Yarra Ranges Council  
Public Transparency Policy

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| Version: | 1.0 |
| Adopted by Council: | 25 August 2020 |
| Responsible Officer: | [Director Corporate Services] |
| Department: | [Corporate Services] |
| Contact Officer: | [Executive Officer Information Management] |

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1. Purpose
   1. Yarra Ranges Council (Council) is committed to the principles of public transparency, good governance, open and accountable conduct and making council information publicly available, except where that information is confidential under the provisions of the Local Government Act 2020 (the Act) or contrary to the public’s interest.
   2. Council adopts and maintains a public transparency policy in accordance with section 57 of the the Act. This policy gives effect to the Public Transparency Principles outlined in section 58 of the Act.
2. Objectives
   1. The objective of Council’s Public Transparency Policy is to formalise its commitment to making decisions in a transparent way and improving the public’s awareness regarding the availability of Council information. As a result, this policy seeks to ensure that:
3. Council decision making processes are transparent except when the Council is dealing with information that is confidential by virtue of the Act or any other Act;
4. Council information must be publicly available unless—

(i) the information is confidential by virtue of the Act or any other Act; or

(ii) public availability of the information would be contrary to the public interest;

(c) Council information is understandable and accessible to members of the municipal community; and

(d) public awareness of the availability of Council information must be facilitated.

2.2 A transparency policy needs to cover documentary information, process information and how information will be made available to the public and is an integral part of Council’s Good Governance Framework.

1. Scope
   1. This policy applies to Councillors and Council staff.
2. Definitions
   1. For the purposes of this policy, Council adopts the following definitions:

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| Community | means | People of a municipality generally, including individuals or groups who live, work, play, study, visit, invest in or pass through the municipality.  More specifically, it refers to everyone affiliated with the municipality, or smaller groups defined by interest, identity or location, and not necessarily homogenous in composition or views. |
| Consultation | means | The process of seeking input on a matter. |
| Public Participation | means | A range of public involvement, from simply informing people about what government is doing, to delegating decisions to the public and community activity addressing the common good. |
| Stakeholder | means | An individual or group with a strong interest in the decisions of Council and/or are directly impacted by particular outcomes. |
| Closed Meetings | means | When Council resolves to close a meeting to the general public, in order to consider a confidential matter regarding issues of a legal, contractual or personnel nature and other issues deemed not in the public interest. |
| Transparency | means | Ensuring the availability and accessibility of all information needed in order to collaborate, cooperate and make decisions effectively. Importantly, it is also a human right to have the opportunity, without discrimination, to participate in public affairs (s.18 of The Charter of Human Rights and Responsibilities Act 2006). |
| Public Interest Test | means | 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 significant cost to council or prevents the council from performing its functions. |

1. What will Council be transparent with

Decision Making at Council Meetings

* 1. Decision Making at Council Meetings:

1. Will be undertaken in accordance with the Act and the Governance Rules.
2. Will be conducted in an open and transparent forum, unless in accordance with the provisions in the Act and Governance Rules.

Council Information

* 1. Council will make available and accessible a wide range of information in support of this policy. This information includes but is not limited to:

1. Documents such as:

* Plans and Reports adopted by Council;
* Council endorsed policies;
* Project and service plans;
* Relevant technical reports and/or research written or used by Council to inform decision making, including reports or research undertaken by third parties for Council.

1. Process information such as:

* Practice notes and operating procedures;
* Application processes for example approvals, permits, grants, access to Council services;
* Decision making processes;
* Guidelines and manuals;
* Community engagement processes;
* Complaints handling processes.

1. The following Council records will, at a minimum, be available on Council’s website:

* Council meeting agendas;
* Reporting to Council;
* Minutes of Council meetings;
* Reporting from Advisory Committees to Council through reporting to Council;
* Audit and Risk Management Committee Performance Reporting;
* Terms of reference or charters for Advisory Committees;
* Registers of gifts, benefits and hospitality offered to Councillors or Council Staff;
* Registers of travel undertaken by Councillors or Council Staff;
* Registers of Conflicts of Interest disclosed by Councillors or Council Staff;
* Submissions made by Council;
* Registers of donations and grants made by Council;
* Registers of leases entered into by Council, as lessor and lessee;
* Register of Delegations;
* Register of Authorised officers;
* Register of Election campaign donations;
* Summary of Personal Interests;
* Any other Registers or Records required by legislation or determined by Council to be in the public interest.
  1. 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 information it holds. A list of information available upon request or on the website is provided in the Part II Statement published on Council’s website at [**www.yarraranges.vic.gov.au**](http://www.yarraranges.vic.gov.au) in accordance with the Freedom of Information Act 1982.

Publications

* 1. Council publishes a range of newsletters, reports and handbooks for residents, businesses and visitors to council. You can download them from the website or call Council for a copy. Some of these publications are available at Council’s Libraries.

1. Access to information
   1. Information will be made available:
2. on the Council website, from Council offices, or by request to the relevant business unit.
3. in accordance with the Part II statement made under the Freedom of Information Act 1982.
   1. Members of the public can make different kinds of information requests to the appropriate business unit within council (e.g. informal requests for documents and information or formal Freedom of Information requests).
   2. Consideration will be given to accessibility and cultural requirements in accordance with the *Charter of Human Rights and Responsibilities Act 2006.*
   3. Consideration will be given to confidentiality in accordance with the *Act* and public interest test where appropriate.

Council will respond to requests for information in alignment with the Act including the Public Transparency Principles, and this policy.

Freedom of information (FOI) applications

* 1. The Freedom of Information Act 1982 gives members of the public the right to access documents that Council holds. If the document required is not on Councils website website, call the relevant business unit to request a copy before making an FOI application as we may be able to make it available as part of an informal release process.

1. Information not available

7.1 Some Council information may not be made publicly available. This will only occur if the information is confidential information or if its release would be contrary to the public interest or not in compliance with the Privacy and Data Protection Act 2014 or Freedom of Information Act 1982.

“Confidential information” is defined in section 3 of the Local Government Act 2020. It includes the types of information listed in the following table.

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| **Type** | **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 and delegated committee meetings that are closed to the public to consider confidential information |
| Internal arbitration information | Confidential information relating to internal arbitration about an alleged breach of the councillor code of conduct. |
| Councillor Conduct Panel confidential information | Confidential information relating to a Councillor Conduct Panel matter |
| Confidential information under the Local Government Act 1989 | Information that was confidential information for the purposes of section 77 of the *Local Government Act 1989* |

* 1. 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 in breach of contractual requirements or if releasing the information is likely to cause harm to any person or is not in the public interest to do so.
  2. Where information is not confidential, and not already available, Council will apply the principles of a public interest test with consideration also of the resources required to respond to the request.

1. Responsibilities
   1. Responsibilities for the implementation of this Policy are outlines below:

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| **Party/parties** | **Roles and responsibilities** | **Timelines** |
| Council | Champion the commitment and principles for public transparency through leadership, modelling practice and decision-making. | Ongoing |
| Executive Leadership Team | Champion behaviours that foster a culture of transparency and drive the implementation of principles through policy, process and leadership.  Monitor implementation of this policy. | Ongoing |
| Senior Leadership Group | Manage areas of responsibility to ensure public transparency, good governance and community engagement is consistent with this policy. | Ongoing |
| All Staff | Public transparency is the responsibility of all employees as appropriate to their role and function.  All staff respond to requests for information and facilitate provision of information in consultation with their manager and in alignment with the Policy. | Ongoing |
| Director Corporate Services | To monitor implementation of this policy and conduct periodic reviews to drive continuous improvement. | Ongoing |
| Manager Financial Services | To conduct periodic reviews of this policy to monitor compliance and to drive continuous improvement. | Ongoing |
| Audit and Risk Management Committee | To review and provide assurance to council that the policy is adequately managed. | Ongoing |

1. Human rights charter
   1. This policy has been reviewed against and complies with section 13 of the Charter of Human Rights and Responsibilities Act 2006, as it 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.
2. Non-compliance with this policy
   1. If a member of the 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 they are still not satisfied and would like to contest the decision, this can be reported to the FOI Officer within council.
   2. 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.
3. Monitoring, evaluation and review
   1. Council commits to monitoring processes, information sharing and decision making to understand the overall level of success in the Policy’s implementation.
   2. A periodic review of this policy will be undertaken to ensure any changes required to strengthen or update the policy are made in a timely manner.
4. Related policies & legislation
   1. Council’s:
5. Governance Rules
6. Community Engagement Policy
7. Freedom of Information Policy
8. Privacy and Health Information Policy
   1. Legislation:
9. Charter of Human Rights and Responsibilities Act 2006
10. Freedom of Information Act 1982
11. Local Government Act 2020
12. Local Government Act 1989
13. Privacy and Data Protection Act 2014
14. Equal Opportunity Act 2010.
15. Administrative amendments
    1. From time to time, circumstance may require minor amendments be made to this Policy. Where this does not materially alter the Policy, such amendments may be made administratively by the Chief Executive Officer.
    2. Any amendment which materially alters the Policy must be approved by resolution of Council.
16. Distribution
    1. As soon as possible after it is adopted by Council, a copy of this Policy will be:
17. available for inspection by the public at Council offices; and
18. published on Council’s website.
19. Review

Responsible Officer: Director Corporate Services

Date Adopted: August 2020

Date of Next Review: August 2023 (and every four years thereafter)