

# SOUTH GIPPSLAND SHIRE COUNCIL

## COUNCIL POLICY

### DRAFT PUBLIC TRANSPARENCY POLICY

|                                                    |                                                                                                                                                                                                                                                      |                |                          |
|----------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------|--------------------------|
| Policy No.                                         | C75                                                                                                                                                                                                                                                  | Adoption Date: | Council Meeting <Date>   |
| Directorate:                                       | Strategy and Integrity                                                                                                                                                                                                                               | Department:    | Governance and Integrity |
| Revision Date:                                     | <Date> 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 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](http://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 Request**

- 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*.

### **Decision Making**

- 3.16. 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.
- 3.17. 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.
- 3.18. 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:
- 3.18.1. Undertaken in accordance with the Act, any other Regulations and the *Governance Rules (C82)*.
  - 3.18.2. Conducted in an open and transparent forum, unless in accordance with the provisions in the Act, any other Regulations and *Governance Rules (C82)*.
  - 3.18.3. Informed through community engagement, in accordance with the Community Engagement Principles and Council's *Community Engagement Policy (C06)*.
  - 3.18.4. 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<br>Freedom of Information Act 1982<br>Gender Equality Act 2020<br>Local Government Act 1989<br>Local Government Act 2020<br>Privacy and Data Protection Act 2014<br>Public Record Act 1973                                                                                                                                                        |
| Council Supporting Documents | Community Engagement Policy (C06)<br>Councillor Gifts, Benefits and Hospitality Policy (C01)<br>Councillor Support and Expenditure Policy (C51)<br>Corporate Information Management Policy (CE49)<br>Employee Gifts, Benefits and Hospitality Policy (CE86)<br>Governance Rules (C82)<br>Information Privacy Policy (C22)<br>Procurement Policy (C32)<br>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# |
|-----------------|---------------|-------------------|----------|
| Council Meeting | 22 July 2020  | New Policy        | D7637422 |

| Approved By            | Approval Date       | Sections Modified                              | CM9 Ref#        |
|------------------------|---------------------|------------------------------------------------|-----------------|
| <i>Council Meeting</i> | <i>&lt;DATE&gt;</i> | <i>Major review undertaken of all sections</i> | <i>D3223826</i> |

**10. ATTACHMENT SUMMARY**

Nil