



1.0 AUTHORITY

- *Local Government Act 2020*, Section 57

2.0 INTENT

The purpose of this policy is to ensure the Mornington Peninsula Shire (the Shire) demonstrates and promotes transparency in its decision making by giving effect to the Public Transparency Principles set out in Section 58 of the *Local Government Act 2020* (the Act) as follows:

- a) 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;
- b) Council information must be publicly available unless:
 - i. the information is confidential by virtue of the *Local Government Act 2020* 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.

This policy describes how information will be made available to the public and is an integral part of the Shire's governance framework.

3.0 SCOPE

This policy applies to the Shire, Shire staff, Councillors and any committee or other body making decisions under the delegated authority of Council.

4.0 GOVERNANCE PRINCIPLES

Under the *Local Government Act 2020*, Council must give effect to the following overarching governance principles:

- a) Council decisions are to be made and actions taken in accordance with the relevant law;
- b) the municipal community is to be engaged in strategic planning and strategic decision making;
- c) the transparency of Council decisions, actions and information is to be ensured.

5.0 POLICY STATEMENT

5.1 The Shire is committed to the principles of public transparency. The Shire considers transparency a cornerstone of democratic governance. Openness, accountability and honesty are essential for fully informed engagement in the democratic process. Effective community engagement, planning, financial management and the performance of all Shire responsibilities are underpinned by transparent processes.



5.2 The Shire demonstrates its commitment to public transparency through its organisational value of 'Openness'. 'We share knowledge and learning for the benefit of all, actively engage with our community, and are transparent in our decision making'.

5.3 Shire decisions are made with transparent processes that are:

- 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;
- made fairly and on its merits, and where any person whose rights will be directly affected by a decision of the Shire, that person will be entitled to communicate their views and have their interests considered; and
- informed by community engagement, in accordance with the Community Engagement Principles and the Shire's Community Engagement Policy.

5.4 Shire information is made publicly available through:

- publication on one or more of the Shire's websites, social media pages and printed publications
- documents available for inspection at one or more Shire offices both on display and by request
- release under the *Freedom of Information Act 1982*.
- key Council budget briefings open to the public
- by any other appropriate means as determined by the Shire, the Chief Executive Officer, or the Manager – Legal and Governance

5.5 All Shire information will be made publicly available unless it is confidential, or its release would not be in the public interest. Examples of Shire information that is publicly available include:

- agendas and minutes of Council meetings
- adopted plans, policies and strategies
- financial and non-financial performance reports
- complaints handling processes
- community engagement processes
- statutory registers

A list of publicly available Shire information is provided in the Shire's Part II Statement published on the Shire's website in accordance with the *Freedom of Information Act 1982*.

Where information is not already available and not confidential, the Shire will facilitate direct release of the information (i.e. without needing to apply under Freedom of Information) where the Shire considers its release to be in the public interest.

Some Shire information may not be made publicly available. This will only occur if the information is confidential, or if its release would be contrary to the public interest or not in compliance with the *Privacy and Data Protection Act 2014*. The Shire will adopt a strict interpretation of *confidential* within the Act to ensure information is not inappropriately characterised as confidential when it should be made available to the public.

5.6 Shire information is understandable and accessible to members of the municipal community.

5.6.1 The Shire makes information understandable by:



- promoting the use of legible, plain, jargon free language in written materials, publications and reports
- adhering to style guides and corporate templates that are set out to enhance understanding
- training staff in effective communication, presentation and report writing skills
- providing community engagement opportunities that facilitate discussion, clarification and explanation of Shire information

5.6.2 The Shire makes information accessible by:

- publishing information in a range of formats, including via social media platforms, on the Shire's website and in hard copy format and printed publications distributed across the municipality
- proactively and routinely releasing information for free or low cost
- responding to individual requests for information
- responding to applications made under the *Freedom of Information Act 1982*
- complying with the *Disability Discrimination Act 1992*
- considering accessibility and cultural requirements in accordance with the *Charter of Human Rights and Responsibilities Act 2006*
- complying with the Web Content Accessibility Guidelines 2.0
- advertising the availability of interpretation services and the National Relay Service

5.7 Public awareness of Shire information is facilitated by:

- promotion on the Shire's website, social media platforms such as 'Have Your Say', and printed publications (e.g. Peninsula Wide)
- community engagement opportunities
- publication of the Shire's Part II Statement in accordance with the *Freedom of Information Act 1982*
- public notices as required by legislation

6.0 HUMAN RIGHTS CHARTER COMPATIBILITY

This policy has been assessed as being compatible with *the Charter of Human Rights and Responsibilities Act 2006 (Vic)*.

7.0 ASSOCIATED DOCUMENTS

- *Local Government Act 2020*
- *Local Government Act 1989*
- *Privacy and Data Protection Act 2014*
- *Freedom of Information Act 1982*
- *Public Records Act 1973*
- *Equal Opportunity Act 2010*
- Mornington Peninsula Shire Community Engagement Strategy
- Mornington Peninsula Shire Community Engagement Policy
- Mornington Peninsula Shire Privacy Policy
- Governance Rules
- Governance Framework



8.0 DEFINITIONS

Confidential information:	has the same meaning as defined in section 3(1) of the <i>Local Government Act 2020</i>
Information:	For the purposes of this policy and the Public Transparency Principles, information includes documents.
Transparency:	Organisations are transparent when they enable others to see and understand how they operate. To achieve transparency, an organisation must provide information about its activities and governance to stakeholders that is accurate, complete, and made available in a timely way. Transparency enables accountability. This does not mean all information should be made publicly available. There are certain types of information that may not be provided publicly, including personal information such as client records, and 'commercial in confidence' material such as tender submissions.
Public Interest:	<p>The Shire considers a range of factors when determining if the release of information is in the public interest. These include</p> <ul style="list-style-type: none">• the aims of the <i>Freedom of Information Act 1982</i> (such as the scrutiny of government, inform debate, promote oversight of government spending)• public participation in government decision-making <p>The Shire is not required to make information publicly available if its release would be contrary to the public interest, in accordance with the <i>Local Government Act 2020</i>. When considering the public interest, the Shire will apply the test that exists in the <i>Freedom of Information Act 1982</i>. The Shire may refuse to release information if it is satisfied that the harm to the community likely to be created by releasing the information will exceed the public benefit in it being released. When considering possible harm from releasing information, the Shire will only concern itself with harm to the community or members of the community. Potential harm to the Shire 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 Shire from performing its functions.</p> <p>Information that might be withheld because it is not in the public interest may include:</p> <ul style="list-style-type: none">• internal working documents that have not been approved or submitted to Council, especially where their release may mislead the public• directions to Shire staff regarding negotiations in contractual or civil liability matters, where release may damage the Shire's capacity to negotiate the best outcome for the community; and• correspondence with members of the community, where release may inappropriately expose a person's private dealings.



9.0 POLICY SPONSOR

The Manager Governance is responsible for overseeing the application and review of the Public Transparency Policy.

10.0 DOCUMENT CONTROLS

Council will review this policy within 4 years from the date of adoption or earlier as required.

Administrative Updates

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. Examples include a change to the name of a Shire department, the change to an existing policy or document referred to in this policy, and minor updates to legislation and the like which does not have a material impact. However, any change or update which materially alters the document must be by resolution of Council.