



# Public Transparency Policy

Responsible Officer	Adoption Date	[Choose date]
Governance and Reporting Advisor	Approved By	Choose an item.
	Review Date	[Choose date]
Authorising Officer	Policy Type	Major Council Policy
Director Corporate Services		

## Statement and Purpose

This policy supports the Council in its ongoing drive for good governance and the importance of open and accountable conduct and how council information is to be made publicly available. Consequently, this policy seeks to promote:

- (a) greater clarity in Council's decision-making processes;
- (b) increased confidence and trust in the community through greater understanding and awareness;
- (c) enhanced decision making by the community;
- (d) improved Council performance;
- (e) access to information that is current, easily accessible and disseminated in a timely manner; and
- (f) reassurance to the community that the Council is spending public money wisely.

Council must adopt and maintain a public transparency policy under section 57 of the *Local Government Act 2020*. This policy gives effect to the public transparency principles outlined in section 58 of the Act.

## Scope

The policy applies to councillors, members of Council staff and associates of Council.

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## Policy

### 1. Decision making at Council meetings

- (1) Decision making at Council meetings:
  - (a) will be undertaken in accordance with the Act and the Governance Rules;
  - (b) will be conducted in an open and transparent forum except in a closed meeting;
  - (c) will be informed through community engagement, in accordance with the Community Engagement Policy;
  - (d) will be made fairly and on the merits of the matter.
- (2) Where a person's rights will be directly affected by a decision of the Council, a decision will be made following that person being provided with the opportunity to communicate their views and have their interests considered.
- (3) The Mayor and councillors will be provided with the resources and facilities reasonably necessary to enable them to effectively perform their role.

### 2. Council information

#### 2.1 Information not publicly available

- (1) Where information is confidential by virtue of this Act or any other Act, that information will not be publicly available.
- (2) Where the public availability of information would be contrary to the public interest, that information will not be publicly available.
- (3) Where the release of information would be contrary to the provisions of the *Privacy and Data Protection Act 2014*, that information will not be made available.
- (4) The types of information listed in the table below are examples of information that would not be made available. The list is not exhaustive.

Type of information	Description
Council business information	Information that would prejudice the Council's position in commercial negotiations if prematurely released.
Security information	Information that is likely to endanger the security of Council property or the safety of any person if released.
Land use planning information	Information that is likely to encourage speculation in land values if prematurely released.
Law enforcement information	Information which would be reasonably likely to prejudice the investigation into an alleged breach of the law or the fair trial or hearing of any person if released.

Type of information	Description
Legal privileged information	Information to which legal professional privilege applies.
Personal information	Information which would result in the unreasonable disclosure of information about any person or their personal affairs contrary to the provisions of the <i>Privacy and Data Protection Act 2014</i> .
Private commercial information	Information provided by a business, commercial or financial undertaking that relates to trade secrets or that would unreasonably expose the business, commercial or financial undertaking to disadvantage if released.
Confidential meeting information	Records of a Council and delegated committee meetings that are closed to the public to consider confidential information.
Internal arbitration information	Confidential information relating internal arbitration about an alleged breach of the councillor code of conduct.
Councillor conduct panel confidential information	Confidential information relating to a councillor conduct panel matter.
Confidential information under the <i>Local Government Act 1989</i>	Information that was confidential information for the purposes of section 77 of the <i>Local Government Act 1989</i> .

## 2.2 Documents

Subject to clause 2.1, documents such as the following will be made available:

- (a) plans and reports adopted by the Council;
- (b) policies;
- (c) project and service plans;
- (d) grant applications, tenders and tender evaluation material;
- (e) service agreements, contracts, leases, and licences;
- (f) documents that are required to be made available for inspection by the Act or any other Act or regulations;
- (g) council leases, permits and notices of building and occupancy; and
- (h) relevant technical reports and / or research that informs decision making.

## 2.3 Process information

Subject to clause 2.1, process information such as the following will be made available:

- (a) practice notes and operating procedures;
- (b) application processes for approvals, permits, grants, and access to council services;
- (c) decision making processes;
- (d) guidelines and manuals;
- (e) community engagement processes;
- (f) complaints handling processes.

## 2.4 Council records

- (1) Subject to clause 2.1, Council records such as the following will be made available on Council's website:
  - (a) Council meeting agendas;
  - (b) minutes of Council meetings;
  - (c) reporting from advisory committees to council through Council meeting reports;
  - (d) terms of reference or charters for advisory committees;
  - (e) submissions made by Council;
  - (f) register of delegations made by the Council;
  - (g) register of election campaign donations;
  - (h) summary of personal interests ('register of interests' until 24 October 2020).
- (2) Subject to clause 2.1, Council records such as the following will be made available for inspection:
  - (a) documents that are required to be made available for inspection by the Act or any other Act or regulations;
  - (a) submissions received through a community engagement process undertaken by Council.

## 2.5 Publications

Council publishes a range of newsletters, reports and handbooks for residents, businesses and visitors to council which will be made available to the public on request.

## 3. Access to information

### 3.1 Publicly available information

- (1) Information may be made available on the Council website, as open data sets, at Council offices, or by request having considered:
  - (a) the accessibility and cultural requirements in accordance with the *Charter of Human Rights and Responsibilities Act 2006*;

- (b) the confidentiality of information in accordance with the Act or any other Act; and
  - (c) the outcome of the application of a public interest test where appropriate.
- (2) Council will respond to requests for information in accordance this policy.

### 3.2 Other ways to access information

- (1) The *Freedom of Information Act 1982* gives a right of access to documents that Council holds.
- (2) Council is committed to, where possible, proactive, and informal release of information in accordance with the Freedom of Information Professional Standards issued by the Victorian Information Commissioner.
- (3) Guidance on how to make a freedom of information request is provided on the Council website.

## Monitoring and review

A periodic review of this policy will be undertaken to ensure any changes required to strengthen or update the policy are made in a timely manner.

## Definitions

Act	<i>Local Government Act 2020.</i>
Audit and Risk Committee	The audit and risk committee established by the Council under section 53 of the Act.
Authorised officers	Has the same meaning as in the <i>Local Government Act 1989</i> or any other Act
Chief Executive Officer	The person occupying the office of Chief Executive Officer of the Council, and includes a person acting in that office.
Closed meetings	When Council resolves to close the meeting to the public under section 66 of the Act.

Community	<p>Community is a flexible term used to define groups of connected people. We use it to describe people of a municipality generally, including individuals or groups who live, work, play, study, visit, invest in or pass through the municipality.</p> <p>More specifically, it can refer to everyone affiliated with the municipality, or smaller groups defined by interest, identity or location, and not necessarily homogenous in composition or views. Different types of communities often overlap and extend beyond municipal boundaries. Communities may be structured, as in clubs or associations or unstructured, such as teens. Communities are flexible and temporary, subject individual identity and location.</p>
Confidential information	Has the same meaning as in the Act.
Consultation	The process of seeking input on a matter.
Council	The Wangaratta Rural City Council comprised of elected councillors and led by the Mayor.
Council	The Rural City of Wangaratta, led by the Chief Executive Officer.
Councillor	A councillor of the Council.
Council meeting	A meeting of the Council convened in accordance with the governance rules.
Delegate	A member of Council staff to whom powers, functions and duties have been delegated by an instrument of delegation.
Mayor	The Mayor of the Council and any person appointed by the Council to be acting as Mayor.

Public interest test	Council may refuse to release information if it determines that the harm likely to be created by releasing the information will exceed the public benefit in being transparent. When considering possible harm from releasing information, the Council will only concern itself with harm to the community or members of the community. Potential harm to the Council will only be a factor if it would also damage the community, such as where it involves a loss of public funds or prevents the council from performing its functions.
Public participation	Public participation encompasses a range of public involvement, from simply informing people about what the Council is doing, to delegating decisions to the public and community activity addressing the common good.
Stakeholder	An individual or group with a strong interest in the decisions of the Council and are directly impacted by their outcomes.
Transparency	A lack of hidden agendas or conditions, and the availability of all information needed to collaborate, cooperate, and make decisions effectively.

## References

### Legislation

- *Charter of Human Rights and Responsibilities Act 2006*
- *Equal Opportunity Act 2010*
- *Freedom of Information Act 1982*
- *Local Government Act 1989*
- *Local Government Act 2020*
- *Privacy and Data Protection Act 2014*

### Internal policies

- Community Engagement Policy
- Governance Rules



## Review

The policy may be amended by the Council at any time.

It must be reviewed by the Council, and amended if necessary, at least once in each Council term.

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