervals.
- 7.2. The review shall be conducted by a suitably qualified independent person appointed by agreement between Sutherland Shire Council and ANSTO.
- 7.3. In the event that the Council and ANSTO cannot agree, an independent person shall be appointed by the Commonwealth Minister for the Environment to conduct the review.
- 7.4. A report of the review shall be submitted to Council, the community consultation group involved in the preparation of this Charter, and ANSTO, and shall be available publicly from ANSTO and Council.
- 7.5. The costs of the review shall be met by ANSTO.

8. BACKGROUND INFORMATION

- 8.1. During the drafting of this Charter, reference was made to:
- 8.1.1. Australian Chemical Industry Council's Community Right to Know Code of Practice dated March 1993.
- 8.1.2. Kenai Peninsula Borough Ordinances 93-95, enacted by the Assembly of the Kenai Peninsula Borough, Alaska on 1 February 1994.
- 8.1.3. United States of America Environment Protection Agency "Emergency Planning and Community Right-To-Know Fact Sheet" dated August 1988.
- 8.2. The significant contribution of those members of the community and the facilitator, Negotiated Solutions, who participated in negotiations for the development of a Charter during the period from November 1994 to February 1998 is acknowledged. The principles of this charter (in clause 1 above) are the principles negotiated in the earlier community version of the charter.

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Community Right To Know Charter Relating to ANSTO
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