

Public Transparency Policy

Approval Body:	Council
Endorsement Date:	18 August 2020
Council Plan Reference:	Add here
Current Version:	<p>1.0</p> <p><i>Council policy documents change from time to time and it is recommended that you consult the electronic reference copy on Casey Council's Website to ensure that you have the current version. Alternatively, you may contact Customer Service on 9705 5200.</i></p>
Compulsory Review Cycle:	4 years
Review Date:	<p>18 August 2024</p> <p><i>It is recognised that, from time to time, circumstances may change leading to the need for minor administrative changes to this document. Where an update does not materially alter this document, such a change may be made administratively.</i></p> <p><i>Examples include a change to the name of a Council department, a change to the name of a Federal or State Government department, and a minor update to legislation which does not have a material impact. However, any change or update which materially alters this document must be by resolution of Council.</i></p>
Responsible Department:	Governance
Relevant Legislation:	Local Government Act 2020
Relevant Council Documents:	Part II Statement
Breaches:	Nil
ECM ID:	14131448

1. Purpose and Intent

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.

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 Act or contrary to the public's interest.

This policy aims to formalise Council's commitment to transparent decision-making processes and freely available public access to Council information.

2. Scope

This policy applies to all Councillors, delegated committees under the Act and Council staff.

3. Definitions

Key term	Definition
Council	means Casey City Council, being a body corporate constituted as a municipal Council under the Local Government Act 2020
Councillors	means the individuals holding the office of a member of Casey City Council
Council officer	means the Chief Executive Officer and staff of Council appointed by the Chief Executive Officer.
Closed meetings	Under section 66(5) of the Act, Council may determine that a meeting is to be closed to the public to consider confidential information. A meeting may therefore be closed to the public if Council resolves to close the meeting, 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.
Confidential Information	is defined in section 3 of the <i>Local Government Act 2020</i>
The Act	Means the <i>Local Government Act 2020</i>

4. Principles for Transparency

Council commits to the following principles for Public Transparency as detailed within the Local Government Act 2020:

- 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.

5. Decisions making at Council Meetings

Decisions made at Council meetings will be:

- undertaken in accordance with the Act and the Governance Rules;
- will be conducted in an open and transparent forum with information available via Council reports,
- Council meetings will be open to the community or can be viewed on the livestream (and available as a recording) unless closed for reasons permitted by s.66(2) of the Act.

5.1. Closed Council and Confidential Attachments

Council will aim to as reasonably practicable to limit the number of decisions made at closed meetings of Council.

Council practice where reasonably practicable is to have an open Council report with confidential attachments provided to Councillors.

If a decision or attachment is not made or made available to the public, this will only be undertaken when the matter involves confidential information as defined under s 3 of the Act.

6. Availability of Council Information

Council's activities are diverse and extensive. Significant infrastructure is maintained, a range of services are provided, and various laws are enforced for the community.

Council performs its functions through the enforcement and administration of a large number of Victorian Acts and Regulations and Council Local Laws.

Information about these activities and functions can be obtained in various ways such as Council's website or administratively through Council or for a fee or charge through Council or under various Acts.

6.1. Council's Website

Council shares large amounts of information and documents on our website. This includes but is not limited to information and documents on the services we provide, policies which relate to the public, public notices and public registers.

6.2. Community Engagement

Council in line with any adopted policy and the Community Engagement principles will provide the community with genuine opportunities to inform projects, strategies, services and decisions that affect them. This includes providing the community with any relevant Council information.

6.3. Freedom of Information

The *Freedom of Information Act 1982* gives members of public the right to request documents held by Council. Information on Council's freedom of information processes can be found on Council's website.

6.4. Other Acts – Part II Statement

Under the part 2 of the *Freedom of Information Act 1982*, Council lists various Acts and processes members of the public can obtain information and or documents from and through Council. Council's Part II Statement can be found on Council's website.

7. Understandable and Accessible

Council is aware that information must be made available in a way that is understandable and accessible to all members of the public, in accordance with the *Charter of Human Rights and Responsibilities Act 2006*.

Council does this in many ways but not limited to by providing information in various formats such as hardcopy and digital, Council's website has a text to voice/translation function , using plain English in Council documents and publishing documents in languages other than English where practicable.

8. Public Awareness

Having information and documents available is only successful at informing the public and being transparent, if members of the public are aware that they exist and know where to access them.

Council highlights the availability of information and documents in various ways both legislated and proactively. Examples of this are, but not limited to:

- Public Notices
- Direct Mailouts
- Casey Conversations (digital engagement platform)
- Casey Catch Up (electronic direct mail)
- Citynews
- Casey Community News and
- Social Media

9. 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 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.
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 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.

10. Responsibilities

Who	What
Councillors	Champion public transparency through leadership, modelling practice and decision-making
CEO	Champion behaviours that foster transparency and drive the principles through policy, process and leadership
Governance Department	Training and awareness of public transparency principles and the processing of Freedom of Information requests
Council Staff	Responsible for public transparency as appropriate to their role and function and assisting the Governance Department with Freedom of Information requests as required

11. Relevant Forms

Title	Link
Freedom of Information Application	https://www.casey.vic.gov.au/make-freedom-of-information-request

12. Document History

Date approved	Change Type	Version	Next Review Date
18 August 2020	Document Initiation	1.0	18 August 2024