



# PUBLIC TRANSPARENCY POLICY

## 1. PURPOSE

Under section 57 of the *Local Government Act 2020* (the Act) Council is required to adopt and maintain a Public Transparency Policy. Council's Public Transparency Policy defines Council's commitment to the Public Transparency Principles outlined in section 58 of the Act. The Public Transparency Policy covers documentary information, process information and how information will be made available to the public.

## 2 OBJECTIVES

### 2.1 The objectives of Council's Public Transparency Policy (as per section 57 of the Act) are to:

- give effect to the public transparency principles of the Act; and
- describe the ways in which Council information is to be made publicly available; and
- specify which Council information must be publicly available including all policies, plans and reports required under the Act, or any other Act (subject to section 58(b) of the Act); and
- include any other matters prescribed by the Regulations.

### 2.2 Council commits to the Public Transparency Principles detailed in section 58 of the Act:

- Council decision making processes must be transparent except when the Council is dealing with information that is confidential by virtue of the Act or any other Act.
- Council information must be publicly available unless:
  - the information is confidential by virtue of the Act or any other Act; or
  - public availability of the information would be contrary to the public interest;
- Council information must be understandable and accessible to members of the municipal community;
- Public awareness of the availability of Council information must be facilitated.

## 3. SCOPE

This policy applies to Councillors and all staff of the City of Whitehorse.

#### 4. DEFINITIONS

**Confidential Information:** Is as per the definition under section 3(1) the Act. A list of these definitions can be found at point 7 of this Policy.

**Information:** For the purposes of the Public Transparency Principles and Council's Public Transparency Policy (policy), 'information' includes documents.

**Municipal Community:** Includes people who live in the municipal district of the Council; people and bodies who are ratepayers of the Council; traditional owners of land in the municipal district of the Council and people and bodies who conduct activities in the municipal district of the Council.

**Transparency** A lack of hidden agendas or conditions, and the availability of all information needed in order to collaborate, cooperate and make decisions effectively. Importantly, 'transparency' is also human rights issue: the right to have the opportunity, without discrimination, to participate in public affairs.

#### 5 TRANSPARENCY IN DECISION MAKING PROCESSES

##### 5.1 Decision Making at Council and Delegated Committee meetings, will be:

- undertaken in accordance with the Act and Council's Governance Rules;
- conducted in an open and transparent forum, unless in accordance with the provisions in the Act and Council's Governance Rules.
- informed through community engagement, the Community Engagement Principles, Council's Community Engagement Policy and Council's Governance Rules;
- informed by Council reports prepared by officers and included in the Council agenda;
- made fairly and on the merits and where any person whose rights will be directly affected by a decision of the Council, will be entitled to communicate their views and have their interests considered as per the provisions of Council's Governance Rules.

##### **Council and Delegated Committee Meetings:**

- Agenda and minutes for Council and Delegated Committee meetings are available in accordance with Council's Governance Rules.
- Council and Delegated Committee meetings are open to the public in accordance with the Act, unless Council has resolved that the information is confidential information as defined under section 3(1) of the Act;
- Council and Delegated Committee meetings are streamed live via Council's website, with recordings of meetings published on Council's website within 48 hours of the meeting.

##### 5.2 Council Decision Making Processes, will be:

- undertaken in accordance with the Act and Council's Governance Rules;
- made fairly and on the merits, and where any person whose rights will be directly affected by a decision of the Council, will be entitled to communicate their views and have their interests considered.

### 5.3 Examples of Information available on Council's website and/or available for public inspection:

#### Corporate Documents and Publications:

- Annual Report
- Budget
- Council Plan
- Council Vision
- Customer Service Charter
- Performance Reports
- Plans
- Policies;
- Strategies;
- Studies.

#### Information on Processes:

- Accessing Council services;
- Animal Registration
- Applying for Planning, Building, Subdivision or VicSmart permits;
- Applying for Community Grants;
- Complaint Resolution;
- Guidelines;
- Manuals;
- How to request a penalty review.

#### Council Records:

- Council Meeting Agendas and Minutes;
- Delegated Committee Agendas and Minutes (and \*Special Committee Meeting Agenda and Minutes;
- Audit and Risk Committee Annual Performance Assessment and Biannual Audit And Risk Reports;
- Register of Gifts, Benefits and Hospitality for Councillors and Council staff;
- Register of Overseas or Interstate Travel undertaken by Councillors or Council staff;
- Register of Conflicts of Interest disclosed by Councillors or Council staff;
- List of Donations and Grants made by Council in the previous 12 months;
- Document containing details of leases entered into by Council as lessor;
- Register of Delegations;
- Register of Authorised Officers;
- Register of Election Campaign Donations;
- Summary of Personal Interests;
- Other registers or records as required by legislation.

*\*Council will make available records for inspection as per the requirements of the Local Government Act 1989 until its repeal. Special Committees established under section 86 of the LGA 1989 will cease to exist on 1 September 2020. The LGA 2020 has no provision for a 'Special Committee' to be established, rather the Act provides for Delegated Committees to be established under section 11(1) delegations and section 63 Delegated Committees.*

#### **5.4 Inform and Engage with the Municipal Community**

Council informs, and engages with its municipal community on the various ways they may participate in Council decision-making, these include but are not limited to:

- Direct mail to residents;
- Information nights;
- Invitations for submissions;
- Online surveys;
- Onsite meetings;
- Planning consultation forums;
- Public meetings;
- Provision of drafts and exhibits for public comment;
- Public question time at Council meetings;
- Public submission at Committee meetings;
- Resident surveys;
- The Whitehorse News – Council’s monthly print publication;
- Council’s website, including the *‘What’s Happening’*, *‘Have Your Say’* and *‘What We Do’* sections provide information on Council projects, programs and activities and informs people on how they can provide feedback, comment and become involved.

### **6. ACCESS TO INFORMATION**

#### **6.1 Information will be made available on the Council website, at Council’s Service Centres, Council’s Branch Libraries, or by request**

Information on Council’s website:

- is accessible using plain English and simple and direct language;
- can be translated into the top six languages spoken in Whitehorse;
- has automated text to speech capability;
- can be downloaded, with some publications also available at Council’s Customer Service Centres and branch libraries.

#### **6.2 Requests for Access to Information**

- Council will respond to requests for information in accordance with the Public Transparency Principles of the Act and this Policy.
- Consideration will be given to accessibility and cultural requirements in accordance with the *Charter of Human Rights and Responsibilities Act 2006*;

### 6.3 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 proactive and informal release of information in accordance with the Freedom of Information Professional Standards issued by the Victorian Information Commissioner, where ever possible. Further information on Freedom of Information can be accessed via the:
  - Freedom of Information page of Council’s website: [www.whitehorse.vic.gov.au](http://www.whitehorse.vic.gov.au), (type **Freedom of Information** in the search bar).
  - website of the Office of the Information Commissioner [www.ovic.vic.gov.au](http://www.ovic.vic.gov.au).
- A list of available information is provided in the Council’s Freedom of Information 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. The City of Whitehorse Freedom of Information Part II Statement is available on Council’s website: [www.whitehorse.vic.gov.au](http://www.whitehorse.vic.gov.au) – (type **Freedom of Information Part II Statement** in the search bar).
- If you can’t find the information you require, call or email Council directly so we may assist you: telephone: 9262 6333; email: [customer.service@whitehorse.gov.au](mailto:customer.service@whitehorse.gov.au).

## 7 INFORMATION NOT AVAILABLE

Some Council information may not be made publicly available. This will occur if the information is confidential information as defined under section 3(1) of the Act, or release would be contrary to the public interest or to the *Privacy and Data Protection Act 2014*.

<b>Clause</b>	<b>Description</b>
(a) Council business information	Information that would prejudice the Council's position in commercial negotiations if prematurely released
(b) Security information	Information that is likely to endanger the security of Council property or the safety of any person if released.
(c) Land use planning information	Information that is likely to encourage speculation in land values if prematurely released
(d) 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.
(e) Legal privileged information	Information to which legal professional privilege or client legal privilege applies.
(f) Personal information	Information which would result in the unreasonable disclosure of information about any person or their personal affairs if released.
(g) 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.
(h) Confidential meeting information	Records of a Council and delegated committee meetings that are closed to the public to consider confidential information
(i) Internal arbitration information	Confidential information relating internal arbitration about an alleged breach of the councillor code of conduct.
(j) Councillor Conduct Panel confidential information	Confidential information relating to a Councillor Conduct Panel matter
(k) Prescribed information	Information prescribed by the regulations to be confidential information
(l) Confidential information under the 1989 Act	Information that was confidential information for the purposes of section 77 of the <i>Local Government Act 1989</i>

## 8 RESPONSIBILITIES

Party/Parties	Roles and Responsibilities	Timelines
All Staff	Public transparency is the responsibility of all employees as appropriate to their role and function.  All staff must respond to requests for information and facilitate provision of information after consulting with their Manager and in alignment with the Policy.	Ongoing
Council	Champion the commitment and principles for public transparency through leadership, modelling practice and decision-making.	Ongoing
Executive Manager Governance and Customer Service	To monitor implementation of this policy and conduct periodic reviews to drive continuous improvement.	Ongoing
Executive Management Team	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
Team Leader Governance	To monitor implementation of this policy and conduct periodic reviews to drive continuous improvement.	Ongoing

## 9 NON-COMPLIANCE WITH THIS POLICY

- If a member of the municipal 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 and they would like to contest the decision, this can be reported to Council's Customer Liaison Officer: [clo@whitehorse.vic.gov.au](mailto:clo@whitehorse.vic.gov.au)
- 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](http://www.ombudsman.vic.gov.au)

## **10 RELATED POLICIES & LEGISLATION**

Whitehorse City Council's Governance Rules

Whitehorse City Council's Public Transparency Principles

Whitehorse City Council's Governance Framework

Whitehorse City Council's Community Engagement Policy

Whitehorse City Council's Information Privacy Policy

*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.*

### **INTERNAL USE ONLY**

## **11 REVIEW**

Responsible Manager: Executive Manager Governance and Customer Service

Date Adopted: 24 August 2020

Date for Review: August 2021

This policy has been reviewed for compliance with the *Charter of Human Rights and Responsibilities Act 2006*.