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RELATED STRATEGIC DOCUMENTS, POLICIES OR PROCEDURES:	Governance Rules Community Engagement Policy Privacy Policy Media and Social Media Policy
RELATED LEGISLATION:	Charter of Human Rights and Responsibilities Act 2006 Freedom of Information Act 1982 Local Government Act 1989 Local Government Act 2020 Privacy and Data Protection Act 2014 Equal Opportunity Act 2010.

EVIDENCE OF APPROVAL:



Signed by Chief Executive Officer

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Policy documents are amended from time to time, therefore you should not rely on a printed copy being the current version. Please consult the policies on the Loddon Shire website (Council Policies) or Intranet (Organisational Policies) to ensure that the version you are using is up to date.

This document is available in alternative formats (e.g. larger font) if requested.

1 PURPOSE

This policy supports Council in its ongoing drive for good governance and the importance of open and accountable conduct and how council information is to be made publicly available. Council must adopt and maintain a public transparency policy under section 57 of the *Local Government Act 2020* (the Act). This policy gives effect to the *Public Transparency Principles* outlined in section 58 of the Act.

2 SCOPE

This policy applies to Councillors and Council staff of the Council.

3 POLICY

The objective of this Policy is to formalise Council's support for transparency in its decision-making processes and the public awareness of the availability of Council information. As a result, this policy seeks to promote:

- a) greater clarity in Council's decision-making processes
- b) increased confidence and trust in the community through greater understanding and awareness of Council's decision making processes
- c) enhanced decision making by the community
- d) improvement in Council's performance through transparency in its decision making processes
- e) access to information that is current, easily accessible and disseminated in a timely manner
- f) reassurance to the community that Council is spending public monies wisely.

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 governance framework.

4 WHAT WILL COUNCIL BE TRANSPARENT WITH?

4.1 Decision making at Council meetings

Decision making at Council Meetings will be:

- undertaken in accordance with the Act and the Governance Rules
- conducted in an open and transparent forum, unless in accordance with the provisions in the Act and Governance Rules
- informed through community engagement in accordance with the Community Engagement Principles and the Community Engagement Policy
- 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 Council information

This information includes but is not limited to:

Documents such as:

- Plans and reports adopted by Council
- Policies
- Project and service plans
- Grant application, tenders and tender evaluation material
- Service agreements, contracts, leases and licences
- Council leases, permits and notices of building and occupancy
- Relevant technical reports and / or research that informs decision making.

Process information such as:

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

The following **Council records** will, at a minimum, be available on Council's website:

- Council meeting agendas and reports
- Minutes of Council meetings
- Reporting from Advisory Committees to Council
- Audit and Risk Committee Performance Reporting
- Terms of reference or charters for Advisory Committees
- Register of Election campaign donations
- Any other Registers or Records required to be available on Council's website by legislation or determined to be in the public interest.

Consistent with the Freedom of Information Act Part II statement, Council will make available the following records for inspection. Examples include but are not limited to:

- Registers of travel undertaken by Councillors or Council Staff
- Registers of Conflicts of Interest disclosed by Councillors or Council Staff
- Registers of gifts, benefits and hospitality offered to Councillors or Council Staff
- Public 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
- Summary of Personal Interests ('Register of interests' until 24 October 2020)
- Submissions received under section 223 of the *Local Government Act 1989* until its repeal or received through a community engagement process undertaken by Council.

Publications

- 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 Library Agencies.

5 ACCESS TO INFORMATION

Information will be made available on the Council website, at Council offices, 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 test where appropriate.

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

6 INFORMATION NOT AVAILABLE

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*.

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

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.

Type	Description
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 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 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 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.

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.

7 RESPONSIBILITIES

It is everyone's role to promote and facilitate access to Council information in accordance with the public transparency policy.

Party/parties	Roles and responsibilities	Timelines
Council	Champion the commitment and principles for public transparency through leadership, modelling practice and decision-making.	Ongoing
Management Executive Group	Champion behaviours that foster transparency and drive the principles through policy, process and leadership. Monitor implementation of this policy.	Ongoing
Managers	Manage areas of responsibility to ensure public transparency, good governance and community engagement is consistent with this policy.	Ongoing

Party/parties	Roles and responsibilities	Timelines
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

8 NON COMPLIANCE WITH THIS POLICY

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 still not satisfied it should be raised in accordance with Council's Complaints Policy.

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.

9 OTHER WAYS TO ACCESS INFORMATION

The *Freedom of Information Act 1982* gives members of the public right of access to documents that Council hold. Council is committed to, where possible, proactive and informal release of information in accordance with the Freedom of Information Professional Standards issued by the Victorian Information Commissioner. Read more at www.ovic.vic.gov.au.

A list of available information is provided in the Part II Statement (Statement) published on Council's website in accordance the *Freedom of Information Act 1982*. The Act 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.

If members of the public can't find the information they require, they are encouraged to call Council directly so Council may assist you.

10 MONITORING, EVALUATION AND REVIEW

Council commits to monitoring processes, information sharing and decision making to understand the overall level of success in this Policy's implementation.

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.

11 DEFINITIONS OF TERMS OR ABBREVIATIONS USED

Term	Definition
Community	<p>Community is a flexible term used to define groups of connected people. We use it to describe people of a municipality generally, including individuals or groups who live, work, play, study, visit, invest in or pass through the municipality.</p> <p>More specifically, it can refer to everyone affiliated with the municipality, or smaller groups defined by interest, identity or location, and not necessarily homogenous in composition or views. Different types of communities often overlap and extend beyond municipal boundaries. Communities may be structured, as in clubs or associations or unstructured, such as teens. Communities are flexible and temporary, subject individual identity and location</p>
Consultation	The process of seeking input on a matter.
Public participation	<p>Public participation encompasses a range of public involvement, from simply informing people about what government is doing, delegating decisions to the public and community activity addressing the common good. For further detail refer to Council's Community Engagement Policy.</p>
Stakeholder	An individual or group with a strong interest in the decisions of Council and are directly impacted by their outcomes.
Closed meetings	A meeting when Council resolves to close the 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	<p>A lack of hidden agendas or conditions, and the availability of all information needed in order to collaborate, cooperate and make decisions effectively. Importantly, "transparency" is also human rights issue: the right to have the opportunity, without discrimination, to participate in public affairs (s.58 of The Act).</p>
Public Interest Test	<p>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 the council from performing its functions.</p>

12 HUMAN RIGHTS STATEMENT

It is considered that this policy does not impact negatively on any rights identified in the Charter of Human Rights Act. Loddon Shire Council is committed to consultation and cooperation between management and employees. The Council will formally involve elected employee Health and Safety Representatives in any workplace change that may affect the health and safety of any of its employees.

13 REVIEW

The Director Corporate Services will review this policy for any necessary amendments no later than 4 years after adoption of this current version.