5.4   PUBLIC TRANSPARENCY POLICY
(NA)

Responsible Officer: Jarrod Doake, Chief Operating Officer

RECOMMENDATION

That the draft Public Transparency Policy be adopted.

INTRODUCTION

This report concerns the proposed adoption of a Public Transparency Policy, as required by the *Local Government Act* 2020 (the Act).

BACKGROUND

One of the overarching principles of the new Act is that "the transparency of Council decisions, actions and information is to be ensured" (refer to s. 9(2)(i)).

Section 58 of the Act establishes the following public transparency principles:

(a) 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;
(b) Council information must be publicly available unless—
  (i) the information is confidential by virtue of this Act or any other Act; or
  (ii) public availability of the information would be contrary to the public interest;
(c) Council information must be understandable and accessible to members of the municipal community;
(d) public awareness of the availability of Council information must be facilitated.

The public transparency principles, of the Act must be applied to all aspects of a council's operations and decision-making.

The Act requires a council to adopt and maintain a public transparency policy that:

(a) gives effect to the public transparency principles; and
(b) describes the ways in which Council information is to be made publicly available; and
(c) specify which Council information must be publicly available, including all policies, plans and reports required under this Act or any other Act; and
(d) include any other matters prescribed by the regulations.

The first public transparency policy must be adopted by Council on or before 1 September 2020.

DISCUSSION

A Public Transparency Policy has been prepared, with the assistance and guidance of Council's solicitors as well as with guidance provided sector-wide by Local Government Victoria.

The policy formalises Council's support for transparency in its decision-making processes and the availability of Council information, to give effect to the transparency principles.

It is noted that simply having council information available to the public will not meet the requirements of the Act.

Council information must be understandable and accessible to members of the community and public awareness of the availability of this information must be facilitated.

The policy addresses there two requirements, directly.

Council decision-making processes must be transparent, except when the Council is dealing with information that is confidential by virtue of the *Local Government Act* 2020 or any other Act

Council also needs to have regard to the principles underpinning Victoria's *Freedom of Information Act,* 1982, which establishes a "general right of access to information… limited only be exceptions and exemptions necessary for the protection of essential public interests…;" and "making available to the public information about the operation of agencies and, in particular, ensuring that rules and practices affecting member of the public in their dealings with agencies are readily available…" (refer to s.3 *Freedom of Information Act* 1982*).*

This policy has regard to those principles.

Section 10 of the policy details accessibility of Council information.

Section 11 details information that may not be available for public release, either because it is confidential information under the Act or its release would be contrary to the public interest.

The policy also provides a process for the making of a complaint where a person is dissatisfied with the way that the policy has been applied to their request for access to Council information.

FINANCIAL IMPLICATIONS

There are no financial implications to this matter.

CONCLUSION

The proposed Public Transparency Policy is submitted for adoption by Council, as required by the Act. The policy supports the public transparency principles contained in the legislation.