

7.14 Adoption - Public Transparency Policy

Abstract

The purpose of this report is to present the proposed Public Transparency Policy (proposed Policy) to Council for consideration.

The *Local Government Act 2020* (the Act) requires Council to adopt and maintain a Public Transparency Policy by 1 September 2020.

On 20 July 2020, Council resolved the proposed Policy be endorsed for public consultation. The public consultation period commenced on 23 July 2020 and closed at 5.15pm on 6 August 2020. Council received four (4) written submissions (including two (2) late submissions). Two submitters spoke in support of their written submission at the Special Meeting of the Services Special Committee held on 17 August 2020.

Officers have considered the feedback provided during the public consultation process and have finalised the Public Transparency Policy. A copy of the proposed Policy is at **Attachment 1**.

The proposed Public Transparency Policy is presented to Council for consideration.

Officers' recommendation

That Council resolve:

1. To adopt the Public Transparency Policy (as annexed to the Minutes).
2. The Public Transparency Policy commences on 1 September 2020.

**Responsible director: Phillip Storer
Chief Executive Officer**

1. Purpose

The purpose of this report is to present the proposed Public Transparency Policy (proposed Policy) to Council for consideration.

2. Policy implications and relevance to community plan and council plan

This report is consistent with the Council Plan 2017-21, in particular strategy 7.2, which states “*Ensure transparent decision making through open governance processes*”.

It also supports Strategic Objective 7 of the Boroondara Community Plan 2017-27, to “*Ensure that ethical, financial and socially responsible decision making reflect community needs and are based on principles of accountability, transparency, responsiveness and consultation*”.

3. Background

The *Local Government Act 2020* (the Act) requires Council to adopt a Public Transparency Policy by 1 September 2020.

The Act stipulates a Council provides good governance if it performs its role in accordance with nine overarching governance principles and five supporting principles. Public transparency is one of the five supporting principles. The public transparency principles are:

- Principle A
Decision making processes must be transparent except when the Council is dealing with information that is confidential under the Act or any other Act.
- Principle B
Council information must be publicly available unless -
 - the information is confidential by virtue of the Act or any other Act; or
 - public availability of the information would be contrary to the public interest.
- Principle C
Council information must be understandable and accessible to members of the municipal community.
- Principle D
Public awareness of the availability of Council information must be facilitated.

The purpose of the proposed Policy is to:

- give effect to the public transparency principles;
- describe the ways in which Council information will be made publicly available;
- specify which Council Information will be made publicly available; and
- describe the categories of Council Information that may be unavailable to the public.

Council endorsed the proposed Policy for community consultation at the Special Meeting of Council on 20 July 2020. Council received four (4) written submissions (including two (2) late submissions). Two submitters spoke in support of their written submission at the Special Meeting of the Services Special Committee held on 17 August 2020.

Officers note no new information was introduced from the two submitters who spoke at the meeting which was not already addressed in the report which was presented to the Services Special Committee meeting on 17 August 2020.

4. Outline of key issues/options

A summary of the written submissions and the officer responses to the matters raised is at **Attachment 2**.

The reoccurring theme in the submissions was the live streaming and recording of meetings of Council.

After further consideration of the submissions officers are recommending Council and delegated committee meetings be live streamed and the recording placed on Council's website upon completion of the Council chamber refurbishment works which is expected to be completed prior to the end of this calendar year.

Clause 7.2 in the proposed Policy has therefore been amended to now read as follows:

- 7.2 Commencing from 1 January 2021 Council and delegated committee meetings will be live streamed and the recording placed on Council's website.

Officers are not recommending any other changes to the proposed Policy.

5. Consultation/communication

On 20 July 2020, Council resolved the proposed Policy be endorsed for public consultation. The public consultation period commenced on 23 July 2020 and closed at 5.15pm on 6 August 2020.

Submissions on the proposed Policy were called for via:

- Public Notice in The Age newspaper
- Public Notice on Council's website; and
- the 'Have Your Say' section on Council's website.

Officers have noted the feedback from the community and outlined the proposed change to the Policy above.

If adopted by Council, the Policy will be made available on Council's website and intranet, for inspection at the Council offices and a copy will be provided to each Councillor.

6. Financial and resource implications

The costs to develop the proposed Policy have been met within the current budget and includes the cost of community consultation via the Council communication channels.

7. Governance issues

Officers involved in the preparation of this report have no conflict of interest.

The list of prescribed human rights in the Victorian Charter of Human Rights and Responsibilities has been reviewed in accordance with Council's Human Rights Compatibility Assessment Tool and it is considered the proposed actions in this report represent no breaches of, or infringements upon, those prescribed rights.

8. Social and environmental issues

The consideration of submissions and the adoption of the Public Transparency Policy will reinforce public confidence in the integrity of Council's decision-making processes and in Council's ability to ensure good corporate governance within the municipality.

Manager: David Thompson, Governance

Report officer: Helen Pavlidis, Governance Projects Officer

Public Transparency Policy

Insert Policy date here

Responsible Directorate: Chief Executive Office
Authorised By: Council
Date of Adoption: <Date>
Review Date: September 2024
Policy Type: Council



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1 Purpose

The purpose of this Policy is to:

- 1.1 give effect to the Public Transparency Principles;
- 1.2 describe the ways in which Council Information will be made publicly available;
- 1.3 specify which Council Information will be made publicly available as of course; and
- 1.4 describe the categories of Council Information that may be unavailable to the public.

This Policy is adopted under section 57 of the Act.

2 Objective

The objective of this Policy is to formalise Council's support for transparency in its decision-making processes and availability of Council Information and to achieve the purpose stated in Part 1 of this Policy.

3 Scope

This Policy applies to Councillors and Officers.

4 Definitions

In this Policy, the following words and phrases mean:

"Act" means the *Local Government Act 2020*.

"Chief Executive Officer" includes an Acting Chief Executive Officer.

"Closed Meeting" means a Meeting that is closed to members of the public.

"Community" means the residents and ratepayers of, and visitors to, the Municipal District and may, depending on the context, refer to all of those people or to particular subsets of those people.

"Confidential Information" means confidential information as defined in section 3(1) of the Act.

"Council" means Boroondara City Council.

"Council Information" means all documents and other information held by Council.

"Council meeting" has the same meaning as in the Act.

"Council Offices" means the offices of Council located at 8 Inglesby Road, Camberwell.

"Council Website" means Council's website at www.boroondara@boroondara.vic.gov.au

“Delegated Committee” means a Delegated Committee established under section 63 of the Act.

“Governance Rules” means the governance rules adopted by Council under section 60 of the Act, as amended from time to time.

“Health Information” means health information as defined in section 3(1) of the *Health Records Act 2001*.

“Meeting” means a meeting of Council or a Delegated Committee.

“Municipal District” means the municipal district of Council.

“Officer” means a member of Council staff, and includes the Chief Executive Officer.

“Personal Information” means personal information as defined in section 3(1) of the *Privacy and Data Protection Act 2014*.

“Public Transparency Principles” means the public transparency principles set out in section 58 of the Act and reproduced in Part 5 of this Policy.

“Requestor” means a person making a request to access Council Information under and in accordance with this Policy.

5 Responsibility for this Policy

- 5.1 The Chief Executive Officer is responsible for the application and operation of this Policy.
- 5.2 The Chief Executive Officer may, from time to time, authorise another Officer or Officers to fulfil any of the Chief Executive Officer's functions and duties under this Policy.
- 5.3 Where another Officer is or other Officers are authorised under clause 5.2, any reference in this Policy to the Chief Executive Officer is to be read as a reference to that Officer or those Officers.

6 Public Transparency Principles

- 6.1 The Public Transparency Principles are set out in section 58 of the Act as follows:
 - 6.1.1 Council decision-making processes must be transparent, except when Council is dealing with information that is confidential by virtue of the Act or any other Act.
 - 6.1.2 Council Information must be publicly available, unless:
 - (a) the information is confidential by virtue of the Act or any other Act; or
 - (b) public availability of the information would be contrary to the public interest.
 - 6.1.3 Council Information must be understandable and accessible to members of the Municipal District.
 - 6.1.4 Public awareness of the availability of Council Information must be facilitated.

- 6.2 Council will give effect to and implement the Public Transparency Principles in accordance with this Policy.

7 Council Decision-Making Processes

- 7.1 Council will ensure that the decision-making processes that it adopts are transparent and open to the Community so that the Community is provided with an opportunity for meaningful engagement with Council and its decision-making processes.
- 7.2 Commencing from 1 January 2021 Council and delegated committee meetings will be live streamed and the recording placed on Council's website.
- 7.3 Without limiting the generality of clause 7.1 and clause 7.2, Council's decision-making processes will:
- 7.3.1 be conducted in accordance with the Act and the Governance Rules;
 - 7.3.2 unless considering Confidential Information, be conducted in a forum that is open to, and accessible by, the Community; and
 - 7.3.3 be informed by the:
 - (a) views of those members of the Community whose rights and interests will be directly affected by the decision; and
 - (b) responses, if any, to any process of community engagement conducted by Council in respect of the decision, whether in accordance with its Community Engagement Policy or otherwise.
- 7.4 Further details of Council's decision-making process can be found in Chapter 1 of the Governance Rules.

8 Availability of Council Information

- 8.1 All Council Information will be made available to the public, unless the:
- 8.1.1 Council Information is Confidential Information; or
 - 8.1.2 release of the Council Information is assessed by the Chief Executive Officer as being contrary to the public interest.
- 8.2 A list of the categories of Council Information which will generally, subject to this Policy, be made available either on the Council Website, at the Council Offices or on request is set out at Appendix 1 to this Policy.

9 Publications

Council publishes a range of newsletters, reports and handbooks for residents, businesses and visitors to the Municipal District. These publications are available on the Council Website, at the Council Offices or on request to Council.

10 Accessibility of Council Information

- 10.1 Council Information will be made available on the Council Website, at the Council Offices and/or on request.
- 10.2 Council will, to the extent possible, facilitate access to Council Information by:
 - 10.2.1 making Council Information available in accordance with this Policy;
 - 10.2.2 endeavouring to make Council Information accessible electronically and in hard copy, where requested; and
 - 10.2.3 endeavouring to convert Council Information to different accessible formats where necessary for members of the Community for whom:
 - (a) English is their second language; or
 - (b) disability requires an alternative means of access to be provided.
- 10.3 Where a request is made for access to Council Information that is not on the Council Website or otherwise available at the Council Offices, the Chief Executive Officer will:
 - 10.3.1 review the request;
 - 10.3.2 assess whether the Council Information requested is Confidential Information, or its release would be contrary to the public interest; and
 - 10.3.3 notify the Requestor of the outcome of that assessment.
- 10.4 If the Council Information requested is assessed under clause 10.2 as not being Confidential Information, or its release is assessed as not being contrary to the public interest, the Council Information will be provided to the Requestor.
- 10.5 The Council Information will be provided to the Requestor by email unless the:
 - 10.5.1 Requestor seeks access in a different form, including by reference to the matters stated in clause 10.2.3, in which case the Council Information will be provided in that form, unless it is impracticable to do so; or
 - 10.5.2 Chief Executive Officer, having regard to the nature of the Council Information requested, determines that the Council Information should be provided in a different form, such as by inspection.
- 10.6 Council will provide such support to the Requestor as it considers reasonable to ensure that the Council Information provided is understood by them.

- 10.7 If, under clause 10.3, the Council Information requested is assessed as being Confidential Information, or its release is assessed as being contrary to the public interest, the Requestor will be advised:
- 10.7.1 that the request has been denied;
 - 10.7.2 of the reasons for the request being denied; and
 - 10.7.3 of alternative mechanisms by which they may seek access to the Council Information (e.g. by making a request made under the *Freedom of Information Act 1982*).
- 10.8 Any request for access to Council Information by way of an alternative mechanism under clause 10.7.3 will be assessed according to the process applicable to it.
- 10.9 Where:
- 10.9.1 Council Information requested is assessed under clause 10.3 as being Confidential Information, or its release is assessed as being contrary to the public interest; but
 - 10.9.2 it is practicable for that Council Information to be provided with deletions so that it is suitable for release to the Requestor; and
 - 10.9.3 the Chief Executive Officer believes that the Requestor would want the Council Information in that format,
- the Council Information will be provided in that format.

11 Council Information that is Not Available

Some Council information may not be made publicly available. This will occur if the information is Confidential Information, or its release would be contrary to the public interest.

11.1 Confidential Information

11.1.1 What constitutes Confidential Information is set out in section 3(1) of the Act and includes information within the following categories:

Type	Description
Council business information	Information that would prejudice 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, if released, would unreasonably expose the business, commercial or financial undertaking to disadvantage.
Confidential meeting information	Records of Council and Delegated Committee meetings that are closed to the public to consider confidential information.
Internal arbitration information	Information provided to, or produced by, an arbiter for the purpose of an internal arbitration process, other than the findings and the reasons.

Type	Description
Councillor Conduct Panel information	Information: <ul style="list-style-type: none"> • provided to, or produced by, a Principal Councillor Conduct Registrar, for the purposes of an application to form a Councillor Conduct Panel; or • provided to, or produced by, a Councillor Conduct Panel for the purposes of conducting a hearing, other than a decision or reasons for a decision; or • comprising any part of a statement of reasons or other document under the control of a Councillor Conduct Panel that the Councillor Conduct Panel determines contains confidential information.
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> .

11.1.2 In the interests of transparency, Council may, by resolution, determine to release information to the public even though it is Confidential Information.

11.1.3 A decision under clause 11.1.2 will generally only be made if Council, on the advice of the Chief Executive Officer, is satisfied that releasing the Confidential Information would not:

- (a) be inconsistent with any legal or contractual obligation;
- (b) cause disadvantage to any person, including Council; and
- (c) otherwise be contrary to the public interest.

11.2 Contrary to the Public Interest

- 11.2.1 Council Information will not be made publicly available if doing so would be contrary to the public interest.
- 11.2.2 When assessing whether making certain Council Information publicly available would be contrary to the public interest, the Chief Executive Officer will have regard to, among other things:
- (a) the sensitivity of the Council Information;
 - (b) whether the Council Information comprises a draft, or otherwise is no longer current; and
 - (c) any adverse effect that releasing the Council Information would have on the effectiveness of Council's decision-making processes.
- 11.2.3 Without limiting clause 11.2.2, factors that might lead to a decision that the release of Council Information is contrary to the public interest might include whether release would be likely to:
- (a) disclose Personal Information or Health Information;
 - (b) disclose information or opinions of a preliminary nature such that they might:
 - (i) mislead the Community with respect to Council's position on a matter; or
 - (ii) have a substantial adverse effect on the economy of the Municipal District;
 - (c) prejudice discussions or negotiations between Council and any other party, in relation to a contract, legal proceedings or any other matter;
 - (d) impair or otherwise impact on:
 - (i) Council's ability to obtain information in future that is similar in nature to the Council Information;
 - (ii) negotiations with respect to employment arrangements for Officers; or
 - (iii) defence, prosecution and settlement of legal proceedings; or
 - (e) impact on the reasonable allocation of Council's resources, including in responding to requests for Council Information that are assessed by the Chief Executive Officer as being frivolous, vexatious or repetitious in nature.

12 Public Awareness of Availability of Council Information

Council will ensure public awareness of this Policy and the availability of Council Information by:

- 12.1 publishing this Policy on the Council Website;
- 12.2 making this Policy available for public inspection at Council's offices;
- 12.3 converting this Policy to such accessible formats, having regard to clause 10.2.3, as the Chief Executive Officer determines; and
- 12.4 ensuring that all Officers:
 - 12.4.1 are aware of this Policy and its effect; and
 - 12.4.2 direct members of the Community to this Policy when access to Council Information is sought.

13 Human Rights Charter

This Policy has been assessed against the *Charter of Human Rights and Responsibilities Act 2006* as being consistent with that Act and, in particular, as promoting the rights of members of the Community:

- 13.1 not to have their privacy interfered with (section 13); and
- 13.2 take part in public life (section 18), by having the opportunity to:
 - 13.2.1 participate in the conduct of Council's affairs; and
 - 13.2.2 have access to Council and Council Information.

14 Dissatisfaction with the Application of this Policy

- 14.1 If a Requestor is dissatisfied with Council's application of, or believes that Council has acted inconsistently with, this Policy, they can report their dissatisfaction to Council's Manager Governance by:
 - 14.1.1 email to boroondara@boroondara.vic.gov.au; or
 - 14.1.2 telephone on 9278 4470.
- 14.2 If the Requestor believes that the matter remains unresolved, it can be reported to the Victorian Ombudsman by:
 - 14.2.1 making a complaint online at <https://www.ombudsman.vic.gov.au/complaints>; or
 - 14.2.2 telephone on 03 9613 6222.

15 Application of this Policy

- 15.1 This Policy applies to all Council Information, except Council Information which is made available, or is otherwise accessible, under another Act (other than an Act which refers to this Policy).
- 15.2 Without limiting the generality of clause 15.1, this Policy does not apply to Council Information which is:
- 15.2.1 required to be made available under the *Planning and Environment Act 1987*;
 - 15.2.2 required to be made available under the *Building Act 1993*; or
 - 15.2.3 otherwise required to be made available on payment of a fee or charge.

16 Monitoring, Evaluation and Review

Council will review this Policy periodically to ensure that it continues to reflect the expectations of the Community with respect to the availability and accessibility of Council Information.

Appendix 1

For the purposes of clause 8 of this Policy the following Council Information will generally, and subject to this Policy, be made available either on the Council Website or on request by a member of the Community.

1. Documents such as:

- Plans and Reports adopted by Council;
- Council Policies;
- Project and Service Plans;
- Service Agreements, Contracts, Leases and Licences; and
- relevant technical reports and/or research that inform Council's decision-making.

2. Process information such as:

- application processes for approvals, permits, grants, access to Council services;
- decision-making processes;
- Guidelines and Manuals;
- Community Engagement Processes; and
- Complaints Handling Processes.

3. The following Council Information will be available on Council's website:

- Meeting Agendas;
- Minutes of Meetings;
- Audit and Risk Committee Charter;
- Terms of Reference for Delegated Committees;
- Gift Registers for Councillors and Council Staff;
- Travel Registers for Councillors and Council Staff;
- Registers of Conflicts of Interest disclosed by Councillors and Council Staff;
- Registers of Leases entered into by Council;
- Register of Delegations;
- Register of Authorised Officers;
- Register of Election Campaign Donations;
- Summary of Personal Interests; and
- any other Registers or Records required by the Act or any other Act

Public Transparency Policy		
Submitter	Summary of Issue(s)	Response
<p>Lighter Footprints Inc.</p> <p>Submission received from Carolyn Ingvarson, Convenor and Joy Mettam Member on behalf of Lighter Footprints Inc.</p>	<p><u>Clause 7.2 - Council decision making processes</u></p> <p>The submitter has recommended Council adopt a permanent practice of streaming Council meetings live via the internet and posting a recording on Council's website for viewing at a later date.</p>	<p>There is no prescribed requirement in the <i>Local Government Act 2020</i> (the Act) to live stream or record Council and delegated committee meetings.</p> <p>The Public Transparency Policy (Policy) proposes Council and delegated committee meetings be live streamed and the recording be placed on Council's website upon completion of the Council chamber refurbishment works which is expected to be completed prior to the end of this calendar year.</p> <p>It should be noted all reports to Council and delegated committee meetings and the decisions taken are and remain a matter of public record for those who wish to access them. The only exceptions are matters classified as confidential under the Act. Additionally, while Council has no obligation to allow submitters to be heard in relation to many of the items which come before it, the fact this is a standard part of Council's practice means those directly impacted by the matters on an agenda paper can be part of the proceedings and observe for themselves what has transpired.</p>
	<p><u>Clause 8 - Availability of Council information and clause 10 - Accessibility of Council Information</u></p> <p>The submitter has recommended Council review its information systems to provide timely quantitative measures of its activities in a form that is easily accessible and available on request to all residents.</p>	<p>The Policy provides all documents and other information held by Council will be made available to the public unless the information is confidential or its release is assessed by the Chief Executive Officer as being contrary to the public interest. A list is provided in the Policy (Appendix 1) of the categories of Council Information which will generally, subject to the Policy, be made available.</p>

Public Transparency Policy		
Submitter	Summary of Issue(s)	Response
		<p>Council allocates resources (staff and systems) to the production of information which assists in decision making by Council and to support the provision of services to the community. Council is not a research function for members of the community who have requests which would divert resources from the core activities Council staff are employed to undertake. If Council has information which is requested and can be provided without an impost upon its resources and that information is not confidential or contrary to the public interest, naturally it will be provided.</p>
<p>Boroondara Branch of the Greens.</p> <p>Submission received from Les Pradd on behalf of the Boroondara Branch of the Greens.</p>	<p><u>Clause 8 - Availability of Council Information</u> The submission recommends Council undertake community consultation and a best practice review of what constitutes understandable material in local government communications.</p>	<p>To ensure Council is delivering over 170 different services in-line with community needs and expectations, Council communicates with the community through a variety of channels to engage with their needs, concerns, ideas and aspirations.</p> <p>Council undertakes a variety of approaches to measure the effectiveness of our communication approach. This ranges from surveys through to quantitative data. Examples include:</p> <ul style="list-style-type: none"> - the annual Community Satisfaction Survey which measures community preferences for communication channels - the biennial Communications Channel Survey that measures attitudes and preferences of the Boroondara community regarding Council communication approach - measuring levels of engagement with the electronic version of the Boroondara Bulletin that is emailed to nearly 42,000 residents

Public Transparency Policy		
Submitter	Summary of Issue(s)	Response
		<ul style="list-style-type: none"> - measuring levels of engagement with social media posts sent through channels such as Facebook and Twitter. <p>Importantly, the information Council collects is used to inform improvements to the mix of communication channels and the content that is shared through those communication channels. Additionally, it enables Council to plan more effective communications, make better use of budgets, monitor progress against defined communication goals, identify improvements and learn from successes.</p>
	<p><u>Clause 16 - Monitoring, Evaluation and Review</u> The submission recommends Council undertakes a public review of the Public Transparency Policy after the first 12 months of operation.</p>	<p>There is no legislative obligation to review the Public Transparency Policy (the Policy) after a specific time interval. However, Council is committed as part of its good governance practices to ensuring a review date is established prior to policies being adopted.</p> <p>In this instance it is proposed the Policy is reviewed in 2024 after it has been in operation for four years. It is open for the new Council to determine to review the Policy earlier.</p>
	<p><u>Clause 10 - Accessibility of information</u> The submission recommends Council implement a ten (10) business day deadline for the dissemination of requested information.</p>	<p>Under Council's Customer Service Charter staff are required to respond to all enquiries within ten (10) business days of receipt. This standard will, like all other correspondence received, apply to requests for information which are made in regard to the Public Transparency Policy.</p>

Public Transparency Policy		
Submitter	Summary of Issue(s)	Response
		As is currently Council's practice where the information requested is anticipated to take longer than 10 days to access and collate (given for example complexity of the information, current availability or other factors) the customer will receive an acknowledgement and the date the information will be provided. A full explanation about why the information will be provided outside the ten day standard will be communicated to the customer.
	<p><u>Clause 7.2 - Council decision making processes</u> The submission recommends Council reinstate provision of video and audio recordings of all public meetings of councillors.</p>	<p>As indicated above, there is no prescribed requirement in the <i>Local Government Act 2020</i> (the Act) to live stream or record Council and delegated committee meetings.</p> <p>As stated above, the Public Transparency Policy proposes Council and delegated committee meetings be live streamed and the recording be placed on Council's website upon completion of the Council chamber refurbishment works which is expected to be completed prior to the end of this calendar year.</p> <p>It should be noted all reports to Council and delegated committee meetings and the decisions taken are and remain a matter of public record for those who wish to access them. The only exceptions are matters classified as confidential under the Act. Additionally, while Council has no obligation to allow submitters to be heard in relation to many of the items which come before it, the fact this is a standard part of Council's practice means those directly impacted by the matters on an agenda paper can be part of the proceedings and observe for themselves what has transpired.</p>

Public Transparency Policy		
Submitter	Summary of Issue(s)	Response
	<p>The submission recommends Council give notice of meetings prominently on the Council website, Boroondara Bulletin and in newspapers with local coverage at least seven (7) days prior to the meeting.</p>	<p>Each year (usually in November) Council resolves the dates, times and places of Council and delegated Committee meetings for the forthcoming year. The meeting schedule for the year is subsequently published in a newspaper circulating in the municipality.</p> <p>The dates of the meetings are published on the Council website, at the Camberwell Customer Service Centre and within Boroondara Bulletin which is distributed on a quarterly basis to each household in the municipality.</p> <p>The meetings are also promoted through council's social media pages including Facebook posts. These posts provide information about the agenda items and encourages the community to view the meeting via the on-line broadcast.</p> <p>In instances where Council business is of an urgent and unexpected nature Special meetings are called to consider these items. These Special meetings may be called in a timeframe where the seven days prior to the meeting has already past. In these instances public notice in a newspaper is often not always an option given media deadlines however, a public notice providing details of the date, time, how to view (or attend) the meeting and the agenda items are posted on the website as soon as possible and prior to the meeting.</p> <p>Should this be the case, Council has provided as much public notice as possible using the existing Council communication channels and writing to any person whose rights are likely to be directly affected.</p>

Public Transparency Policy		
Submitter	Summary of Issue(s)	Response
		<p>In addition if the Special meeting has been held at short notice which has meant that a public notice in a newspaper has not been able to be published, the reasons are noted in the public minutes of the meeting.</p> <p><i>*Note: Via an email to the Manager Governance dated 17 August 2020 and confirmed during the verbal submission made at the Special Services Special Committee meeting on the same date this submitter withdrew comments made in the corresponding written submission in regard the Victorian Ombudsman’s report titled “Investigation into the Transparency of Local Government Decision Making” about Council not providing adequate notice of its meetings. As a consequence reference to this paragraph in the written submission and the officers comments in response are not included in this Attachment.</i></p>
Ian Hundley	<p>Officers note the submission from Mr Hundley was received by email at 9.19pm on the 6 August 2020 after the closing time for submissions. Officers have determined it appropriate on this occasion to include the comments from Mr Hundley in this report.</p>	
	<p><u>Clause 7.2 - Council decision making processes</u> It is understood the submitter believes Council meetings, in addition to being live streamed, should be recorded and a copy of the record be maintained on the Council website.</p>	<p>As indicated above, the Public Transparency Policy proposes Council and delegated committee meetings be live streamed and the recording be placed on Council’s website upon completion of the Council chamber refurbishment works which is expected to be completed prior to the end of this calendar year.</p>

Public Transparency Policy		
Submitter	Summary of Issue(s)	Response
		<p>It should be noted all reports to Council and delegated committee meetings and the decisions taken are and remain a matter of public record for those who wish to access them. The only exceptions are matters classified as confidential under the Act. Additionally, while Council has no obligation to allow submitters to be heard in relation to many of the items which come before it, the fact this is a standard part of Council's practice means those directly impacted by the matters on an agenda paper can be part of the proceedings and observe for themselves what has transpired.</p>
	<p><u>Clause 8 - Availability of Council Information</u> The submitter considers agenda papers and minutes of Council meetings should be available on Council's website for a period of ten years.</p>	<p>Historically there has been an extremely low level of demand for access to past business papers. Council currently makes the agenda paper and minutes of meetings of Council available on Council's website for three years. A digital record of the agenda and minutes beyond the three years is available at the Ashburton Library.</p> <p>Acknowledging the Council website has past business papers from 2018 onwards Council can start to build a ten (10) year repository of business papers. To address the current limitations associated with storing past business papers for a ten year period on the website an investment in resources (financial and staffing) will be required from Council to build the system to ensure it is customer friendly.</p> <p>Past business papers can also be freely accessed by contacting the Governance Department.</p> <p>The submitter has been provided with a CD Rom which contains public agendas and minutes for the period 2011 to 2015.</p>

Public Transparency Policy		
Submitter	Summary of Issue(s)	Response
Darryl Biggar	Officers note the submission from Mr Biggar was received by email at 1.03pm on the 10 August 2020 after the closing time for submissions. Officers have determined it appropriate on this occasion to include the comments from Mr Biggar in this report.	
	<p><u>Style and expression</u> The submitter is of the view the proposed Policy consists of a formal, legalistic structure and style.</p>	<p>Officers acknowledge the Public Transparency Policy (the Policy) is written in a formal legalistic style but do not consider it is inconsistent with the principles in the Act.</p> <p>In the opinion of officers the Policy is easy to understand and when adopted by Council will be made accessible to members of the community via the Council distribution channels. The Policy is very important to Council and its community and it is important there be clarity and no ambiguity so councillors and the community know what is expected. The drafting of the document is designed to achieve this outcome.</p>
	<p><u>Confidential information</u> The submitter recommends it should be explicitly stated the use of confidential information (and as a consequence the need for confidential Council discussions) will be minimised and any such confidentiality will be time-limited.</p>	<p>Officers note the suggestions from the submitter. Officers believe the proposed Policy adequately deals with the use of confidential information.</p> <p>Officers note confidential matters are now limited to matters that are:</p> <ul style="list-style-type: none"> • confidential by virtue of the <i>Local Government Act 2020</i> (the Act) or any other Act, or • public availability of the information would be contrary to the public interest.

Public Transparency Policy		
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		It is also noted the public transparency principles as set out in the Act will be applied to all aspects of Council's operations and decision making. Of particular note is the circumstances in which a Council or a delegated committee meeting may be closed to the public. The Act requires Council and delegated committee meetings to be open to the public unless specified circumstances apply. Matters of a legal, contractual or personnel nature, for example, do not lend themselves to time limits. There are other cases where the release of confidential information discussed at meetings of Council might cease to be sensitive and could be released. A decision is required in each case rather than applying an arbitrary timeframe.
	<p><u>Application of the policy</u> The submitter recommends the policy explicitly mention it applies to decisions and processes followed by Council officers under delegation.</p>	<p>Officers note at page 3 of the Policy under the heading <i>Scope</i>: "This Policy applies to Councillors and Officers".</p>
	<p><u>Definition of "all documents"</u> The submitter recommends the meaning of "all documents" be clarified as including "all emails, notes and other permanent records".</p>	<p>Officers note the suggestion from the submitter and believe there is little value add to the Policy to include a limited list of documents such as suggested by the submitter.</p>

Public Transparency Policy		
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	<p><u>Record of decisions</u> The submitter recommends inclusion of the following in section 10 of the Policy - Accessibility of Information - "The Council will keep a record of requests for Council Information, and the content of those requests, and whether the requests were fulfilled in whole or part. This record will be made public according to the principles set out in the policy."</p>	<p>Officers note the view of the submitter.</p> <p>Council officers receive thousands of requests for information a week and it would be completely unproductive to have staff distracted with actually dealing with the matters before them by spending time filling out a register as to whether the query was answered in whole or in part.</p> <p>Where community members are dissatisfied with responses there are avenues which can be explored.</p>