1. Purpose

This policy supports 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. Council must adopt and maintain a public transparency policy under section 57 of the *Local Government Act 2020* (the Act). This policy gives effect to the *Public Transparency Principles* outlined in section 58 of the Act.

2. Objective

The objective of Council's Public Transparency Policy is to formalise its support for transparency in its decision-making processes and the public awareness of the availability of Council information. As a result, 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;
f) Reassurance to the community that Council is spending public monies wisely.

A transparency policy needs to cover both documentary information, process information and how information will be made available to the public and is an integral part of council's ~~Corporate~~Good Governance Framework.

3. Scope

This policy applies to councillors and Council staff of the Council.

4. Definitions

For the purposes of this policy, Council adopts the following definitions:

Community	Refers to the people who have a stake and interest in the city of Wodonga and includes the following. • Those who live, work, study or conduct business in the municipality • Those involved in local community groups or organisations • Those who visit, use or enjoy the services, facilities and public places located within the municipality • Those who share an interest, a sense of identity or a shared common goal ~~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.~~ ~~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~~
Consultation	The activity of seeking input or feedback on a matter or topic~~The process of seeking input on a matter~~.
Public Participation	Public participation encompasses a range of public involvement, from simply informing people about what government is doing, to delegating decisions to the public and community activity addressing the common good.
Stakeholder	An individual or group identified with a strong interest in a particular topic in regards to the decision-making~~s~~ of the Council and are directly affected~~impacted~~ by an~~their~~ outcome~~s~~.
Closed Meetings	When Council resolves to close the meeting to the general public, in order to consider a confidential matter under section 66(2)(a) of the Act).
Transparency	A council with no hidden agendas or conditions, and the availability of all information needed in order to collaborate, cooperate and make decisions effectively. Importantly, "transparency" is also a human rights issue: the right to have the opportunity, without discrimination, to participate in public affairs (s.58 of The Act).
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.
Open data	To be considered 'open', data needs to be: • published as close to its time of collection as possible • organised in a format that allows for machine processing • available in an open file format (eg CSV) • made available in a permanent and stable format online Open government data does not include private information about individuals. It is non-personal, unclassified and not confidential. (source: www.data.vic.gov.au)

5. Policy

5.1 Transparency at council

Decision Making at Council Meetings
Will be undertaken in accordance with the Act and the Governance Rules.

Will be conducted in an open and transparent forum, unless the provisions in the Act and Governance Rules do not permit it.

Will be informed through community engagement, in accordance with the Community Engagement Principles and the Community Engagement Policy.

Will be made fairly and on the merits, and where any person whose rights will be directly affected by a decision of the Council, that person will be entitled to communicate their views and have their interests considered.

Council Information
This information includes but is not limited to:

Documents such as:
- Plans and Reports adopted by Council;
- Policies;
- Project and service plans;
- Grant application, tenders and tender evaluation material;
- Service agreements, contracts, leases and licences;
- Council leases, permits and notices of building and occupancy; and
- Relevant technical reports and / or research that informs decision making.

Process information such as:
- Practice notes and operating procedures;
- Application processes for approvals, permits, grants, access to Council services;
- Decision making processes;
- Guidelines and manuals;
- Community engagement processes;
- Complaints handling processes.

Council records will, at a minimum, be available on Council's website:
- Council meeting agendas;
- Reporting to Council;
- Minutes of Council meetings;
- Reporting from Advisory Committees to Council through reporting to Council;
- Audit and Risk Committee Performance Reporting;
- Terms of reference or charters for Advisory Committees;
- Registers of gifts, benefits and hospitality offered to councillors or Council staff;
- Registers of travel undertaken by councillors or Council staff;
- Registers of Conflicts of Interest disclosed by councillors or Council staff;
- Submissions made by Council;
- Registers of donations and grants made by Council;
- Registers of leases entered into by Council, as lessor and lessee;
- Register of Delegations;
- Register of Authorised officers;
- Register of Election campaign donations;
- Summary of Personal Interests;
- Any other Registers or Records required by legislation or determined to be in the public interest.

Consistent with the Part II statement, Council will make available the following records for inspection. Examples include but are not limited to:

- Summary of Personal Interests ~~('Register of interests' until 24 October 2020)~~; and
- Submissions received under section 223 of the *Local Government Act 1989* until its repeal or received through a community engagement process undertaken by Council.

Publications

Council publishes a range of newsletters, reports and handbooks for residents, businesses and visitors to council. You can download them from the website or call Council for a copy. Some of these publications are available at Council's Libraries.

5.2 Access to information

- Information will be made available on the Council website, open data, at Council offices, or by request.
- Consideration will be given to accessibility and cultural requirements in accordance with the *Charter of Human Rights and Responsibilities Act 2006.*
- Consideration will be given to confidentiality in accordance with the *Act* and public interest test where appropriate.
- Council will respond to requests for information in alignment with the Act including the Public Transparency Principles, and this policy.

5.3 Information not available

Some Council information may not be made publicly available. This will only occur if the information is confidential information or if its release would be contrary to the public interest or in compliance with the *Privacy and Data Protection Act 2014.*

"Confidential information" is defined in section 3 of the *Local Government Act 2020*. It includes the types of information listed in the following table.

Type	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.
Legal privileged information	Information to which legal professional privilege or client legal privilege applies.

Personal information	Information which would result in the unreasonable disclosure of information about any person or their personal affairs if released.
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 matte
Confidential information under the 1989 Act	Information that was confidential information for the purposes of section 77 of the *Local Government Act 1989*

The Council may decide, in the interests of transparency, to release information to the public even though it is confidential under the Act. However, this will not happen if release is contrary to law or if releasing the information is likely to cause harm to any person or is not in the public interest to do so.

Where information is not confidential, and not already been available, Council will apply the principles of a public interest test with consideration also of the resources required to respond to the request.

5.4 Responsibilities

Party/parties	Roles and responsibilities	Timelines
Council	Champion the commitment and principles for public transparency through leadership, modelling practice and decision-making.	Ongoing
Executive	Champion behaviours that foster transparency and drive the principles through policy, process and leadership. Monitor implementation of this policy.	Ongoing
Managers	Manage areas of responsibility to ensure public transparency, good governance and community engagement is consistent with this policy.	Ongoing
All staff	Public transparency is the responsibility of all employees as appropriate to their role and function. All staff respond to requests for information and facilitate provision of information in	Ongoing

	consultation with their manager and in alignment with the Policy.	
Business services~~Governance Officer~~	To monitor implementation of this policy and conduct periodic reviews to drive continuous improvement.	Ongoing

5.5 Human rights charter

This policy has been reviewed against and complies with section 13 of the *Charter of Human Rights and Responsibilities Act 2006,* as this Policy aligns with and provides for the protection of an individual's right not to have their privacy unlawfully or arbitrarily interfered with. It is also in line with section 18 which recognises a person's right to participate in the conduct of public affairs.

5.6 Non-compliance with this policy

If a member of the community wishes to question a decision about the release of information, this should be raised directly with the officer handling the matter in the first instance. If still not satisfied a review may be requested in accordance with the Complaint Handling policy~~and would like to contest the decision, this can be reported to the Governance Officer~~.

If not satisfied with Council's response, the concerns can be raised directly with the Victorian Ombudsman's office on (03) 9613 6222. or via the website – www.ombudsman.vic.gov.au.

5.7 Other ways to access information

The *Freedom of Information Act 1982* gives you right of access to documents that Council hold. 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. Read more at www.ovic.vic.gov.au.

A list of available information is provided in the Part II Statement (Statement) published on Council's website in accordance the *Freedom of Information Act 1982*. This Statement requires government agencies and local councils to publish a number of statements designed to assist members of the public in accessing the information it holds.

If you can't find the information you require, call us directly so we may assist you.

6. Related policies

Governance Rules

~~Public Transparency Principles~~

Good~~Corporate~~ Governance Framework

Community Engagement Policy

Complaint Handling Policy

Policy

Privacy Policy

7. Related legislation

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

8. Review

Council commits to monitoring processes, information sharing and decision making to understand the overall level of success in the Policy's implementation.

Council may review this policy at any time but unless otherwise requested at least every four years so as to ensure any changes required to strengthen or update the policy are made in a timely manner.

Minor amendments to the policy may be authorised by the CEO at any time where such changes do not alter the substance of the policy eg: typographical errors, a change to the name of a related policy, or a change to the name of legislation.

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Category:	Quality Manager - Strategic and Governance Policy
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