

SOUTH GIPPSLAND SHIRE COUNCIL

COUNCIL POLICY

PUBLIC TRANSPARENCY POLICY

Policy No.	C75	Adoption Date:	Council Meeting 16 September 2026
Directorate:	Strategy and Integrity	Department:	Governance and Integrity
Revision Date:	September 2030		
GOOD GOVERNANCE FRAMEWORK – OVERARCHING PRINCIPLES			
Supporting Pillar:	Pillar 4. Structure, Systems & Policies		
Link to Pillar:	The Public Transparency Policy provides guidance in the management and release of Council information in accordance with various pieces of legislation, while protecting the rights of individuals and enabling the effective working of government.		

1. PURPOSE

- 1.1. The purpose of the *Public Transparency Policy (C75)* (the Policy) is to:
 - 1.1.1. Support Council in its ongoing commitment to good governance and the importance of open processes and information; and
 - 1.1.2. Provide guidance in the management and release of Council information in accordance with legislation, while protecting the rights of individuals and enabling the effective working of government.
- 1.2. Council must adopt and maintain a Public Transparency Policy under s.57 of the *Local Government Act 2020* (the Act). This Policy gives effect to the Public Transparency Principles outlined in s.58 of *the Act*.

2. SCOPE

- 2.1. The scope of this Policy applies to Councillors and Council employees, including documents and information Council holds.
- 2.2. The scope of this Policy does not apply to documents, and information Council does not hold.

3. POLICY PRINCIPLES

- 3.1. This Policy has been developed to consider what Council and community information will be made publicly accessible at any time, available through inspection, or upon request while limiting the rights of access to some forms of information that may not be in the public's best interest to release, or that may only be released in full or part under the Freedom of Information Act 1982.
- 3.2. Council information must be publicly available unless:
 - 3.2.1. The information is confidential by virtue of this Act ([Attachment 1](#)) or any other Act; or

- 3.2.2. Public availability of the information would be contrary to the public interest.
- 3.3. Council information must be understandable and accessible to members of the community.
- 3.4. Public awareness of the availability of Council information must be facilitated.
- 3.5. Council will make information available as far as reasonably practicable, consistent with the Public Transparency Principles, and balanced against operational workload and available resources for responding to requests or proactively releasing information.

Council Information

- 3.6. A list of available categories of information Council holds is provided in the *Freedom of Information Part II Statement* published in accordance with the *Freedom of Information Act 1982* (FOI Part II Statement).
- 3.7. Part II of the *Freedom of Information Act 1982* 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.
- 3.8. Community members are encouraged to refer to the *FOI Part II Statement* when seeking information from Council. It is accessible on Council's website www.southgippsland.vic.gov.au.
- 3.9. In some instances, the right of access to some documents may be refused or limited by exemptions in the *Freedom of Information Act 1982*.

Public Available Information

- 3.10. A wide range of Council information is available for public access or inspection. Outlined below are various types of information that are readily accessible to the public.
- 3.11. Council maintains a website that provides access to a vast range and number of documents and Council information that is available for public access or inspection. The following list includes documents that are required to be available on Council's website, however this is not a complete list and additional documents (both mandatory and non-mandatory) to these documents are also accessible. Refer to Council's *FOI Part II Statement* for further information.
 - 3.11.1. Annual Reports
 - 3.11.2. Quarterly Organisational Performance Reports
 - 3.11.3. Minutes of Council Meetings
 - 3.11.4. Model Councillor Code of Conduct
 - 3.11.5. Summary of Personal Interest Returns
 - 3.11.6. General Local Law 2024
- 3.12. Examples of where Council proactively makes Council information available includes:
 - 3.12.1. Monthly summaries of Strategic Briefings for Councillors via Council Meetings;
 - 3.12.2. Monthly summary of Documents Sealed, Contracts Varied, Award or Extended by the CEO via Council Meetings;

- 3.12.3. Awarded Contract (above public tender threshold) details on Council's website; and
- 3.12.4. Summaries of various registers such as: Councillor and Employee Gifts and Benefits and Interstate and Overseas Travel.

Council Information

- 3.13. The *Freedom of Information Act 1982* gives individuals the right to request access to documents that Council holds, that are not already publicly available, or available for a fee or charge.
- 3.14. Information on how to lodge a Freedom of Information request can be found on Council's website.
- 3.15. In some instances, the right of access to some documents may be refused or limited by exemptions in the *Freedom of Information Act 1982*.
- 3.16. If a community member is dissatisfied with Council's response in relation to a Freedom of Information request, external review and complaint mechanisms may be available through the Office of the Victorian Information Commissioner (www.ovic.vic.gov.au).

Decision Making

- 3.17. Council decisions are made in open and closed sessions of Council Meetings. Except in exceptional circumstances members of the public are able to attend open Council Meetings to observe the debate and resolutions made by Council. A livestream of the open Council Meetings is available through the website for those unable to attend in person.
- 3.18. Open Agendas and Minutes of Council Meetings are available on the website. Archives of the livestreams can be access on the website following the meeting. Council will meet the requirement of a minimum of 12 months of publishing Council Meeting Minutes on Council's website.
- 3.19. Council will occasionally have closed sessions of Council Meetings to consider reports and/or information that are deemed confidential in accordance with s.66 of the Act. Whenever possible, Council may resolve to make public some resolutions and/or documents associated with confidential matters considered in closed sessions. Council decisions will be:
 - 3.19.1. Undertaken in accordance with the Act, any other Regulations and the *Governance Rules (C82)*.
 - 3.19.2. Conducted in an open and transparent forum, unless in accordance with the provisions in the Act, any other Regulations and *Governance Rules (C82)*.
 - 3.19.3. Informed through community engagement, in accordance with the Community Engagement Principles and Council's *Community Engagement Policy (C06)*.
 - 3.19.4. Made fairly and on their 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.

4. RISK ASSESSMENT

This Policy mitigates Council's risks as described below:

Governance

- 4.1. Council demonstrates its commitment to managing Council information in accordance with various Act such as the *Freedom of Information Act 1982* and *Local Government Act 2020*.
- 4.2. Community confidence and public trust in Council to be maintained or improved through appropriate sharing or release of Council information.

5. IMPLEMENTATION STATEMENT

Human Rights Charter

- 5.1. This Policy has considered the *Charter of Human Rights and Responsibilities Act 2006*.

Gender Equality

- 5.2. This Policy has considered the *Gender Equality Act 2020* in its development.

Roles and Responsibilities

- 5.3. The Governance & Integrity Department maintains this Policy and undertakes the services of Corporate Governance and Freedom of Information which supports the successful implementation of this Policy.
- 5.4. All employees are to ensure that any Council information required to be made available for public access under any relevant Act, is done so in compliance with the Acts.

6. MONITORING, EVALUATION AND REVIEW

- 6.1. This Policy will be reviewed and adopted by Council on a four-year cycle.
- 6.2. Policies may be reviewed earlier than a four-year cycle if legislative provisions, Industry or organisation requirements change.

7. REFERENCE DOCUMENTS

Legislative Provisions	Charter of Human Rights and Responsibilities Act 2006 Freedom of Information Act 1982 Gender Equality Act 2020 Local Government Act 1989 Local Government Act 2020 Privacy and Data Protection Act 2014 Public Record Act 1973
Council Supporting Documents	Community Engagement Policy (C06) Councillor Gifts, Benefits and Hospitality Policy (C01) Councillor Support and Expenditure Policy (C51) Corporate Information Management Policy (CE49) Employee Gifts, Benefits and Hospitality Policy (CE86) Governance Rules (C82) Information Privacy Policy (C22) Procurement Policy (C32) Live Streaming of Council Meeting Policy (C67)

8. DEFINITIONS

Council Information	The Public Records Act legally requires local councils to create, manage, and preserve comprehensive, accurate records of their business, decisions, and administrative actions.
Councillor Information	Elected councillors are not officially considered "employees" or "public officers" under the Public Record Act. Any documents or communications they make generally only become official public records if or when they are received by a council employee or formally tendered into a council meeting.

9. REVISION HISTORY

Approved By	Approval Date	Sections Modified	CM9 Ref#
<i>Council Meeting</i>	<i>22 July 2020</i>	<i>New Policy</i>	<i>D7637422</i>
<i>Council Meeting</i>	<i>16 September 2026</i>	<i>Major review undertaken of all sections. Community consultation on Draft Policy following endorsement at 15 July 2026 Council Meeting.</i>	<i>D3223826</i>

10. ATTACHMENT SUMMARY

10.1. Attachment 1 - Confidential Information

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

Type	Description
Council business information <i>Section 3(1)(a) of Local Government Act 2020</i>	Information that would prejudice the Council's position in commercial negotiations if prematurely released.
Security information <i>Section 3(1)(b) of Local Government Act 2020</i>	Information that is likely to endanger the security of Council property or the safety of any person if released.
Land use planning information <i>Section 3(1)(c) of Local Government Act 2020</i>	Information that is likely to encourage speculation in land values if prematurely released.
Law enforcement information <i>Section 3(1)(d) of Local Government Act 2020</i>	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 <i>Section 3(1)(e) of Local Government Act 2020</i>	Information to which legal professional privilege or client legal privilege applies.
Personal information <i>Section 3(1)(f) of Local Government Act 2020</i>	Information which would result in the unreasonable disclosure of information about any person or their personal affairs if released.
Private commercial information <i>Section 3(1)(g) of Local Government Act 2020</i>	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 <i>Section 3(1)(h) of Local Government Act 2020</i>	Records of a Council and delegated committee meetings that are closed to the public to consider confidential information under s.66(2)(a) of the <i>Local Government Act 2020</i> .
Internal arbitration information <i>Section 3(1)(i) of Local Government Act 2020</i>	Confidential information relating to internal arbitration process under s.145 of the Act, regarding an alleged breach of a Councillor's code of conduct.

Type	Description
Councillor Conduct Panel confidential information <i>Section 3(1)(j) of Local Government Act 2020</i>	Under s.169 of the Act, which relates to confidential information of matters, documents and proceedings handled by a Councillor Conduct Panel.
Confidential information prescribed by regulations <i>Section 3(1)(k) of Local Government Act 2020</i>	Information prescribed by the regulations to be confidential information for the purposes of this definition.
Confidential information under the 1989 Act <i>Section 3(1)(l) of Local Government Act 2020</i>	Information that was confidential information for the purposes of s.77 of the <i>Local Government Act 1989</i>