

Public Transparency Policy

COUNCIL POLICY

Corporate Governance & Legal (Corporate Services)

OVERVIEW:

This Policy outlines guidelines and procedures for public transparency. It is essential for Council to have this policy in place to ensure good governance, ensures efficiency and highlights the importance of open and accountable conduct.

RESPONSIBLE MANAGER:

Manager, Governance & General Counsel for the corporate implementation, review, and interpretation of this policy.

RESPONSIBLE DEPARTMENT:

Corporate Services

ADOPTED BY:

COUNCIL

DATE:

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1. Introduction

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. The *Public Transparency Principles* are set out in **Appendix A** of this Policy.

This Policy aims to formalise Council's commitment to transparent decision-making processes and freely available public access to Council information. It supports and promotes:

- a. increased community confidence and trust in Council through greater understanding and awareness;
- b. improved Council visibility and performance; and
- c. access to information that is current and easily accessible.

This Policy includes all forms of Council information and how it will be made available to the public and is an integral part of Council's governance framework.

2. Scope

This Policy applies to all Councillors, delegated committees under the Act and council staff of Monash City Council.

3. Background

Council must adopt and maintain a Public Transparency Policy under section 57 of the *Local Government Act 2020* (the Act).

Council is committed to the principles of public transparency, good governance, open and accountable conduct and making council information publicly available, except where that information is confidential under the provisions of the Act or contrary to the public's interest.

4. Legislative Context and Governance Statement

- *Privacy and Data Protection Act 2014* (Vic) – Governs the handling of personal information within the Victorian public sector.
- *Freedom of Information Act 1982* (Vic) – Provides individuals with the right to request access to documents.
- *Charter of Human Rights and Responsibilities Act 2006* (Vic) – Requires Council to act compatibly with human rights in all decisions and practices.
- *Local Government Act 2020* (Vic) – Outlines Council's responsibilities, powers, and governance obligations.
- *Public Records Act 1973* (Vic) – Establishes requirements for the creation, maintenance, and lawful disposal of public records.
- *Equal Opportunity Act 2010* (Vic) – aims to make public life free from discrimination, sexual harassment, vilification and victimisation.
- *Planning & Environment Act 1987*
- *Building Act 1993*
- *City of Monash, Governance Rules* – govern the conduct of Council meetings and meetings of any delegated committee the Council may establish.

This Policy aligns with Council's governance principles, and equity obligations. Decisions made under this Policy must balance operational needs, safety, law enforcement requirements and individual rights.

In generating this Policy, Council confirms that its development, implementation, and review comply with the overarching governance principles outlined in the Act. This Policy has considered the importance of engagement, strategic planning, financial management, transparency, and service performance.

5. Definitions

Word	Definition
Act	means the <i>Local Government Act 2020</i>
Chief Executive Officer	means person appointed to the role Chief Executive Officer, including person Acting in the role.
Closed Meeting	means a meeting of Council that is closed to members of the public.
Community	means the residents and ratepayers of, and visitors to the municipality
Confidential Information	means confidential information as defined in section 3(1) of the Act.
Contrary to Public Interest	means whether making certain Council Information publicly available would cause, or risk causing detriment to the community or future decisions made by Council.
Council	means Monash City Council
Council Information	means all documents and other information held by Council.
Council Offices	means the offices of Council located at 293 Springvale Road, Glen Waverley.
Council Website	means Council's website www.monash.vic.gov.au
Freedom of Information (FOI) Request	means a formal application seeking access to documents under <i>the Freedom of Information Act 1982</i> , allowing individuals to request access to documents.
Governance Rules	means the governance rules adopted by Council under section 60 of the Act.
Health Information	means health information as defined in section 3 (1) of the <i>Health Records Act 2001</i>
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.

Word	Definition
Personal Information	means personal information as defined in section 3(1) of the <i>Privacy and Data Protection Act 2014</i> .
Public Transparency Principles	means the public transparency principles set out in section 58 of the Act and reproduced in section 1 of this Policy.
Requestor	means a person making a request to access Council information under and in accordance with this Policy.

Table 1 – Definitions

6. Responsibilities and Roles

Who	Role
Council/ Councillors	Upholding the commitment and principles of public transparency through decision-making, leadership and conduct.
Chief Executive Officer	Responsible for the application and operation of this Policy. Approve or reject the release of Council Information, in accordance with this Policy. Authorise another Officer or Officers to fulfil any of the Chief Executive Officer's functions and duties under this Policy.
Executive Leadership Team	Promotes the behaviours that foster transparency and embeds the principles through policy, process and leadership. Monitors the implementation of this Policy.
Governance Team	Provides support and advice to the community regarding the FOI Act.
Manager, Governance & General Counsel	Monitors the implementation of this Policy, ensuring the periodic reviews are undertaken to maintain relevancy.
Staff	Responsible for public transparency for their respective role. Responsible for the timely response to requests for information for the provision of information with this Policy and the <i>Freedom of Information Act 1982</i> .

Table 2 – Responsibilities and Roles

7. Public Transparency

7.1 Council Decision Making Processes

Council will ensure that the decision-making processes it adopts are transparent and open to the community, to ensure that the community is provided with an opportunity for meaningful engagement with Council and its decision-making processes.

Council's decision-making processes will be informed by:

- 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.

Further details of Council's decision-making processes are documented in section 2 of Council's Governance Rules (Chapter – 1 Governance Framework) and Council's Community Engagement Strategy.

7.2 Council Information, Publications and Confidential Information

Council will publish information relating to Council services and administrative functions on Council's website to ensure that they are accessible by the public or will provide this information upon request. All Council Information will be made available to the public unless the:

- Council Information is confidential information; or
- release of the Council Information is assessed by the Chief Executive Officer as being contrary to the public interest.

A list of categories of Council information which will generally, subject to this Policy, be made available either on Council's Websites, at the Council Offices or on request is set out in **Appendix B** to this Policy.

7.2.1 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, the Council Offices or on request to Council.

7.2.2 Confidential Information

Not all Council Information is made publicly available.

This applies to information:

- described under section 3(1) of the Act as Confidential Information.
- if released would be contrary to the public interest.
- if its release does not comply with the *Privacy and Data Protection Act 2014* or
- if it is exempt material under the *Freedom of information Act 1982*.

A list of all Council Information that constitutes Confidential Information is set out in section 3(1) of the Act and is attached as **Appendix C** to this Policy.

In the interests of transparency, Council may decide to release information to the public, even though it is confidential under the Act. However, in the instance that releasing the information is contrary to law, in breach

of contractual requirements, is likely to cause harm to any person or is not in the public interest to do so., information will not be released.

7.2.3 Information Contrary to Public Interest

Council Information will not be made publicly available if doing so would be contrary to the public interest.

When assessing whether making certain Council Information publicly available would be contrary to the public interest, the Chief Executive Officer will consider, 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.

8. Accessibility of Council Information

Council Information will be made available on the Council Website, at the Council Offices and/or on request in accordance with this Policy.

Council will use plain English and limit technical language, where possible, when communicating with our community to ensure that our communications are understood.

Monash Council is an inclusive organisation and seeks to provide information to our community in a way that is suitable to their needs including but not limited to the translation of information and providing information in different forms.

Where information has not been made publicly available on Council's website, members of the public have the right to contact Council for access to documents. Council will respond to requests for information or documents in alignment with the Act, the *Public Transparency Principles* of the Act, the *Freedom of Information Act 1982*, and the *Privacy and Data Protection Act 2014*.

Where Council Information is subject to other legislation such as the *Planning & Environment Act 1987* and *Building Act 1993*, the requirements under the relevant Act, in relation to the access of information will take precedence and be adhered to where any request is made.

9. Dissatisfaction with the handling of requests

If a requestor is dissatisfied with Council's application of, or believes that Council has acted in contravention of this Policy, they can report their dissatisfaction to the Director, Corporate Services by email to mail@monash.vic.gov.au or by calling the Governance team on 03 9518 3509.

If the requestor believes that the matter remains unresolved following their initial contact with Council, they can contact the Victorian Ombudsman by making a complaint online, www.ombudsman.vic.gov.au/complaints.

10. Gender Impact Assessment

Council has a legislative responsibility under the *Gender Equality Act 2020* to conduct a Gender Impact Assessment (GIA) on all new policies, programs and services (and those that are up for formal review) which have a direct and significant impact on the community.

This Policy does not have a direct and significant impact on the community and therefore no GIA was considered necessary.

11. Human Rights Considerations

Council must give proper consideration to human rights when making decisions. Proper consideration to human rights must be undertaken before a decision is made and may impact on people's rights.

We confirm that this policy has been carefully reviewed to ensure it does not affect human rights. We are committed to respecting human rights and will continue to monitor the policy to ensure it remains compliant.

Section of the Charter	Impact and Justification
s 13 – Privacy and Reputation	Through the publication of Council Information, Council must ensure that a person must not have their privacy interfered with.
s 18 – Taking part in public life	This policy enables people to participate in the conduct of Council affairs and have access to Council and Council Information in a consistent and transparent manner.

Council considers that this Policy promotes the right to privacy while balancing competing statutory obligations, transparency requirements and operational responsibilities.

Any limitation on rights is considered reasonable, necessary, justified and proportionate in the circumstances.

Council will continue to monitor this Policy to ensure it remains consistent with applicable human rights obligations.

12. Administrative Amendments

From time to time, circumstance may require minor amendments be made to this Policy. Where this does not materially alter the Policy, such amendments may be made administratively by the Chief Executive Officer.

Any amendment which materially alters the Policy must be approved by Council.

13. Review

This Policy will be reviewed by Manager Governance and General Counsel every four years, or earlier if required due to legislative or operational change.

14. Superseded Policies

Upon adoption by Council, this Policy supersedes and replaces the following policies:

- Public Transparency Policy – 2020.

Any requirements previously contained within the superseded policy relating to public transparency are now governed by this Policy.

15. Document Version

Version Number	Date	Author	Reviewed By	Approved By	Comments
1.0	28/07/2020	Coordinator Governance	Manager, Corporate Governance & Legal	Chief Executive Officer	
2.0	22/04/2026	Strategic Projects Support Officer	Manager, Governance & General Counsel	Executive Leadership Team	Administrative review in line with Monash Policy Framework.

16. Contact

If you have any questions about this Policy, please contact Council:



By emailing: mail@monash.vic.gov.au



By calling the Governance Team, on 03 9518 3509.



17. Appendices

Appendix A - Public Transparency Principles

The Public Transparency Principles are set out in section 58 of the *Local Government Act 2020* as follows:

- 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;
- 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;
- Council information must be understandable and accessible to the members of the municipal community;
- Public awareness of the availability of Council information must be facilitated.

Appendix B – Council Information

Type of Information	Examples of Documents
Council information required under the Act (and the Local Government Act 1989) to be made available on Council's website:	• Agendas and Minutes of Council Meetings and Delegated Committees; • Local Laws and Governance Rules; • Council Plan and Annual Plan; • Council Budget and Strategic Resource Plan; • Code of Conduct – Councillors; • Summary of Election Campaign Donation Returns; • Summary of Personal Interest Returns; and • Any other registers or records required to be published on Council's website under legislation or determined to be in the public interest.
Other Council documents and information to ensure the community is informed about Council's operations and functions may be made available on Council's website or by request:	• Adopted Council policies, plans and strategies; • Project and service plans; • Terms of Reference or Charters for Council Committees and Groups; • Consultations and community engagement processes undertaken by Council; • Reporting from Advisory Committees and Reference Groups to Council; • Audit and Risk Committee performance reporting; • Relevant technical reports and/or research that informs decision making; • Practice notes and operating procedures; • Guidelines and manuals; • Application processes for approvals, permits, grants and access to Council services; • Submissions made by Council; • FOI Part II Statement; and • Any other registers or records required to be published on Council's website under legislation or determined to be in the public interest.
Council documents and information to ensure the community is informed about Council's operations and	• Registers of delegation; • Register of gifts, benefits and hospitality offered to Council staff; • Register of overseas and interstate travel undertaken by Councillors or Council staff;

Type of Information	Examples of Documents
functions that will be made available for inspection on request:	• Register of conflicts of interest disclosed by Councillors or Council staff; • Register of donations and grants made by Council; • Register of leases entered into by Council, as lessor and lessee; • Register of authorised officers; • Submissions received under section 223 of the <i>Local Government Act 1989</i> until its repeal or received through a community engagement process undertaken by Council (if those submissions are not part of a Council report); and • Any other registers or records required to be made available for public inspection under legislation.

Appendix C – Confidential Information as defined in section 3(1) of the Act

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 prematurely released if likely to encourage speculation in land values.
Law enforcement	Information which would be reasonable 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
Private commercial	Information provided by a business, commercial or financial undertaking that: • Relates to trade secrets; or • If released would unreasonably expose the business, commercial or financial undertaking to disadvantage.
Confidential meeting	Information and records of meetings closed to the public under section 66(2)(a).
Internal arbitration	Information provided to, or produced by, an arbiter for the purpose of an internal arbitration process, other than the findings and reasons.
Councillor conduct panel	Information as specified in section 169 of the Act.
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> .