

THE CITY OF  
GREATER GEELONG

# PUBLIC TRANSPARENCY POLICY

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**VERSION: 2**

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**Approved by:** Council

**Review Date:** 1 September 2022

**Responsible Officer:** Manager, Governance.

**Authorising Officer:** Chief Executive Officer

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# Introduction

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## PURPOSE

This policy outlines how the Council and the City will ensure that it meets its obligations under section 57 and section 58 of the *Local Government Act 2020* (the Act).

## WHY IS TRANSPARENCY IMPORTANT?

Transparent decision making promotes a positive and productive relationship between the Council and the City and the community. It allows the community to have a greater sense of ownership and connection to decisions made by the Council and the City. More so than at any other level of government, local councils provide the opportunity for citizens to engage with decision making directly affecting them and their communities.

Transparent decision making in local government supports accountability, encourages high performance and also increases public confidence in councils and their processes and decisions. Individuals will not always agree with Council or City decisions, but transparency allows them to understand the reasoning in the decision-making process.

Openness, accountability, integrity and honesty are essential to build high levels of trust amongst our community and enables fully informed engagement in the democratic process. Without transparency, effective community engagement, planning, financial management and any number of other council responsibilities cannot be properly performed.

## PUBLIC TRANSPARENCY PRINCIPLES

One of the overarching principles of the Act is that “the transparency of Council decisions, actions and information is to be ensured” (section 9(2)(i)).

Section 58 of the Act states the public transparency principles that must be applied to all aspects of a council’s operations and decision making as follows:

- 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.

## SCOPE

This policy applies to the Council and anyone carrying out delegated duties or functions of the Council including Councillors, City staff, members of Delegated Committees or Advisory Committees, volunteers and those on work experience.

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# Definitions

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## **CITY**

The City of Greater Geelong organisation led by the CEO

## **COUNCIL**

The Greater Geelong City Council comprised of Councillors, and its Delegated Committees

## **DELEGATED COMMITTEE**

A delegated committee established under section 63 of the Act

## **THE ACT**

Local Government Act (Vic) 2020

## **FOI ACT**

Freedom of Information Act (Vic) 1982

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## HOW WILL COUNCIL AND CITY DECISION-MAKING PROCESS BE TRANSPARENT?

### Decisions of the Council

Decisions made by the Council must be:

- undertaken in accordance with the Act, any other relevant legislation and Council's Governance Rules;
- conducted in an open and transparent forum, unless otherwise provided 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; and
- made fairly and on the merits, and where any person whose rights will be directly affected by a decision of the Council, will be entitled to communicate their views and have their interests considered.

### Decision made under delegation

City officers making decisions under delegation or authorisation of the Council under the Act or any other legislation must have regard to the public transparency principles in the Act.

## WHAT INFORMATION WILL BE PUBLICLY AVAILABLE?

Under the Act (and, in some cases, the *Local Government Act 1989*), certain information must be made publicly available, namely:

- Register of Delegations made by Council;
- Council and Delegated Committees Meeting Minutes;
- Local Laws and any documents incorporated;
- Council Plan;
- Strategic Resource Plan;
- Budget;
- Annual Report;
- Councillor Code of Conduct;
- Procurement Policy;
- Personal Interest Returns;
- Reappointment of CEO without advertisement;
- Differential Rates; and
- Summary of Campaign Donation Returns.

The following information will also be made publicly available to ensure the community is informed and can benefit from access to information regarding Council's functions and operations:

- All adopted Council policies, plans and strategies;
- Governance Rules;
- Composition, Terms of Reference, Agendas and Minutes of Council Meetings, Committees and Groups;
- Code of Conduct for Council Staff;
- Register of Delegations made by the CEO;

- Register of Authorised Officers;
- Register of Interstate and Overseas Travel by Councillors and Staff;
- Register of Land Leases entered into by Council;
- Register of Donations and Grants made by Council;
- Register of Contracts Awarded by Council; and
- Details of any Council Land proposed for Sale or Exchange.

Under various other Acts administered by Council, the following information will be made publicly available:

- Register of Planning Permits;
- Register of Planning Applications on Advertising;
- Copy of Planning Permits and Endorsed Plans (by application under the FOI Act, charges may apply);
- Copies of Building Permits, plans and documentation (by application under the FOI Act, charges may apply);
- Register of Building Permits, Occupancy Permits and Temporary Approvals;
- Register of Animal Registrations;
- Register of Public Roads; and
- FOI Part II Statement.

## WHAT INFORMATION WILL NOT BE PUBLICLY AVAILABLE?

Some information may not be made publicly available. Information will not be publicly available if its release would be contrary to the public interest or not in compliance with the *Privacy and Data Protection Act 2014*.

“Confidential information,” as defined in section 3 of the *Local Government Act 2020* will also not be made publicly available. 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.
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
Information prescribed by the Regulations	Information prescribed by the regulations to be confidential information for the purposes of the Act
Confidential information under the <i>Local Government Act 1989</i>	Information that was confidential information for the purposes of section 77 of the <i>Local Government Act 1989</i>

The Chief Executive Officer may decide, in the interests of transparency, to release information that is not publicly available under this policy. However, this will not happen if the release is contrary to law, in breach of contractual requirements or if releasing the information is likely to prejudice Council, cause harm to any person, affect security of council property or is not in the public interest to do so.

Where information is not confidential, and not already available, the principles of a public interest test with consideration also of the resources required to respond to the request will be applied to determine whether information can be released.

The Chief Executive Officer 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 Chief Executive Officer will consider the potential harm to the community or members of the community. Potential harm to the City 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 City from performing its functions.

## HOW CAN INFORMATION BE ACCESSED?

The FOI Act gives you the right to apply for access to documents held by the City. The City 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](http://www.ovic.vic.gov.au).

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

## HOW WILL INFORMATION BE MADE PUBLICLY AVAILABLE?

- The City will make available information on its website or by inspection, where prescribed, and ensure all such information is regularly reviewed, updated, understandable and accessible.
- The City will use social media to publish or stream information, such as Council Meetings, and other online tools, such as Have Your Say, to encourage community engagement and consultation on project and community related matters.
- The City will ensure information as prescribed under Part II of the *Freedom of Information Act 1982* - Publication of Certain Documents and Information, is made available on its website.
- The City will endeavour where possible to provide the community with access to information free of charge, but may charge a fee for reasonable costs incurred in providing the documents or where a fee is prescribed by legislation for the provision of information.
- All information must be accessible in accordance with the *Charter of Human Rights and Responsibilities Act 2006*.

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# Implementation of this Policy

## RESPONSIBILITIES

Party/parties	Roles and responsibilities
Council	Champion the commitment and principles for public transparency through leadership, modelling practice and decision-making. Adopt the Public Transparency Policy and oversee its implementation.
Executive Leadership Team	Champion behaviours that foster transparency and drive the principles through policy, process and leadership. Implement and ensure compliance with this policy.
Senior Leadership Team	Manage areas of responsibility to ensure public transparency, good governance and community engagement is consistent with this policy.
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.
Governance Unit	To monitor implementation of this policy and conduct periodic reviews to drive continuous improvement.

## MONITORING AND REPORTING

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

## ADVICE AND ASSISTANCE

The Responsible Officer for this policy manages the provision of advice to the organisation regarding this policy.

## HUMAN RIGHTS CHARTER

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.

## 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.

Reviews of decisions about the release of information can be raised, in order of escalation, as follows:

- The City's FOI Officer at: [foi@geelongcity.vic.gov.au](mailto:foi@geelongcity.vic.gov.au)
- The Office of the Victorian Information Commissioner: <https://ovic.vic.gov.au/about-us/contact-us/>

If a member of the community is dissatisfied with how their request for information has been handled by the City, they may lodge a complaint, in order of escalation:

- To the City by seeking a complaint review, which may include a review by the City's Internal Ombudsman: <https://www.geelongaustralia.com.au/complaints/task/item/8d6099d9ed01bae.aspx>
- To the Victorian Ombudsman's office on (03) 9613 6222. or via the website – [www.ombudsman.vic.gov.au](http://www.ombudsman.vic.gov.au).

## RECORDS

The City must retain records associated with this policy and its implementation for at least the period shown below.

Record	Retention / Disposal Authority	Retention Period	Location
This policy	Chief Executive Officer	Seven years	REX
Records of compliance incidents	Manager Governance.	Seven years	REX
Requests for information	All staff	Seven years	REX
Information published on the website	Chief Information Officer	Three years	REX

## REVIEW

The Council should review and, if necessary, amend this policy within four years of the approval date. 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.

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# References

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- Governance Rules
- Public Transparency Principles
- Governance Framework (Template available from LGV if required based on Geelong model)
- Community Engagement Policy
- Information Privacy Policy
- Health Records Policy
- Information Rights Policy
- Open Data Policy
- Charter of Human Rights and Responsibilities Act 2006
- Freedom of Information Act 1982
- Local Government Act 2020
- Local Government Act 1989
- Privacy and Data Protection Act 2014
- Equal Opportunity Act 2010.

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