



Mildura Rural City Council

Public Transparency Policy

Policy – CP067

Prepared	Reviewed	Approved	Date	Council Minute No.
Manager Governance		Council	July 2024	2025/0093
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1. Purpose

The purpose of this policy is to outline the type of information which will be made publicly available.

This policy gives effect to the Public Transparency Principles outlined in section 58 of the *Local Government Act 2020* (the Act).

This policy applies to Councillors and Council staff.

2. Policy statement

Council are committed to transparency in decision-making processes, and this policy will describe the ways in which Council information will be made publicly available.

This policy seeks to promote:

- a) clarity in our decision-making processes
- b) confidence and trust from our community
- c) access to information that is current, easily accessible and disseminated in a timely manner.

This policy applies to information and documents such as policies, plans, reports and registers required to be available under the Act or any other Act, and how that information will be made available.

3. Publicly available information – Statutory information

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

4. Publicly available information – Non-statutory information

In accordance with the Public Transparency Principles, and in addition to the information listed in Appendix Two, Council will also make the following information available either on request or on the website:

Document	How it can be accessed
Council meeting agendas and minutes, unless the information relates to confidential information as defined in the Act	On our website Printed copies are available upon request
Community Asset Committee Delegations	Printed copies are available upon request
Register of overseas and interstate travel undertaken by Councillors or Council staff	Inspection is available upon request
Register of Conflicts of Interest disclosures	Councillor Conflicts of Interest disclosures on the website Council employee Conflicts of Interest disclosure inspection is available upon request
Register of donations and grants made by Council	Inspection is available upon request
Register of leases entered into by Council, as lessor and lessee	Inspection is available upon request
Register of Authorised officers	Inspection is available upon request
Confidential Report Register	On our website
Council adopted strategies and plans	On our website
Council adopted policies	On our website

5. Release of confidential Council reports

In order to contribute to an environment of open and transparent decision-making, Council will keep the number of matters considered in confidential Council Meetings to a minimum. In doing this, we will balance the need for Council to consider certain matters in confidential business, against the fundamental principle of open decision making.

Council will, at times resolve to close a meeting to members of the public to deal with confidential business as defined in the Act.

Where possible, we will limit the period of confidentiality by incorporating either:

- a sunset provision, after which the information will no longer be confidential; or
- where it is not possible to stipulate a date after which the information is no longer confidential, specify a particular event, the occurrence of which removes the confidentiality restrictions.

We maintain a Confidential Report Register detailing the following information in respect to each Confidential Report considered by Council.

- Council meeting name and date
- Title of the report
- Nominated disclosure date
- Date released to the public.

The Confidential Report Register is updated within two weeks following the Council Meeting and is available for viewing on Council's website.

Where a sunset provision or specified event has been reached, the Council Resolution as contained within the Minute document will be made available on Council's website within two weeks of the specified sunset provision or event.

In addition, a panel consisting of the Mayor, Deputy Mayor, Chief Executive Officer and General Manager Corporate Performance will review the Confidential Report Register once each quarter to determine whether the information contained in the reports should be released.

Where the panel determines that a confidential decision should be released to the public, where a sunset provision or specified event has not been specified, a report will be prepared for the next Ordinary Meeting of Council seeking a resolution to release the Council Resolution as contained within the Minute document. A copy of the Council Resolution will be made available on Council's website within two weeks of Council's resolution to release the information.

A six-monthly report will be prepared and presented to Council outlining the confidential items and the status of each item, including if they remain in confidential or have been released to the public.

The release of Confidential Council Reports will be facilitated and monitored by the Governance & Risk Unit.

6. Information not available

Council may determine not to make some information publicly available. This will occur if the information is deemed confidential information within the meaning of the Act, if its release would be contrary to the public interest, or in order to comply with the requirements of 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.

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 to 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 <i>Local Government Act 1989</i>

Where information is not confidential, and not already available, Council will apply the principles of a public interest test and give consideration to the resources required to respond to the request.

Public interest test

Council 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:

- 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
- correspondence with members of the community, where release may inappropriately expose a person's private information or dealings.

7. Other ways to access information

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

Council are committed to, where possible, the proactive and informal release of information in accordance with the Freedom of Information Professional Standards issued by the Victorian Information Commissioner, you can read more at www.ovic.vic.gov.au.

In the interests of transparency, Mildura Rural City Council has compiled a Part II Freedom of Information Statement which includes the following information:

- Statement 1 – Organisation and Functions of Council
- Statement 2 – Categories of Documents
- Statement 3 – FOI Arrangements
- Statement 4 – Publications
- Statement 5 – Rules, Policies and Procedures
- Statement 6 – Report Literature.

Documents listed in this Part II Statement are available for inspection and/or purchase either on Council's website or by contacting customer service.

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

8. Responsibilities

It is the role of all staff to promote and facilitate access to Council information in accordance with the Public Transparency Policy.

Who	Roles and Responsibilities	Timelines
Council	Champion the commitment and principles for public transparency through leadership, modelling practice and decision-making.	Ongoing
Executive Leadership Team	Champion behaviours that foster transparency and drive the principles through policy, process and leadership. Monitor implementation of this policy.	Ongoing
Strategic Leadership Team	Manage areas of responsibility to ensure public transparency, good governance and community engagement is consistent with this policy.	Ongoing
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.	Ongoing
Manager Governance	To monitor implementation of this policy and conduct periodic reviews to drive continuous improvement.	Ongoing
Governance & Risk Coordinator	To monitor implementation of this policy and conduct periodic reviews to drive continuous improvement.	Ongoing

9. Non-compliance with this policy

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 you are still not satisfied, and would like to contest the decision, this can be addressed to the Manager Governance.

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.

10. Implementation

The Manager Governance is responsible for implementing this policy.

11. Definitions

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 individual identity and location</p>
Council	means Mildura Rural City Council
Consultation	The process of seeking input on a matter
Community Engagement	Community Engagement is a planned process that involves two-way communication between Council and the people who will be affected by the decision
Public Participation	Public participation encompasses a range of public involvement, from simply informing people about what government is doing, to delegating decisions to the public and community activity addressing the common good
Stakeholder	An individual or group with a strong interest in the decisions of Council and are directly impacted by their outcomes
Closed Meetings	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
Transparency	A lack of hidden agendas or conditions, and the availability of all information needed in order to collaborate, cooperate and make decisions effectively. Importantly, “transparency” is also a human rights issue: the right to have the opportunity, without discrimination, to participate in public affairs (s.58 of the Act)
Public Interest Test	The test used to balance the factors for and against disclosure of the requested information

12. Legislation and other references

12.1 Legislation

For further information related to this policy see:

- *Local Government Act 2020*
- *Local Government Act 1989*
- *Freedom of Information Act 1982*
- *Privacy and Data Protection Act 2014*
- *Equal Opportunity Act 2010*
- *Charter of Human Rights and Responsibilities Act 2006*

12.2 Documents

This Policy is implemented in conjunction with the following documents:

- Governance Rules
- Public Transparency Principles
- Good Governance Framework
- Community Engagement Policy
- Privacy and Data Protection Policy

12.3 Risk Assessment Reference

Risk Category	✓	Risk Category	✓
Asset Management		Financial Sustainability	
Committees		Human Resource Management	
Compliance – Legal & Regulatory	✓	Leadership & Organisational Culture	✓
Contract Management		Occupational Health & Safety	
Contract Tendering & Procurement		Organisational Risk Management	
Corporate Governance	✓	Project Management	
Environmental Sustainability		Public Image and Reputation	✓