



Public Transparency Policy

August 2020



Please consider the environment before printing



Consider carefully how the information in this document is transmitted

Policy governance

Responsible Service/Department:

Governance

Adoption Authorised:

Council

Date of Adoption:

~~19 August 2020~~

Date Effective From:

~~20 August 2020~~

Endorsed CEO or ELT member or department manager to make or approve document editorial amendments:

Chief Executive Officer (or his delegate)

Annual Desktop Review date:

20 August

Review date:

June 202~~2~~

Completion date:

~~August 2022~~

Version number:

~~12~~

Relevant Legislation:

Local Government Act 2020

Freedom of Information Act 1982

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Purpose

The purpose of this policy is to:

- 1.1 outline the type of information we will make publicly available and how.
- 1.2 support good governance and accountability.
- 1.3 provide greater clarity around Council decision making.
- 1.4 ensure compliance with section 57 of the *Local Government Act 2020* (the Act) to adopt and maintain a public transparency policy.

~~This policy supports Council in its ongoing drive for good governance, and the importance of open and accountable conduct and how council information is to be made publicly available. 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:~~

~~58 The public transparency principles~~

- ~~(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.~~

Outcomes

~~City of Port Phillip will ensure that its decision making, policy making processes as well as information and data used to support these activities, are wherever appropriate, made publicly available for the benefit of the community.~~

~~The City of Port Phillip will ensure that its decision making, policy making processes as well as information and data used to support these activities, are wherever possible, made publicly available for the benefit of the community (exceptions are outlined in part 2.4 of this policy).~~

~~The objectives of the Public Transparency Policy are to:—~~

- ~~a) — Make available Council information unless it is confidential by virtue of legislation or would be contrary to the public interest;~~
- ~~b) — 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;~~
- ~~c) — 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;~~
- ~~d) — Acknowledge that public sector information is an important community asset that wherever possible should be available for access and use by our community;~~
- ~~e) — Ensure privacy of individuals is maintained in line with relevant legislative requirements.~~

Definitions

Table 1: Definitions of terms

| | |
|------------------------------------|---|
| <u>Closed Meetings</u> | When Council resolves to close the meeting to the general public, in order to consider confidential information as defined in section 3 of the Act, or any other Act |
| Community | <p>Community is a flexible term used to define groups of connected people. We use it to describe people of a municipality generally, including individuals or groups who live, work, play, study, visit, invest in or pass through the municipality.</p> <p>More specifically, it can refer to everyone affiliated with the municipality, or smaller groups defined by interest, identity or location, and not necessarily homogenous in composition or views. Different types of communities often overlap and extend beyond municipal boundaries. Communities may be structured, as in clubs or associations or unstructured, such as teens. Communities are flexible and temporary, subject to individual identity and location.</p> |
| <u>Community Engagement</u> | Community Engagement is a planned process to support decision making that provides community members with meaningful opportunities to have a say on matters that are important to them or decisions that they may be impacted by. |
| Consultation | The process of seeking input or feedback on a matter. |
| Public | General term used to broadly describe community and other external stakeholders or groups. |
| Participation | Public participation encompasses a range of public involvement, from simply informing people about what government is doing, involving the public in the decision-making process and community activity addressing the common good. |
| Stakeholder | An individual or group with an interest in or ability to influence the outcomes of a project or initiative and are directly involved in or impacted by a decision. They may also be a group that Council is actively partnering with or may seek to partner with in the future. |
| <u>Closed Meetings</u> | When Council resolves to close a meeting to the general public, in order to consider a confidential matter in line with the requirements of the <i>Local Government Act 2020</i>. |
| Transparency | <p>A lack of hidden agendas or conditions, and the availability of all information needed to collaborate, cooperate and make decisions effectively. Importantly, “transparency” is also a human rights issue <u>under the <i>Charter of Human Rights and Responsibilities Act 2006</i>, namely, “the right to have the opportunity, without discrimination, to participate in public affairs, directly or through freely chosen representatives.</u></p> <p>: the right to have the opportunity, without discrimination, to participate in public affairs (s.58 of The Act).</p> |
| Public Interest Test | <p>The test used to balance the factors for and against disclosure of the information request.</p> <p>Council 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</p> |

City of Port Phillip **Public Transparency Policy**

~~transparent. When considering possible harm from releasing information, the Council will only concern itself with harm to the community or members of the community. Potential harm to the Council 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 council from performing its functions.~~

Public transparency principles

The following principles are set out in section 58 of the Act:

- 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

Responsibilities

~~It is everyone's role to promote and facilitate access to council information in accordance with the Public Transparency Policy.~~

Table 2: Responsibilities of roles

| Role | Responsibility |
|---------------------------|---|
| Council | Champion the commitment and principles for public transparency through leadership, modelling practice and decision-making. |
| Executive Leadership Team | Champion behaviours that foster transparency and drive the principles through policy, process and leadership. Monitor implementation of this policy. |
| Leadership Network | 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 | To monitor implementation of this policy and conduct periodic reviews to drive continuous improvement. |

Scope

This policy applies to Councillors, ~~and~~ Council staff, ~~members of Delegated Committees, or Advisory Committees, volunteers, and contractors.~~

~~This Policy supports Strategic Direction 6 in the Council Plan, which outlines the organisation's aspiration to be a financially sustainable, high performing and well governed organisation that puts the community first.~~

Policy

Information Available

1.1. Council Decision Making

1.1.1 Decisions made at Council will be:

- ~~Will be~~ undertaken in accordance with the Act and the Governance Rules.
- ~~Will be~~ conducted in an open and transparent forum, unless in accordance with the provisions in the Act and Governance Rules.
- ~~Will be~~ informed through community engagement, in accordance with the Community Engagement Principles and the Community Engagement Policy.
- ~~Will be~~ made fairly and on the merits, and where any person whose rights will be directly affected by a decision of the Council, that person will be entitled to communicate their views and have their interests considered.

1.1.2 To support decisions made at Council meetings we will:

- ~~To~~ assist with good governance and transparent decision making, Council Meeting reports will be written with clear context, plain language where possible and will make crucial information available.
- ~~To~~ ensure our community are able to track progress against the delivery of Council plans and priorities, regular performance reports will be prepared and made publicly available including the monthly CEO report, the annual report and a quarterly report of progress against Council decisions.
- ~~To~~ ensure wherever possible information that has previously been considered in confidence, is made publicly available when appropriate to do so, through the process outlined in Part 2.5.1 of this policy.

1.2. Publicly Available Information - Statutory Information Council Information

We make a range of information and documents available to the public under the Local Government Act 2020 and a number of other Acts.

A table detailing the information available under these Acts is included at Appendix Attachment One.

Included in the table is the relevant legislation and how you can access this information.

1.3. Publicly Available Information – Non-Statutory Information

In accordance with the Public Transparency Principles, and in addition to the information listed in Attachment One, you can download the information listed in

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Attachment Two from the website or call Council for a copy. Some of these publications are available at Council's Libraries

| <u>Document</u> | <u>How it can be accessed</u> |
|--|---|
| <u>Council meeting agendas and minutes, unless the information relates to confidential information as defined in the Act</u> | <u>Available on Council's website</u> <u>Printed copies are available on request</u> |
| <u>Grant application, tenders and tender evaluation material (excluding confidential information)</u> | <u>Available on Council's website</u> |
| <u>High level Organisation Structure</u> | <u>Available on Council's website</u> |
| <u>Policies adopted by Council</u> | <u>Available on Council's website</u> |
| <u>Register of Authorised officers</u> | <u>Available on Council's website</u> |
| <u>Register of Conflicts of Interest disclosed by Councillors or Council Staff</u> | <u>Available on Council's website</u> |
| <u>Register of donations and grants made by Council</u> | <u>Available on Council's website</u> |
| <u>Register of leases entered into by Council, as lessor and lessee, (excluding confidential information)</u> | <u>Available on Council's website</u> |
| <u>Register of travel undertaken by Councillors or Council staff</u> | <u>Available on Council's website</u> |
| <u>Service agreements, contracts, leases and licences</u> | <u>Available on Council's website</u> |
| <u>Strategies and plans adopted by Council</u> | <u>Available on Council's website</u> |
| <u>Terms of reference or charters for Advisory Committees</u> | <u>Available on Council's website</u> |
| <u>Terms of reference or charters for Special Committees</u> | <u>Available on Council's website</u> |

A list of available information is provided in the Part II Statement published in accordance the *Freedom of Information Act 1982*. Part II of the *Freedom of Information Act 1982* 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. The Part II Statement is located on the Freedom of Informaiton page: <https://www.portphillip.vic.gov.au/about-the-council/governance-performance-and-advocacy/freedom-of-information><https://www.portphillip.vic.gov.au/about-the-council/governance-performance-and-advocacy/freedom-of-information>This information includes but is not limited to:

1.2.1. **Documents** such as:

- Plans and Reports adopted by Council;
- Policies and Strategies adopted by Council;

- ~~○ Project and service plans;~~
- ~~○ Grant application, tenders and tender evaluation material (excluding confidential information);~~
- ~~○ Service agreements, contracts, leases and licences;~~
- ~~○ Council leases, permits and notices of building and occupancy; and~~
- ~~○ Relevant technical reports and / or research that informs decision making.~~

~~1.2.2. Process information~~ such as:

- ~~○ Practice notes and operating procedures;~~
- ~~○ Application processes for approvals, permits, grants, access to Council services;~~
- ~~○ Decision making processes;~~
- ~~○ Guidelines and manuals;~~
- ~~○ Community engagement processes; and~~
- ~~○ Complaints handling processes.~~

~~1.2.3. Council records~~ will, at a minimum, be available on Council's website:

- ~~○ Council meeting agendas;~~
- ~~○ Reporting to Council;~~
- ~~○ Minutes of Council meetings;~~
- ~~○ Reporting from Advisory Committees to Council through reporting to Council;~~
- ~~○ Audit and Risk Committee Performance Reporting;~~
- ~~○ Terms of reference or charters for Advisory Committees;~~
- ~~— Council Plan;~~
- ~~— Financial Plan;~~
- ~~— Asset Plan;~~
- ~~○ Budget; and Budget;~~
- ~~○ Annual Report;~~
- ~~○ Long Term Financial Strategy;~~
- ~~○ Strategic Resource Plan;~~
- ~~○ High level Organisation Structure;~~
- ~~○ CEO reports;~~
- ~~○ Registers of gifts, benefits and hospitality offered to Councillors or Council Staff;~~
- ~~○ Registers of t[ri]avel undertaken by Councillors or Council Staff;~~
- ~~○ Registers of Conflicts of Interest disclosed by Councillors or Council Staff;~~
- ~~○ Submissions made by Council;~~
- ~~○ Register of donations and grants made by Council;~~

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- ~~○ Register of leases entered into by Council, as lessor and lessee, (excluding confidential information);~~
- ~~○ Register of Delegations;~~
- ~~○ Register of Authorised Officers;~~
- ~~○ Register of Election Campaign Donations; and~~
- ~~○ Summary of Personal Interests Returns; and~~
- ~~○ Any other Registers or Records required by legislation or determined to be in the public interest.~~

~~Consistent with the Part II statement, Council will make available the following records for inspection:~~

- ~~○ Summary of Personal Interests ('Register of interests' until 24 October 2020); and~~
- ~~○ Submissions received under section 223 of the Local Government Act 1989 until its repeal or received through a community engagement process undertaken by Council.~~

~~1.2.4. Data Sets Available~~

~~A range of City of Port Phillip data sets are available such as:~~

- ~~— Business precincts;~~
- ~~○ Neighbourhood boundaries;~~
- ~~○ Location of biohazards;~~
- ~~○ Community bus routes;~~
- ~~○ Car share schemes;~~
- ~~○ Dog walking zones;~~
- ~~○ Immunisation sites;~~
- ~~○ Location of street trees;~~
- ~~○ Location of drinking fountains;~~
- ~~○ Notices and orders issued for properties;~~
- ~~○ Hard / green waste bookings;~~
- ~~○ Dumped rubbish — footpaths and laneways;~~
- ~~○ Community gardens;~~
- ~~○ Accessible parking;~~
- ~~○ Council buildings;~~
- ~~○ Maternal child health centres;~~
- ~~○ Syringe disposal;~~
- ~~○ Street sweeping zones;~~

~~Data.gov.au is the central source of Australian open government data, providing public access to a range of anonymised public data.~~

- ~~○ For information on the data sets we're sharing, visit the Australian Government's Data Park and open space sites managed by Council;~~

~~1.2.5. Supported by the Policy Architecture Document Framework, newly approved documents Strategies, Policies and Plans adopted by Council will be made publicly available on a single location on Council's website. Historically approved documents will also be relocated to the single location on Council's website to ensure availability and transparency.~~

1.3.1.4. Publications

Council publishes a range of newsletters, reports and handbooks for residents, businesses and visitors to Council. You can download them from the website or call Council for a copy. Some of these publications are available at Council's Libraries.

Access to information

1.4.1.5. Information requests

~~1.4.1.1.5.1.~~ Information will be made available on:

- Council website www.portphillip.vic.gov.au/
- Open Data www.data.gov.au
- at Council offices
- or by request.

~~1.4.2.1.5.2.~~ Members of the public can make different kinds of information requests to the council (for example: e.g. informal requests for documents and information or formal Freedom of Information (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*.

1.4.3.1.5.3. Accessibility

Consideration will be given to accessibility and cultural requirements in accordance with the *Charter of Human Rights and Responsibilities Act 2006*. Assessment will follow the requirements of the [City of Port Phillip Access and Inclusion Plan](#). The City of Port Phillip website aims to be as inclusive and accessible as possible. Information published on the website will, where possible, be provided in formats compliant with the Web Content Accessibility Guidelines (WCAG) 2.1.

1.5. Local Government Performance Reporting Framework (LGPRF)

~~The LGPRF is a key initiative of the State Government to improve the transparency and accountability of council performance to ratepayers and to provide a more meaningful set of information to the public. The framework is made up of 58 measures and a governance and management checklist of 24 items which together build a comprehensive picture of council performance.~~

~~Mandatory performance reporting became a requirement for local government from the 2014-15 local government annual budgeting and reporting cycle onwards. The State Government publishes this information on the Know Your Council website <https://knowyourcouncil.vic.gov.au>.~~

1.6. Freedom of information (FOI) applications

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The ~~Freedom of Information Act 1982~~ gives you right of access to documents that Council hold. Council 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.

A list of available information is provided in the Part II Statement (Statement) published on Council'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.

The Part II Statement is located on the Freedom of Information page: <https://www.portphillip.vic.gov.au/about-the-council/governance-performance-and-advocacy/freedom-of-information>.

If you can't find the information you require, call us directly so we may assist you.

4.7.1.6. 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 not 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~~ Attachment Three.

| 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 Local Government Act 1989. |
|--|---|

4.8.1.7. Releasing of Confidential Information

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, in breach of contractual requirements, ~~or~~ if releasing the information is likely to cause harm to any ~~person, or person or~~ is not in the public interest to do so.

4.8.1.1.7.1. How Releasing Confidential Decisions of Council will occur:

Council will receive twice yearly (as a minimum) a report listing all decisions made by Council during parts of meetings that were closed to members of the public due to confidentiality reasons under the *Local Government Acts 1989 and 2020*.

The list of items will be compiled by Governance and analysed by management to determine legally what confidential information could now be recommended to Council to be made publicly available.

Council can consider through this report passing a resolution to make public certain information in relation to those decisions.

Where Council has determined to make information available to the public, it will be placed on Council's website under Council's 'Meetings and Agendas' pages at the relevant meeting that the matter was discussed. Text will be placed on the website stating that the resolution, report or attachment has now been made public.

4.9.1.8. Public interest test

~~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.~~

~~We will not make publicly available, information if the release would be contrary to the public interest, which is in accordance with the Local Government Act 2020.~~

~~When considering the public interest, we will apply the test that exists in the Freedom of Information Act 1982. We may refuse to release information if we are satisfied that the harm to the community likely to be created by releasing the information, will exceed the public benefit in it being released.~~

~~Information that might be withheld because it is contrary to the public interest may include but not limited to:~~

- ~~• Internal working documents that have not been approved or submitted to Council, especially where their release may mislead the public;~~
- ~~• Directions to Council staff regarding negotiations in contractual or civil liability matters, where release may damage the Council'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 information or dealings.~~

Supplementary policy documents

- [Public Transparency Guidelines \(to be developed\)](#)

Related legislations and documents

City of Port Phillip

- [Access and Inclusion Plan](#)
- [Community Engagement Policy](#)
- [Governance Rules](#)
- [Public Transparency Principles](#)
- [Information Privacy Policy](#)
- [Health Records Policy](#)
- [Information Security Framework](#)
- [Open Data Policy](#)
- [Policy Document Framework](#)

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, they should contact Council by phone, email, or by logging a request through My Port Phillip (Contact us - City of Port Phillip).

Assist will refer the enquiry to the officer handling the matter in the first instance and escalate to the Governance team where required.

~~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. If still not satisfied and would like to contest the decision, this can be reported to the:~~

~~Governance Team
governance@portphillip.vic.gov.au
(03) 92096589~~

If ~~not~~ you remain dissatisfied with Council's response, ~~the~~ concerns can be raised directly with the Victorian Ombudsman's office on (03) 9613 6222. or via the website – www.ombudsman.vic.gov.au.

Other ways to access information

The Freedom of Information Act 1982 gives you right of access to documents that Council hold. Council 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.

~~Monitoring, e~~E~~valuation and r~~R~~review~~

Review history

| <u>Version</u> | <u>Adopted date</u> | <u>Changes made</u> |
|----------------|-----------------------|--|
| <u>1</u> | <u>19 August 2020</u> | <u>Adopted at council 19 August 2020 effective from 20 August 2020</u> |
| | | |

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

~~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.~~

~~Relevant p~~P~~olicy, r~~R~~egulations or l~~L~~egislation~~

- ~~• Governance Rules~~
- ~~• Public Transparency Principles~~
- ~~• Community Engagement Policy~~
- ~~• Information Privacy Policy~~
- ~~• Health Records Policy~~
- ~~• Information Security Framework~~
- ~~• Open Data Policy~~
- ~~• Policy Architecture Document Framework~~

~~*Charter of Human Rights and Responsibilities Act 2006*~~

~~*Freedom of Information Act 1982*~~

~~*Local Government Act 2020*~~

~~*Privacy and Data Protection Act 2014*~~

~~*Equal Opportunity Act 2010.*~~

Attachment One -Publicly Available Information – Statutory Information

As indicated this policy, we make a range of information and documents available to the public under a number of Acts. This table outlines the documents that are available and how you can access them.

| <u>Section</u> | <u>Document/information</u> | <u>How it can be accessed</u> |
|--|---|---|
| <u>BUILDING ACT 1993</u> | | |
| <u>s.11(2)</u> | <u>Notice of the fact that a regulation under this Part has ceased to have effect in the municipal district or part of it</u> | <u>Will be published in a newspaper circulating in the municipal district</u> |
| <u>s.31</u> | <u>Register of all building permits under this division</u> | <u>Available for inspection, by any person during normal office hours</u> |
| <u>s.74</u> | <u>Register of all occupancy permits and temporary approvals/amendments given to it under this Division</u> | <u>Available for inspection, by any person during normal office hours</u> |
| <u>s.126</u> | <u>Register of all emergency orders, building notices or building orders given to Council under this Part</u> | <u>Available for inspection, by any person during normal office hours</u> |
| <u>s.192A(8)</u> | <u>Copy of the most recent map given to Council under subsection 192A(7)</u> | <u>Available for inspection, by any person during normal office hours free of charge</u> |
| <u>s.216D</u> | <u>Register of swimming pools and spas located in the municipal district</u> | <u>Certain persons may inspect in accordance with subsection s.216D(7)</u> |
| <u>s.230</u> | <u>Register of exercise of powers of entry</u> | <u>Made available for inspection by the Authority on request</u> |
| <u>BUILDING REGULATIONS 2018</u> | | |
| <u>r.50</u> | <u>Copy of any documents submitted with an application for a building permit</u> | <u>On request of an owner/mortgagee of the building/land or person authorised in writing by such person</u> |
| <u>rr.51 & 52</u> | <u>Certain information on request</u> | <u>On request and payment of a fee</u> |
| <u>r.149(4)</u> | <u>Copy of each designated special area map applicable</u> | <u>Available for inspection, by any person during normal office hours free of charge</u> |
| <u>CATCHMENT AND LAND PROTECTION ACT 1994</u> | | |
| <u>s.22(1)</u> | <u>Approved roadside weed and pest animal management plan</u> | <u>Available for inspection, by any person during normal office hours, and published on Council's website as soon as practicable after the plan is approved</u> |

| <u>Section</u> | <u>Document/information</u> | <u>How it can be accessed</u> |
|---|--|--|
| s.22M(1) | Consolidated version of approved roadside weed and pest animal management plan | Available for inspection, by any person during normal office hours, and published on Council's website as soon as practicable after the plan is approved |
| <u>COUNTRY FIRE AUTHORITY ACT 1958</u> | | |
| s.50F(4) | Municipal Council Neighborhood Safer Places Plan | Available for inspection by any person during normal office hours and published on Council's website |
| <u>DEVELOPMENT VICTORIA ACT 2003</u> | | |
| s.56E(3) | Register of Certificates | Made available for inspection by Development Australia or any other interested person |
| <u>DOMESTIC ANIMALS ACT 1994</u> | | |
| s.10A(3)(a) | Resolution made by Council under s.10A | Published in the Government Gazette and a newspaper circulating in the municipal district |
| s.10C(5) | Resolution made by Council under s.10C | Published in the Government Gazette and a newspaper circulating in the municipal district |
| s.10D(6) | Resolution made by Council under s.10D | Published in the Government Gazette and a newspaper circulating in the municipal district |
| s.18 | Register of all registered dogs and cats | Available for inspection, by any person during normal office hours |
| s.25(3) | Orders made by Council under s.25(3) | Published in the Government Gazette and a newspaper circulating in the municipal district |
| s.26(3) | Orders made by Council under s.26(3) | Published in the Government Gazette and a newspaper circulating in the municipal district |
| s.68A | Publish an evaluation of its implementation of the domestic animal management plan | Annual Report |
| <u>EMERGENCY MANAGEMENT ACT 2013</u> | | |
| s.60A1(ab) | Emergency Management Plan | Available on Council's website |
| <u>FILMING APPROVAL ACT 2014</u> | | |
| Sch 1 Principle 7 | Film permits issued and any other relevant information | Available on Council's website |

| <u>Section</u> | <u>Document/information</u> | <u>How it can be accessed</u> |
|--|--|--|
| <u>FOOD ACT 1984</u> | | |
| <u>s.19</u> | <u>Order made relating to food premises</u> | <u>Made available by notice published in a newspaper or by any means</u> |
| <u>s.19U(4)</u> | <u>The method of determining the reasonable costs of an audit payable under subsection 19U(2) and the criteria fixed under subsection 19U(3)</u> | <u>Available for inspection, by any person during normal office hours</u> |
| <u>s.19UA(5)</u> | <u>The method of determining a fee under subsection 19UA(3)(a) and the considerations that apply under subsection 19UA(4)</u> | <u>Available for inspection, by any person during normal office hours</u> |
| <u>s.43</u> | <u>Records of registrations, renewals and transfers in relation to a particular food premises, including details of any relevant orders</u> | <u>Available free of charge on request</u> |
| <u>FREEDOM OF INFORMATION ACT 1982</u> | | |
| <u>Part II</u> | <u>Information concerning functions etc and documents available for inspection and purchase</u> | <u>In the Annual Report or on Council's website</u> |
| <u>GENDER EQUALITY ACT 2020</u> | | |
| <u>s.12(3)(a)</u> | <u>Gender Equality Action Plan</u> | <u>Available on Council's website</u> |
| <u>s.13(3)</u> | <u>A report or other document taken to be a Gender Equality Action Plan</u> | <u>Available on Council's website</u> |
| <u>s.15(2)(b)</u> | <u>Amended Gender Equality Action Plan</u> | <u>Available on Council's website</u> |
| <u>s.20</u> | <u>Progress Report</u> | <u>Available on Council's website</u> |
| <u>INFRINGEMENTS ACT 2006</u> | | |
| <u>s.9</u> | <u>Enforcement Agency Guidelines and Policies</u> | <u>Can be published at Council's discretion</u> |
| <u>LAND ACQUISITION AND COMPENSATION ACT 1986</u> | | |
| <u>ss.19 & 23</u> | <u>Notice declaring interest in land to be acquired</u> | <u>Published in the Government Gazette and a newspaper circulating in the municipal district</u> |
| <u>LOCAL GOVERNMENT ACT 2020</u> | | |
| <u>s.11(8)</u> | <u>Public register of delegations</u> | <u>Available on Council's website</u> |
| <u>s.18(1)(d)</u> | <u>Mayor must report on implementation of the Council Plan</u> | <u>Must report to the municipal community at least once a year</u> |
| <u>s.40(2)</u> | <u>Details of reimbursements</u> | <u>Must be provided to the Audit and Risk Committee</u> |

| <u>Section</u> | <u>Document/information</u> | <u>How it can be accessed</u> |
|----------------|---|---|
| <u>s.41(1)</u> | <u>Expenses policy in relation to reimbursement of out of pocket expenses</u> | <u>Unspecified</u> |
| <u>s.45</u> | <u>CEO Employment and Remuneration Policy</u> | <u>Unspecified</u> |
| <u>s.47(7)</u> | <u>Register of CEO's delegations</u> | <u>Available on Council's website</u> |
| <u>s.48</u> | <u>Recruitment policy for members of Council staff</u> | <u>Unspecified</u> |
| <u>s.49</u> | <u>Code of Conduct for members of Council staff</u> | <u>Unspecified</u> |
| <u>s.57</u> | <u>Public transparency policy</u> | <u>Available on Council's website</u> |
| <u>s.60</u> | <u>Governance Rules</u> | <u>Available on Council's website</u> |
| <u>s.63</u> | <u>Delegated Committee</u> | <u>Unspecified</u> |
| <u>s.64</u> | <u>Joint Delegated Committee</u> | <u>Unspecified</u> |
| <u>s.65</u> | <u>Community Asset Committee</u> | <u>Unspecified</u> |
| <u>s.66(5)</u> | <u>Where a Council or Delegated Committee Meeting is closed to the public, must record certain information in the minutes that are publicly available</u> | <u>Minutes made available for public inspection</u> |
| <u>s.73</u> | <u>Proposing a local law</u> | <u>Made available for inspection at Council's office and website [Publish notice of proposed local law until made or altered]</u> |
| <u>s.74(4)</u> | <u>Making a local law</u> | <u>Copy made available for inspection at Council's office and website</u> |
| <u>s.74(5)</u> | <u>Notice of local law made</u> | <u>Published in the Government Gazette, website and in any other manner prescribed by the regulations</u> |
| <u>s.75</u> | <u>Local law as made</u> | <u>Copy of local law as long as local law is in force made available for inspection at Council's office and website</u> |
| <u>s.76(3)</u> | <u>Notice of amendment of any document, code, standard, rule, specification or method which contains any matter incorporated in a local law</u> | <u>Published on Council's website</u> |
| <u>s.76(4)</u> | <u>Copy of any document, code, standard, rule, specification or method which contains any matter incorporated in a local law</u> | <u>Made available for inspection at Council's office and website</u> |
| <u>s.90</u> | <u>Council Plan</u> | <u>Available on Council's website</u> |

| <u>Section</u> | <u>Document/information</u> | <u>How it can be accessed</u> |
|---|--|---|
| <u>s.91</u> | <u>Financial Plan</u> | <u>Available on Council's website</u> |
| <u>s.92</u> | <u>Asset Plan</u> | <u>Available on Council's website</u> |
| <u>ss.94 & 95</u> | <u>Budget</u> | <u>Available on Council's website</u> |
| <u>s.98</u> | <u>Annual Report</u> | <u>Available on Council's website</u> |
| <u>s.107</u> | <u>Complaints Policy</u> | <u>Available on Council's website</u> |
| <u>ss.108 & 109</u> | <u>Procurement</u> | <u>Unspecified</u> |
| <u>s.114</u> | <u>Selling or exchanging land</u> | <u>Publish notice 4 weeks prior to leasing on website and in any other manner prescribed by the regulations</u> |
| <u>s.115</u> | <u>Lease of land</u> | <u>Available on Council's website</u> |
| <u>s.130(2)</u> | <u>Disclosure of conflicts of interests at meetings</u> | <u>Available on Council's website</u> |
| <u>s.135(3)</u> | <u>Summary of personal interest returns</u> | <u>Made available for inspection at Council's office and website</u> |
| <u>s.138</u> | <u>Councillor Gift Policy</u> | <u>Unspecified</u> <u>Must be adopted within 6 months of commencement of this section</u> |
| <u>s.139</u> | <u>Councillor Code of Conduct</u> | <u>Unspecified</u> <u>Must be reviewed and adopted within 4 months after a general election</u> |
| <u>s.307</u> | <u>Summary of each election campaign donation return</u> | <u>Available on Council's website</u> |
| <u>s.308</u> | <u>Copy of election campaign donation return</u> | <u>Summary made available on Council's website until the close of the roll for the next election and a copy made available for inspection at Council's office for 4 years</u> |
| <u>LOCAL GOVERNMENT ACT 1989</u> | | |
| <u>s.157(2)</u> | <u>Notice of change to valuation system</u> | <u>Publish public notice – can be via website as per definition</u> |
| <u>s.161(3)</u> | <u>Differential rates</u> | <u>Made available for inspection at Council's office and website</u> |

| <u>Section</u> | <u>Document/information</u> | <u>How it can be accessed</u> |
|---|--|---|
| s.163(1B) | Special rate and special charge – public notice | Available for public inspection at the Council office for at least 28 days after the publication of the notice |
| s.223(1)(a) | Right to make a submission | Publish public notice – can be via website as per definition |
| s.224 | Register of Authorised Officers | Unspecified |
| Sch 10 Cl 2(3) | Deviation of roads – publish notice | Government Gazette |
| Sch 10 Cl 8(3) | Narrow or widen roads – publish notice | Government Gazette |
| <u>PLANNING AND ENVIRONMENT ACT 1987</u> | | |
| s.4H(1) & (2) | Copy of approved amendment | Made available for inspection free of charge at Council's office during office hours for two months after the amendment comes into operation and after that period on payment of the prescribed fee |
| s.4I | Copy of the Victoria Planning Provisions incorporating all amendments to them and of all documents lodged with those amendments | Made available for inspection free of charge at Council's office during office hours |
| s.18 | Amendment, the explanatory report, any document applied, adopted or incorporated in the amendment and any accompanying agreement | Made available for inspection free of charge at Council's offices during office hours until the amendment is approved or lapses |
| s.21 | Copy of every submission | Made available for inspection free of charge at Council's office during office hours until the end of two months after the amendment comes into operation or lapses |
| s.26 | Panel hearing reports | Made available for inspection free of charge at Council's office during office hours until the end of two months after the amendment comes into operation or lapses |
| s.41(1) & (2) | Copy of approved amendment lodged under s 40 and any documents lodged with it | Made available for inspection free of charge at Council's office during office hours for two months after the amendment comes into operation and after that period on payment of the prescribed fee |
| s.42 | Copy of the planning scheme incorporating all amendments to it and of all documents lodged with those amendments | Made available for inspection free of charge at Council's office during office hours |

| <u>Section</u> | <u>Document/information</u> | <u>How it can be accessed</u> |
|--|---|---|
| <u>s.49</u> | <u>Register of all applications for planning permits and decisions/determinations relating to permits</u> | <u>Made available for inspection free of charge at Council's office during office hours</u> |
| <u>s.51</u> | <u>Copy of every application and the prescribed information supplied in respect of it</u> | <u>Made available for inspection free of charge at Council's office during office hours until:</u> <u>(a)</u> <u>the end of the latest period during which an application for review may be made under ss 77, 79, 80 or 82 in relation to the application or the permit; or</u> <u>(b)</u> <u>if an application for review is made to VCAT within that period, the application is determined by VCAT or withdrawn</u> |
| <u>s.56A</u> | <u>Register of applications referred to Council (as referral authority)</u> | <u>Made available in accordance with public availability requirements</u> |
| <u>s.57(5)</u> | <u>Copy of objection to planning permit</u> | <u>Made available for inspection free of charge at Council's office during office hours until the end of the period during which an application may be made for review of a decision on the application</u> |
| <u>s.70</u> | <u>Copy of every permit issued</u> | <u>Made available for inspection free of charge at Council's office during office hours</u> |
| <u>s.96C(8A)</u> | <u>Copy of proposed permit when amendment to a planning scheme requested</u> | <u>Made available in accordance with public availability requirements</u> |
| <u>s.97G(6)</u> | <u>Copy of every permit issued under s 97F</u> | <u>Available for inspection at the Council's office during office hours free of charge and/or via website (s 205)</u> |
| <u>s.179</u> | <u>Copy of agreement</u> | <u>Made available in accordance with public availability requirements</u> |
| <u>PUBLIC HEALTH AND WELLBEING ACT 2008</u> | | |
| <u>s.26(7)</u> | <u>Municipal Public Health and Wellbeing Plan [unless s 27 applies]</u> | <u>Made available for inspection at the places at which the current Council Plan is available</u> |

| <u>Section</u> | <u>Document/information</u> | <u>How it can be accessed</u> |
|---|---|---|
| <u>PUBLIC INTEREST DISCLOSURES ACT 2012</u> | | |
| <u>s.59(4)</u> | <u>Procedures</u> | <u>Unspecified</u> |
| <u>RESIDENTIAL TENANCIES ACT 1997</u> | | |
| <u>s.91ZZE(3)</u> | <u>Criteria for eligibility for the provision of housing if relevant</u> | <u>By notice published in the Government Gazette</u> |
| <u>RESIDENTIAL TENANCIES (CARAVAN PARKS AND MOVABLE DWELLINGS REGISTRATION AND STANDARDS) REGULATIONS 2020</u> | | |
| <u>r.17</u> | <u>Register of Caravan Parks</u> | <u>Unspecified</u> |
| <u>ROAD MANAGEMENT ACT 2004</u> | | |
| <u>s.19</u> | <u>Register of public roads</u> | <u>Available for inspection by any person during normal office hours</u> |
| <u>s.86</u> | <u>Register of exercise of powers of entry</u> | <u>Unspecified</u> |
| <u>s.22(4)</u> | <u>Copy or summary of Ministerial direction</u> | <u>Annual report</u> |
| <u>Sch 2 Cl 5(1)</u> | <u>Notice of the making, amending or revoking of a declaration made under s 42</u> | <u>Government Gazette</u> |
| <u>SEX WORK ACT 1994</u> | | |
| <u>s.81(1)(a)</u> | <u>Notice of the making of the declaration made under s 80</u> | <u>Newspaper generally circulating in the area in which the premises is situated</u> |
| <u>SUBDIVISION (PROCEDURES) REGULATIONS 2011</u> | | |
| <u>r.33</u> | <u>Register of all applications [Kept in conjunction with the register of permit applications required to be kept under s 49(1) of the Planning and Environment Act 1987]</u> | <u>Available for inspection by any person during normal office hours</u> |
| <u>WATER ACT 1989</u> | | |
| <u>s.32H</u> | <u>Copy of approved management plan</u> | <u>Available for public inspection at the Council office during office hours free of charge</u> |

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Attachment Two - Publicly Available Information – Non-Statutory information

| <u>Document</u> | <u>How it can be accessed</u> |
|--|---|
| <u>Council meeting agendas and minutes, unless the information relates to confidential information as defined in the Act</u> | <u>Available on Council's website</u> <u>Printed copies are available on request</u> |
| <u>Grant application, tenders and tender evaluation material (excluding confidential information)</u> | <u>Available on Council's website</u> |
| <u>High level Organisation Structure</u> | <u>Available on Council's website</u> |
| <u>Policies adopted by Council</u> | <u>Available on Council's website</u> |
| <u>Register of Authorised officers</u> | <u>Available on Council's website</u> |
| <u>Register of Conflicts of Interest disclosed by Councillors or Council Staff</u> | <u>Available on Council's website</u> |
| <u>Register of donations and grants made by Council</u> | <u>Available on Council's website</u> |
| <u>Register of leases entered into by Council, as lessor and lessee, (excluding confidential information)</u> | <u>Available on Council's website</u> |
| <u>Service agreements, contracts, leases and licences</u> | <u>Available on Council's website</u> |
| <u>Strategies and plans adopted by Council</u> | <u>Available on Council's website</u> |
| <u>Terms of reference or charters for Advisory Committees</u> | <u>Available on Council's website</u> |
| <u>Terms of reference or charters for Special Committees</u> | <u>Available on Council's website</u> |

Attachment Three - Information Not Available

| <u>Type of Information</u> | <u>Description</u> |
|--|---|
| <u>Council business</u> | <u>Information that would prejudice the Council's position in commercial negotiations if prematurely released.</u> |
| <u>Security</u> | <u>Information that is likely to endanger the security of Council property or the safety of any person if released.</u> |
| <u>Land use planning</u> | <u>Information that is likely to encourage speculation in land values if prematurely released.</u> |
| <u>Law enforcement</u> | <u>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.</u> |
| <u>Legal privileged</u> | <u>Information to which legal professional privilege or client legal privilege applies.</u> |
| <u>Personal</u> | <u>Information which would result in the unreasonable disclosure of information about any person or their personal affairs if released.</u> |
| <u>Private commercial</u> | <u>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.</u> |
| <u>Confidential meeting</u> | <u>Records of a Council and delegated committee meetings that are closed to the public to consider confidential information.</u> |
| <u>Internal arbitration</u> | <u>Confidential information relating internal arbitration about an alleged breach of the councillor code of conduct.</u> |
| <u>Councillor Conduct Panel</u> | <u>Confidential information relating to a Councillor Conduct Panel matter.</u> |
| <u>Confidential information under the 1989 Act</u> | <u>Information that was confidential information for the purposes of section 77 of the <i>Local Government Act 1989</i>.</u> |