



13.1 **REVIEW OF PUBLIC TRANSPARENCY POLICY**

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1. PURPOSE

1.1 To present to Council for adoption the reviewed Public Transparency Policy required under section 57 of the *Local Government Act 2020*.

2. EXECUTIVE SUMMARY

2.1 The Public Transparency Policy was originally adopted by Council on 1 September 2020 during stage one of the implementation of the *Local Government Act 2020* (the Act). This is the second review of the policy, with minor changes proposed.

2.2 Council is required under Section 57 of the Act to adopt and maintain a public transparency policy which must:

- a) give effect to the public transparency principles; and
- b) describe the ways in which Council information is to be made publicly available; and
- c) specify which Council information must be publicly available, including all policies, plans and reports required under this Act or any other Act.

3. RECOMMENDATION

That Council:

- 3.1 Adopts the updated Public Transparency Policy (Attachment 1) required under section 57 of the *Local Government Act 2020*.
- 3.2 Delegates authority to the Chief Executive Officer, or their delegate, to make amendments to the documents to correct any minor drafting errors that do not materially alter the intent of the policy.
- 3.3 Delegates authority to the Chief Executive Officer, or their delegate, to make changes to Appendix One of the policy, Publicly Available Information – Statutory Information, to reflect any possible updates to how information can be accessed.

4. KEY POINTS/ISSUES

4.1 The Public Transparency Policy gives effect to the public transparency principles set out in section 58 of the Act and applies to Councillors and Council staff.

4.2 The public transparency principles are—

- (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.

- 4.3 The Policy was originally developed drawing on the model policy prepared by the Department of Environment, Land, Water and Planning in collaboration with the local government sector during the first stage of the local government reforms.

The Policy

- 4.4 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 interest.
- 4.5 The Public Transparency Policy aims to formalise Council's commitment for transparency in its decision-making processes and the public awareness of the availability of Council information.
- 4.6 The policy covers documentary information, process information and how information will be made available to the public.
- 4.7 The policy is supported by the Freedom of Information Part II Statement, available on the City of Port Phillips Freedom of Information website page, which outlines further the types of information available to the public.
- 4.8 Information requests
- Members of the public can make different kinds of information requests (e.g., informal requests for documents and information or formal FOI requests). Council will respond to requests for information in alignment with:
- the Act including the Public Transparency Principles, and this policy.
 - Part II statement made under the *Freedom of Information Act 1982*
 - Public Interest Test
 - Accessibility and cultural requirements under the *Charter of Human Rights and Responsibilities Act 2006*
- 4.9 The 2023 review of the policy included benchmarking against the public transparency policies developed by other Victorian councils, which indicated that the City of Port Phillip policy is broadly similar in terms of structure and content.
- 4.10 While the overall content and intent of the policy remains unchanged, administrative and restructuring changes were made, including:
- An expanded scope to include members of Delegated Committees, Advisory Committees, and volunteers.
 - Breaking down and clearly identifying what statutory and non-statutory information is to be publicly available.
 - Restructuring the document to include tables as attachments.
 - Removing the list of information that is already provided in the Part II Statement - published in accordance with the *Freedom of Information Act 1982* – available on the City of Port Phillip's Freedom of Information website page.
 - Public interest test – providing more information to set the expectations of what the public will and will not be able to access.



- Changes to the definitions to reflect what is captured in the Policy.

5. CONSULTATION AND STAKEHOLDERS

- 5.1 The Public Transparency Policy is a statutory document which incorporates prescribed requirements of the Act.

6. LEGAL AND RISK IMPLICATIONS

- 6.1 This policy ensures compliance with the requirement under sections 57 and 58 of the Act.

7. FINANCIAL IMPACT

- 7.1 Funding for the development of Policies required under the Act has been provided for in existing budgets.

8. ENVIRONMENTAL IMPACT

- 8.1 There is no direct environmental impact resulting from Council adopting a Public Transparency Policy.

9. COMMUNITY IMPACT

- 9.1 The key objectives of the Policy as they relate to the community are to:
- 9.1.1 Raise awareness of the information held by Council and the ways this information can be accessed by our community to increase community confidence and trust in the Council;
 - 9.1.2 Ensure information is made available to our community to help them understand and fully participate in civic life including monitoring the progress and performance of the Council;
 - 9.1.3 Acknowledge that public sector information is an important community asset that wherever possible should be available for access and use by our community.

10. ALIGNMENT TO COUNCIL PLAN AND COUNCIL POLICY

- 10.1 Adoption of the Public Transparency Policy aligns with Strategic Direction 5 of the Council Plan 2021-31 (Well-Governed Port Phillip).

11. IMPLEMENTATION STRATEGY

- 11.1 The Public Transparency Policy takes effect once adopted.
- 11.2 Officers will commence working on making the policy publicly available on Council's website.

12. OFFICER DIRECT OR INDIRECT INTEREST

- 12.1 No officers involved in the preparation of this report have any direct or indirect interest in the matter.

ATTACHMENTS

- 1. [Reviewed Public Transparency Policy - November 2023](#)
- 2. [Public Transparency Policy - August 2020 - Track Changes](#)