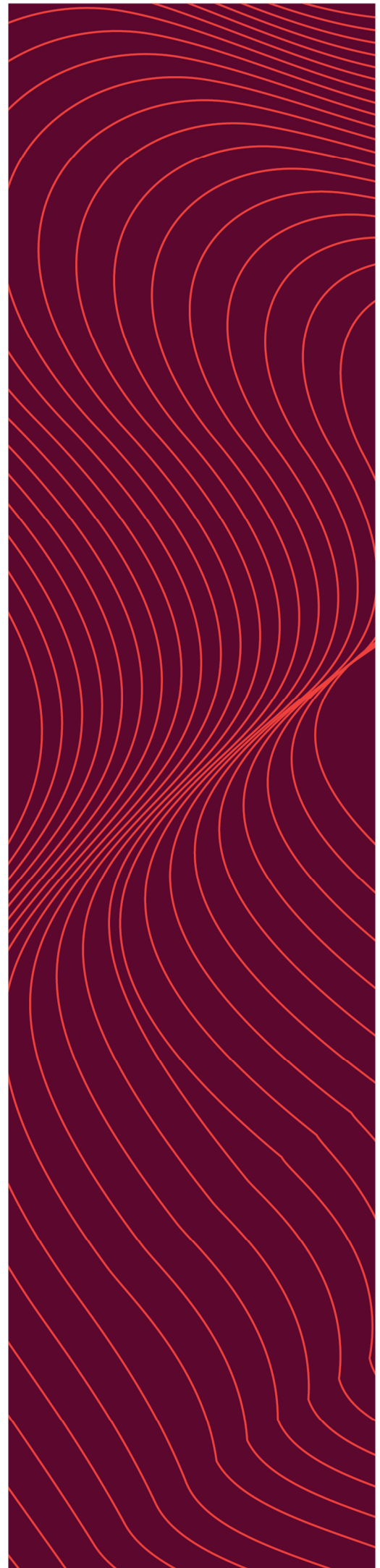


Public Transparency Policy

Version no 2.

Approval date: February 2024

Review date: January 2029



Document control

Responsible GM	Tim Ellis	
Division	Regional City Strategy and Transition	
Last updated (who and when)	Coordinator Council Business	2025

Document history		
Authority	Date	Description of change
Council	7 September 2020	Adoption of Policy
Council	24 February 2025	Incorporation of administrative revisions and accessibility details
References	Refer to section 8 and 9 of this policy	
Next review date	January 2029	
Published on website	Yes	
Document reference no.	2769909	

1. Background

This Policy fulfils Council’s requirement to adopt and maintain a public transparency policy under section 57 of the *Local Government Act 2020* (the Act), that gives effect to the *Public Transparency Principles* outlined in section 58 of the Act.

2. Objectives

The objectives of Council’s Public Transparency Policy are to:

1.1 Give effect to the public transparency principles contained in section 58 of the Act as follows:

- Council decision making processes must be transparent except when the Council is dealing with information that is confidential by virtue of this Act or any other Act;
- Council information must be publicly available unless:
 - the information is confidential by virtue of this 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;

1.2 Describes the ways in which Council information is to be made publicly available; and

1.3 Specify which Council information must be publicly available.

The Policy is an integral part of how Council will achieve the *overarching governance principles* contained in section 9 of the Act.

3. Scope

This Policy applies to Councillors and Council Staff

4. Principles of management

4.1 Decision Making at Council Meetings

- Will be undertaken in accordance with the Act and the Governance Rules including by way of public participation at Council Meetings.
- Will be conducted in an open and transparent forum, unless in accordance with the provisions in the Act and Governance Rules.
- Council will carefully consider and will minimise confidential reports and only close meetings to the public in accordance with the Act.
- Will be informed through community engagement, in accordance with Council's Community Engagement Policy as set out in section 55 and 56 of the Act.
- 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.

4.2 Public Notices

- Council operates under various Acts, and other Acts also include specific public notice or consultation requirements for councils.
- These include, for example, notices about planning permits under the *Planning and Environment Act 1987* and notices of road discontinuance under the *Road Management Act 2004* prior to making a decision.
- These public notices will be found on our website from time to time.

4.3 Publicly Available Information on Council's Website

Council will make available as a minimum on its website the following:

- Overview of the organisation and services including the Executive Management Team and organisation structure;
- Public tender opportunities and recently awarded contracts (within three months);
- Career information including reasons to work at Council and how to apply;
- Open Council Meeting Agendas and Minutes from 2008 onwards;
- Current Council adopted policies;
- A selection of Council adopted strategies;
- Governance Rules;

- Local Laws;
- Council adopted procedures that are required to be publicly available;
- The Model Councillor Code of Conduct;
- Register of Election campaign donations; and
- Corporate documents including Council Plan, Budget, Strategic Resources Plan and Annual Report.

Some of these documents may be available on display at Council's Libraries and Council's Service Centres.

4.4 Information to be Provided on Request

- Operational strategies not available on Council's website;
- Information provided as part of a previous public consultation process;
- Template assessment documents for grants, tenders and expressions of interest;
- Open Council Meeting Agendas and Minutes from prior to 2008 where available;
- Historical Council adopted policies, Local Laws and Council adopted procedures where available;
- Reporting from Committees to Council;
- Submissions made by Council;
- Audit and Risk Committee Performance Reporting;
- Terms of reference or charters for Committees;
- Register of gifts, benefits and hospitality offered to Councillors or Council Staff;
- Register of travel undertaken by Councillors or Council Staff;
- Register of Conflicts of Interest disclosed by Councillors or Council Staff;
- Registers of donations and grants made by Council;
- Register of leases and licences;
- Register of Delegations;
- Register of building permits;
- Register of all occupancy permits and temporary approvals and amendments;
- Register of Authorised officers;
- Summary of Personal Interest Returns; and
- With respect to the *Planning & Environmental Act 1987* a Register containing:
 - all applications for permits;
 - all decisions and determinations relating to permits;
 - all applications for certificates of compliance under part 4A of that Act;
 - all decisions and determinations relating to those certificates of compliance;

- any decision made under section 97F of that Act of which the responsible authority is notified;
- under section 97G of that Act;
- any correction or amendment of which the responsible authority is notified under section 97K of that Act;
- prescribed information in respect of all applications referred to Council under sections 55 and 57C of that Act; and
- a copy of each agreement made under section 173 of that Act including indicating any amendments made.

4.5 Social Media

Council will use social media as a way to share, promote and highlight Council activities and operations, in accordance with Council's Social Media Policy.

4.6 Publications

Council publishes a range of newsletters, reports and handbooks for residents, businesses and visitors to council. These documents can be downloaded from the website or call Council for a copy. Some of these publications are available at Council's Libraries and Service Centres.

4.7 Right to information

Information published on our website can be viewed or downloaded free-of-charge. Otherwise, an individual will be informed about any copying fees or charges should they request a hardcopy document be provided to them.

Sections 4.1 to 4.8 of this Policy should be read in conjunction with section 4.9 below titled, 'Information Not Available'.

4.8 Access to Information

- Information will be made available in a suitable way including on the Council website, Council's Libraries and Council's Service Centres, 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 where appropriate.
- Council will respond to requests for information in alignment with the Act including the Public Transparency Principles, and this policy.

4.9 Information not Available

Some Council information may not be made publicly available. This will only occur if the information is confidential information by virtue of the Act or another Act, 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 Act. It includes the types of information listed in the following table.

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.
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 or Delegated Committee meeting closed to the public under the Act to consider confidential information.
Internal arbitration information	Confidential information relating internal arbitration about an alleged breach of the Model Councillor Code of Conduct.
Councillor Conduct Panel confidential information	Confidential information relating to a Councillor Conduct Panel matter.
Information prescribed by regulation	Information prescribed as confidential information by regulations made under the Act.
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> .

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 available, Council will apply the principles of public interest with consideration also of the resources required to respond to the request.

4.10 Public Interest

In accordance with the Act, Council is not required to make information publicly available if the release would be contrary to the public interest. 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 Council from performing its functions.

Information that might be withheld because it is contrary to the public interest may include:

- internal working documents that have not been approved or submitted to Council, especially where their release may mislead the public without further context.
- directions to Council staff regarding negotiations in contractual or civil liability matters, where release may damage the Council's capacity to negotiate the best outcome for the community.
- correspondence with members of the community, where release may inappropriately expose a person's private dealings.

4.11 Freedom of Information Applications

The *Freedom of Information Act 1982* (FOI Act) gives individuals the right to apply for access to documents that Council holds. Council is committed to, where possible, proactive and informal release of information in accordance with the FOI Act and the Professional Standards issued by the Office of the Victorian Information Commissioner. More information can be found at www.ovic.vic.gov.au.

A list of available information is provided in the Part II Statement published on Council's website in accordance the FOI Act.

Council is also required to make some information available for a specified fees and processes under other pieces of legislation. These are provided through processes outside of this Policy.

If an individual is unable to find the information required, they are encouraged to contact Council for assistance.

4.12 Non-Compliance with this Policy

If a person 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. Where the person is not satisfied and would like to contest the decision, this can be reported to Council's Governance Team via email on egovernance@latrobe.vic.gov.au or via phone on 1300 367 700.

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.

4.13 Accessibility

We are committed to ensuring our information is accessible to everyone. Tell us if you have specific communication needs or barriers and we can assist you through:

- National relay service (nrs)
 - Phone: 1800 555 660
 - Fax: 1800 555 690
 - SMS: 0416 001 350
 - TTY: 1800 555 630
 - Email: helpdesk@relayservice.com.au
 - Online: <https://accesshub.gov.au/about-the-nrs/nrs-helpdesk/enquiries>
 - Chat: <https://nrschat.nrscall.gov.au/nrs/helpdeskchat>
 - Video: <https://nrschat.nrscall.gov.au/nrs/contactus>
- Teletypewriter (tty) users phone 133 677 then ask for 1300 367 700.
- Speak and listen users, phone 1300 555 727 then ask for 1300 367 700.
- Internet relay users connect to the nrs then ask for 1300 367 700.
- Tis (translating and interpreting service) on 131 450.
- Talking with you if you have trouble reading or writing.
- Communicating with another person acting on your behalf.

You can also speak directly to a frontline staff member at the following locations:

HQ Service Centre:	141 Commercial Road, Morwell, Vic 3840
Moe Library Service Centre:	1-29 George Street, Moe, Vic 3825
Traralgon Library Service Centre:	34-38 Kay Street, Traralgon, Vic 3844
Churchill Library Service Centre:	9-11 Philip Parade, Churchill, Vic 3842
Morwell Library Service Centre:	63-65 Elgin Street, Morwell, Vic 3840

5. Accountability and responsibility

Accountability and responsibility for this policy is outlined below.

5.1 Council

- Responsibility to ensure this Policy is consistent with Latrobe City Council Strategic Direction and other Latrobe City Council Policy
- Responsibility for the decision to approve this Policy by Council Resolution

5.2 Chief Executive Officer

- Overall responsibility for compliance with this policy
- Overall responsibility for enforcing accountability
- Overall responsibility for providing resources
- Overall responsibility for performance monitoring

5.3 General Manager

- Responsibility for compliance with this policy
- Responsibility for enforcing accountability
- Responsibility for providing resources
- Responsibility for performance monitoring

5.4 Manager

- Develop frameworks and procedures in compliance with this policy
- Enforce responsibilities to achieve compliance with frameworks and procedures
- Provide appropriate resources for the execution of the frameworks and procedures

5.5 Employees, Contractors and Volunteers

- Participate where required in the development of frameworks and procedures in compliance with this policy.
- Comply with frameworks and procedures developed to achieve compliance with this policy.

6. Evaluation and Review

This Policy will be reviewed on request of Council, in the event of significant change in the Executive team, significant changes to legislation applicable to the subject matter of the policy or, in any other case, during each Council term (generally four years).

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.

7. Related Documents

Governance Rules

Charter of Human Rights and Responsibilities Act 2006

Freedom of Information Act 1982 and Part II Statement

Local Government Act 2020

Local Government Act 1989

Privacy and Data Protection Act 2014

Equal Opportunity Act 2010