



# Public Transparency Policy

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## 1. Policy Objective

The Public Transparency Policy is a requirement of section 57 of the *Local Government Act 2020* ('the Act') and has been developed to ensure Wyndham City Council gives effect to the public transparency principles in the Act and describes what, and how, Council information is publicly and freely available to the community.

## 2. Policy Statement

2.1 Council is committed to the principles of public transparency and commits to making all Council information publicly available, except where the information is:

- 'Confidential Information' as defined under section 3(1) of the Act, unless Council has determined by resolution that the information should be made publicly available;
- Confidential by virtue of any other Act; or
- Is such that making it publicly available would be contrary to the public interest.

A definition of 'Confidential Information' under the Act and examples of where the public availability of information would be contrary to the public interest are provided in Appendix 1.

## 3. Policy Initiatives


3.1 Council will make available all Council information that is publicly available on its website and ensure all such information is regularly reviewed, updated, understandable and accessible.

3.2 Council will use social media to publish or stream appropriate Council information, such as Council Meetings, and other online tools, such as The Loop, to publish Council information and encourage community engagement and consultation on project and community related matters.

3.3 Council will ensure all information as prescribed under Part II of the *Freedom of Information Act 1982* - Publication of Certain Documents and Information, is made publicly available on its website.

3.4 Council will facilitate the awareness of access to Council information through its website and through community engagement opportunities.

3.5 Council will apply a presumption of openness to information and adopt a proactive publication position within the parameters outlined in this policy.

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- 3.6 Council will strive, where possible, to provide the community with access to Council's publicly available information free of charge.
- 3.7 Council will assist the community in accessing its publicly available information and will inform the community of their right to make an application under the *Freedom of Information Act 1982* for information which is not considered publicly available information.

## 4. Publicly Available Information

- 4.1 Under the Act (and, in some cases, the *Local Government Act 1989*), there are specific provisions for certain information to be made publicly available, namely:

- 4.1.1 Register of Delegation made by Council;
- 4.1.2 Council and Delegated Committee Meeting Minutes;
- 4.1.3 Local Laws and any documents incorporated;
- 4.1.4 Council Plan;
- 4.1.5 Strategic Resource Plan;
- 4.1.6 Budget;
- 4.1.7 Annual Report;
- 4.1.8 Councillor Code of Conduct;
- 4.1.9 Procurement Policy;
- 4.1.10 Register of interests;
- 4.1.11 Reappointment of CEO without advertisement;
- 4.1.12 Differential Rates; and
- 4.1.13 Summary of Campaign Donation Returns.

Council will also make the following Council information publicly available to ensure the community are informed and can benefit from access to information regarding Council's functions and operations:

- 4.1.14 All adopted Council policies, plans and strategies
- 4.1.15 Governance Rules
- 4.1.16 Composition, Terms of Reference, Agendas and Minutes of Council Meetings, Committees and Groups (except as described at 2.1)
- 4.1.17 Code of Conduct for Council Staff
- 4.1.18 Register of Delegation made by the CEO
- 4.1.19 Register of Authorised Officers
- 4.1.20 Register of Interstate and Overseas Travel by Councillors and Staff
- 4.1.21 Register of Land Leases entered into by Council
- 4.1.22 Register of Donations and Grants made by Council
- 4.1.23 Register of Contracts Awarded by Council
- 4.1.24 Details of any Council Land proposed for Sale or Exchange.

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

- 4.2.1 Register of Planning Permits
- 4.2.2 Register of Planning Applications on Advertising
- 4.2.3 Copy of Planning Permits and Endorsed Plans (by application, charges will apply)
- 4.2.4 Register of Building Permits, Occupancy Permits and Temporary Approvals
- 4.2.5 Copies of Building Permits, plans and documentation (by application, charges will apply)
- 4.2.6 Register of Animal Registrations
- 4.2.7 Register of Public Roads
- 4.2.8 FOI Part II Statement

4.3 Council will also make information available through Open Datasets through [Data.gov.au](https://data.gov.au) and has 26 datasets available in varying file formats for data ranging from Library locations to Waste Collections activity.

## 5 Procedural Guidelines

5.1 Community requests for Council information not available on Council's website are to be directed to Council staff or Council's Freedom of Information Officer.

5.2 The Freedom of Information Officer will endeavour to provide as much information as possible free of charge within the parameters of this policy.

5.3 Community requests for information that include exempt information under the *Freedom of Information Act 1982* will be processed by application under that Act.

## 6 Review

6.1 The policy will be reviewed in November 2020 following the commencement of additional provisions of the Local Government Act 2020.

6.2 The policy will thereafter be reviewed within 12 months of each general election unless Council determines that an earlier review is required.

6.2 The policy will also be reviewed in accordance with Council's Community Engagement Policy.

## 7 References and Related Documents

Local Government Act 1989


Local Government Act 2020

Privacy and Data Protection Act 2014

## 8 Appendix 1 - Definitions

<p>Confidential Information</p>	<p>Confidential information is defined in the Act as meaning the following:</p> <ul style="list-style-type: none"> <li>(a) Council business information, being information that would prejudice the Council's position in commercial negotiations if prematurely released;</li> <li>(b) security information, being information that if released is likely to endanger the security of Council property or the safety of any person;</li> <li>(c) land use planning information, being information that if prematurely released is likely to encourage speculation in land values;</li> <li>(d) law enforcement information, being information which if released would be reasonably likely to prejudice the investigation into an alleged breach of the law or the fair trial or hearing of any person;</li> <li>(e) legal privileged information, being information to which legal professional privilege or client legal privilege applies;</li> <li>(f) personal information, being information which if released would result in the unreasonable disclosure of information about any person or their personal affairs;</li> <li>(g) private commercial information, being information provided by a business, commercial or financial undertaking that—       <ul style="list-style-type: none"> <li>(i) relates to trade secrets; or</li> <li>(ii) if released, would unreasonably expose the business, commercial or financial undertaking to disadvantage;</li> </ul> </li> <li>(h) confidential meeting information, being the records of meetings closed to the public under section 66(2)(a) of the Act;</li> </ul>
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	<ul style="list-style-type: none"> <li>(i) internal arbitration information, being information specified in section 145 of the Act;</li> <li>(j) Councillor Conduct Panel confidential information, being information specified in section 169 of the Act;</li> <li>(k) information prescribed by the regulations to be confidential information for the purposes of this definition;</li> <li>(l) information that was confidential information for the purposes of section 77 of the <i>Local Government Act 1989</i>.</li> </ul>
<p>Contrary to the Public Interest</p>	<p>There is no definition in the Act as to when the public availability of information would be contrary to the public interest. Council will determine this on a case by case basis. Some examples of where the public availability of information would be contrary to the public interest are as follows:</p> <ul style="list-style-type: none"> <li>(a) where disclosure of the information would divulge any information or matter communicated in confidence by or on behalf of a person or a government and be reasonably likely to impair the ability of Council to obtain similar information in the future; or</li> <li>(b) where its disclosure would be reasonably likely to have a substantial adverse effect on the economy of the municipal district, including but not limited to, revealing consideration of a contemplated movement in rates, fees, charges, interest charges or other levies, the sale or acquisition of land or property by the council, urban re-zoning, the formulation of land use and planning controls and the formation of imposts; or</li> <li>(c) where it would disclose instructions issued to, or provided for the use of guidance of, Council officers on the procedures to be followed or the criteria to be applied in negotiation, including financial, commercial and labour negotiation, in the execution of contracts, in the defence, prosecution and settlement of cases, and in similar activities relating to the financial property or personnel management and assessment interests of Council; or</li> <li>(d) where the information is subject to a secrecy provision in another Act; or</li> <li>(e) where its disclosure would impede the administration of justice generally, including procedural fairness; or</li> </ul>



	<ul style="list-style-type: none"><li>(f) where its disclosure would prejudice intergovernmental relations or otherwise affect relations with other governments; or</li><li>(g) where its disclosure would prejudice or otherwise affect the conduct of investigations, audits or reviews by Council or integrity bodies; or</li><li>(h) where its disclosure would prejudice the deliberative process of government; or</li><li>(i) where its disclosure would prejudice the effectiveness of testing or auditing procedures.</li></ul> <p>These are examples only and not exhaustive of the circumstances in which the public availability of information would be contrary to the public interest.</p>
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