



## Public Transparency Policy

Policy outcome	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.
Responsible area	Governance and Organisational Performance
Version	2
Date adopted	6 December 2023
Planned review date	August 2027

### 1. 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.

### 2. Scope

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

## Policy

### 3. Information Available

#### 3.1 Council Decision Making

3.1.1 Decisions made at Council will be:

- undertaken in accordance with the Act and the Governance Rules
- conducted in an open and transparent forum, unless considering Confidential Information in accordance with the provisions in the Act and Governance Rules.



- informed through community engagement, where appropriate, in accordance with the Community Engagement Principles and the Community Engagement Policy.
- 3.1.2 To support decisions made at Council meetings we will:
- assist with good governance and transparent decision making, by ensuring Council Meeting reports will be written with clear context, plain language where possible and will make crucial information available.
  - 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, and the annual report.
  - ensure wherever possible information that has previously been considered in confidence, is made publicly available when appropriate to do so, as mentioned in this policy.

### **3.2 Publicly Available Information – Statutory 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 Attachment One. Included in the table is the relevant legislation and how you can access this information.

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

### **3.4 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.

## **4. Access to information**

### **4.1 Information requests**

- 4.1.1 Information will be made available on:
- Council website [www.portphillip.vic.gov.au](http://www.portphillip.vic.gov.au)
  - Open Data [www.data.gov.au](http://www.data.gov.au)
  - at Council offices
  - or by request.



- 4.1.2 Members of the public can make different kinds of information requests to the council (for example: 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, published on Council’s website in accordance with the Freedom of Information Act 1982.

- 4.1.3 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.

## 4.2 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* or if it is exempt material under the *Freedom of Information Act 1982*.

“Confidential information” is defined in section 3 of the Act. It includes the types of information listed in Attachment Three.

## 4.3 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, if releasing the information is likely to cause harm to any person or is not in the public interest to do so.

- 4.3.1 *How Releasing Confidential Decisions of Council will be Considered.*

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.

#### 4.4 Public Interest Test

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

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 are 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.

## 5. Supplementary policy documents

- Public Transparency Guidelines (to be developed)

## 6. Related legislations and documents

City of Port Phillip

- Access and Inclusion Plan
- Community Engagement Policy
- Governance Rules
- Information Privacy Policy
- Health Records Policy
- Information Security Framework
- Open Data Policy
- Policy Document Framework

### 6.1 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.

## 7. 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 you remain dissatisfied with Council’s response, concerns can be raised directly with the Victorian Ombudsman’s office on (03) 9613 6222. or via the website – [www.ombudsman.vic.gov.au](http://www.ombudsman.vic.gov.au).

## 8. 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](http://www.ovic.vic.gov.au).

## 9. Definitions

Term	Definition
<b>Closed Meetings</b>	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
<b>Public Interest Test</b>	The test used to balance the factors for and against disclosure of the information request.
<b>Public transparency principles</b>	<p>The following principles are set out in section 58 of the Act:</p> <ul style="list-style-type: none"> <li>(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;</li> <li>(b) Council information must be publicly available unless—                             <ul style="list-style-type: none"> <li>(i) the information is confidential by virtue of this Act or any other Act; or</li> <li>(ii) public availability of the information would be contrary to the public interest;</li> </ul> </li> <li>(c) Council information must be understandable and accessible to members of the municipal community;</li> </ul>



Term	Definition
	(d) public awareness of the availability of Council information must be facilitated
<b>Transparency</b>	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 right 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.

## 10. Review history

Version	Adopted date	Changes made
1	19 August 2020	Adopted by Council at the 19 August 2020 Council Meeting effective from 20 August 2020
2	6 December 2023	Adopted by Council at the 6 December 2023 Council Meeting



## Attachment One – Publicly Available Information – Statutory Information

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

Section	Document/information	How it can be accessed
<b><i>BUILDING ACT 1993</i></b>		
s.11(2)	Notice of the fact that a regulation under this Part has ceased to have effect in the municipal district or part of it	Will be published in a newspaper circulating in the municipal district
s.31	Register of all building permits under this division	Available for inspection, by any person during normal office hours
s.74	Register of all occupancy permits and temporary approvals/amendments given to it under this Division	Available for inspection, by any person during normal office hours
s.126	Register of all emergency orders, building notices or building orders given to Council under this Part	Available for inspection, by any person during normal office hours
s.192A(8)	Copy of the most recent map given to Council under subsection 192A(7)	Not applicable to Port Phillip City Council
s.216D	Register of swimming pools and spas located in the municipal district	Certain persons may inspect in accordance with subsection s.216D(7)
s.230	Register of exercise of powers of entry	Made available for inspection by the Authority on request
<b><i>BUILDING REGULATIONS 2018</i></b>		
r.50	Copy of any documents submitted with an application for a building permit	On request of an owner/mortgagee of the building/land or person authorised in writing by such person
rr.51 & 52	Certain information on request	On request and payment of a fee
r.149(4)	Copy of each designated special area map applicable	Available for inspection, by any person during normal office hours free of charge



<b>CATCHMENT AND LAND PROTECTION ACT 1994</b>		
s.22I(1)	Approved roadside weed and pest animal management plan	Not applicable to Port Phillip City Council
s.22M(1)	Consolidated version of approved roadside weed and pest animal management plan	Not applicable to Port Phillip City Council
<b>COUNTRY FIRE AUTHORITY ACT 1958</b>		
s.50F(4)	Municipal Council Neighborhood Safer Places Plan	Not applicable to Port Phillip City Council
<b>DEVELOPMENT VICTORIA ACT 2003</b>		
s.56E(3)	Register of Certificates	Made available for inspection by Development Australia or any other interested person
<b>DOMESTIC ANIMALS ACT 1994</b>		
s.10A(3)(a)	Resolution made by Council under s.10A	Published in the Government Gazette and a newspaper circulating in the municipal district and on Council's website
s.10C(5)	Resolution made by Council under s.10C	Published in the Government Gazette and a newspaper circulating in the municipal district and on Council's website
s.10D(6)	Resolution made by Council under s.10D	Published in the Government Gazette and a newspaper circulating in the municipal district and on Council's website
s.18	Register of all registered dogs and cats	Available for inspection, by any person during normal office hours, upon payment of the fee fixed by the Council for the inspection of that registration
s.25(3)	Orders made by Council under s.25(3)	Published in the Government Gazette and a newspaper circulating in the municipal district and on Council's website
s.26(3)	Orders made by Council under s.26(3)	Published in the Government Gazette and a newspaper circulating in the municipal district and on Council's website
s.68A	Publish an evaluation of its implementation of the domestic animal management plan	Annual Report on Council's website





<b>Emergency Management Act 2013</b>		
s.60AI(ab)	Emergency Management Plan	Available on Council's website
<b>FILMING APPROVAL ACT 2014</b>		
Sch 1 Principle 7	Film permits how issued and any other relevant information	Available on Council's website
<b>FOOD ACT 1984</b>		
s.19	Order made relating to food premises	Made available at the discretion of the CEO by notice published in a newspaper or by any means
s.19U(4)	The method of determining the reasonable costs of an audit payable under subsection 19U(2) and the criteria fixed under subsection 19U(3)	Not applicable to Port Phillip City Council
s.19UA(5)	The method of determining a fee under subsection 19UA(3)(a) and the considerations that apply under subsection 19UA(4)	Not applicable to Port Phillip City Council
s.43	Records of registrations, renewals in relation to a particular food premises, including details of any relevant orders	Available free of charge on request
<b>FREEDOM OF INFORMATION ACT 1982</b>		
Part II	Information concerning functions etc. and documents available for inspection and purchase	Available on Council's website
<b>GENDER EQUALITY ACT 2020</b>		
s.12(3)(a)	Gender Equality Action Plan	Available on Council's website
s.13(3)	A report or other document taken to be a Gender Equality Action Plan	Available on Council's website
s.15(2)(b)	Amended Gender Equality Action Plan	Available on Council's website
s.20	Progress Report	Available on Council's website



<b>INFRINGEMENTS ACT 2006</b>		
s.9	Enforcement Agency Guidelines and Policies	Can be published at Council's discretion
<b>LAND ACQUISITION AND COMPENSATION ACT 1986</b>		
ss.19 & 23	Notice declaring interest in land to be acquired	Published in the Government Gazette and a newspaper circulating in the municipal district
<b>LOCAL GOVERNMENT ACT 2020</b>		
s.11(8)	Public register of delegations	Available on Council's website
s.18(1)(d)	Mayor must report on implementation of the Council Plan	Must report to the municipal community at least once a year
s.40(2)	Details of reimbursements	Must be provided to the Audit and Risk Committee
s.41(1)	Expenses policy in relation to reimbursement of out of pocket expenses	Available on Council's website
s.45	CEO Employment and Remuneration Policy	Unspecified
s.47(7)	Register of CEO's delegations	Available on Council's website
s.48	Recruitment policy for members of Council staff	Unspecified
s.49	Code of Conduct for members of Council staff	Unspecified
s.57	Public transparency policy	Available on Council's website
s.60	Governance Rules	Available on Council's website
s.63	Delegated Committee	Available on Council's website
s.64	Joint Delegated Committee	Not applicable to Port Phillip City Council
s.65	Community Asset Committee	Not applicable to Port Phillip City Council



s.66(5)	Where a Council or Delegated Committee Meeting is closed to the public, must record certain information in the minutes that are publicly available	Minutes made available for public inspection Available on Council's website
s.73	Proposing a local law	Made available for inspection at Council's office and website. [Publish notice of proposed local law until made or altered]
s.74(4)	Making a local law	Copy made available for inspection at Council's office and website
s.74(5)	Notice of local law made	Published in the Government Gazette, website and in any other manner prescribed by the regulations
s.75	Local law as made	Copy of local law as long as local law is in force made available for inspection at Council's office and website
s.76(3)	Notice of amendment of any document, code, standard, rule, specification or method which contains any matter incorporated in a local law	Published on Council's website
s.76(4)	Copy of any document, code, standard, rule, specification or method which contains any matter incorporated in a local law	Made available for inspection at Council's office and website
s.90	Council Plan	Available on Council's website
s.91	Financial Plan	Available on Council's website
s.92	Asset Plan	Available on Council's website
ss.94 & 95	Budget	Available on Council's website
s.98	Annual Report	Available on Council's website
s.107	Complaints Policy	Available on Council's website
ss.108 & 109	Procurement	Available on Council's website
s.114	Selling or exchanging land	Publish notice 4 weeks prior to leasing on website and in any other manner prescribed by the regulations



s.115	Lease of land	Available on Council's website
s.130(2)	Disclosure of conflicts of interests at meetings	Available on Council's website
s.135(3)	Summary of personal interest returns	Available on Council's website
s.138	Councillor Gift Policy	Available on Council's website
s.139	Councillor Code of Conduct	Available on Council's website Must be reviewed and adopted within 4 months after a general election
s.307	Summary of each election campaign donation return	Available on Council's website
s.308	Copy of election campaign donation return	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
<b>LOCAL GOVERNMENT ACT 1989</b>		
s.157(2)	Notice of change to valuation system	Publish public notice – can be via website as per definition
s.161(3)	Differential rates	Made available for inspection at Council's office and website
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	Available on Council's website
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



<b>PLANNING AND ENVIRONMENT ACT 1987</b>		
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
s.49	Register of all applications for planning permits and decisions/determinations relating to permits	Made available for inspection free of charge at Council's office during office hours



s.56A	Register of applications referred to Council (as referral authority)	Made available in accordance with public availability requirements
s.57(5)	Copy of objection to planning permit	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
s.70	Copy of every permit issued	Made available for inspection free of charge at Council's office during office hours
s.96C(8A)	Copy of proposed permit when amendment to a planning scheme requested	Made available in accordance with public availability requirements
s.97G(6)	Copy of every permit issued under s 97F	Available for inspection at the Council's office during office hours free of charge and/or via website (s 205)
s.179	Copy of agreement	Made available in accordance with public availability requirements
<b>PUBLIC HEALTH AND WELLBEING ACT 2008</b>		
s.26(7)	Municipal Public Health and Wellbeing Plan [unless s 27 applies]	Integrated into the Council Plan and available on Council's website
<b>PUBLIC INTEREST DISCLOSURES ACT 2012</b>		
s.59(4)	Procedures	Available on Council's website
<b>RESIDENTIAL TENANCIES ACT 1997</b>		
s.91ZZE(3)	Criteria for eligibility for the provision of housing if relevant	Not applicable to Port Phillip City Council
<b>RESIDENTIAL TENANCIES (CARAVAN PARKS AND MOVABLE DWELLINGS REGISTRATION AND STANDARDS) REGULATIONS 2020</b>		
r.17	Register of Caravan Parks	Not applicable to Port Phillip City Council



<b>ROAD MANAGEMENT ACT 2004</b>		
s.19	Register of public roads	Available for inspection by any person during normal office hours
s.86	Register of exercise of powers of entry	Unspecified
s.22(4)	Copy or summary of Ministerial direction	Annual report
Sch 2 Cl 5(1)	Notice of the making, amending or revoking of a declaration made under s 42	Government Gazette
<b>SEX WORK ACT 1994</b>		
s.81(1)(a)	Notice of the making of the declaration made under s 80	Newspaper generally circulating in the area in which the premises is situated
<b>SUBDIVISION (PROCEDURES) REGULATIONS 2011</b>		
r.33	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]	Available for inspection by any person during normal office hours
<b>WATER ACT 1989</b>		
s.32H	Copy of approved management plan	Not applicable to Port Phillip City Council



## Attachment Two - Publicly Available Information – Non-Statutory information

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





## Attachment Three - Information Not Available

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