

# RIGHT TO INFORMATION POLICY

## SCOPE

The whole of Council and to any dealings with or by Council including dealings with or by contractors and consultants.

The policy is to be read in conjunction with any Federal or State Legislation in particular the *Right to Information Act 2009*, *Information Privacy Act 2009*, and *Information Privacy and Other Legislation Amendment Act 2023*.

## LEGISLATION

*Right to Information Act 2009*  
*Information Privacy Act 2009*  
*Information Privacy and Other Legislation Amendment Act 2023*

## OBJECTIVE

To provide open, transparent and accountable government.

To give right of access to information and documents in Council's possession or under Council's control unless, on balance, it is contrary to the public interest to give the access.

## DEFINITIONS

Council	Banana Shire Council
Document	<p>A document, other than a document to which the <i>Right to Information Act 2009</i> does not apply, in the possession, or under the control, of Council whether brought into existence or received by Council and includes:</p> <ul style="list-style-type: none"><li>a) a document to which Council is entitled to access; and</li><li>b) a document in the possession, or under the control, of an officer of Council in the officer's official capacity.</li></ul>
Exempt Information	<p>Exempt information is:</p> <ul style="list-style-type: none"><li>• A document or information, the disclosure of which would, on balance, be contrary to public interest.</li><li>• Information that is exempt under Schedule 3 to the <i>Right to Information Act 2009</i></li></ul>
Contrary to Public Interest	<p>The steps and factors to be applied to a document or information, (other than exempt information) under section 49, 50 and 51 of the <i>Right to Information Act 2009</i> and in Schedule 4 to the <i>Right to</i></p>

*Information Act 2009* to decide whether disclosure would, on balance, be contrary to public interest.

## **POLICY**

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### **Council**

Banana Shire Council is committed to providing open, transparent and accountable government and is therefore committed to encouraging open discussion of public affairs and keeping the community informed of its operations.

Council will be pro-active in giving the community right of access to information in Council's possession or under Council's control unless, on balance, it is contrary to the public interest to give the access.

Council will make copies of each of its policy documents available for inspection and purchase by the public.

Council will release administratively, as a matter of course, documents that inform of Council's operations, in particular the rules and practices followed by Council in its dealing with the community if the publication or giving access can properly be done or is permitted or required to be done by law.

Other documents can be accessed by application under the *Right to Information Act 2009* and the *Information Privacy Act 2009* unless, on balance, it is contrary to the public interest to give the access.

### **Council Officers**

Council Officers are encouraged to be pro-active in providing access to information in Council's possession or under Council's control unless, on balance, it is contrary to the public interest to give the access, or the information is exempt information.

Officers are encouraged to identify new data sets for release and publication, to identify barriers to greater disclosure and to take action to address these barriers.

The Executive Management Team may be requested to approve the release and publication of new data sets.

### **Publication Scheme**

Council policies and other information are to be available for inspection in the Publication Scheme on Council's website under the following categories:

- About Us
- Our Services
- Our Finances
- Our Priorities
- Our Decisions
- Our Policies
- Our Lists

## **Executive Management Team**

The Executive Management Team is encouraged to be proactive in releasing and publishing new data sets within the Publication Scheme on Council's website.

## **Staff Training**

Initial and ongoing training is to be provided to appropriate officers to ensure compliance with Right to Information and Information Privacy requirements and encourage open disclosure of information unless, on balance, it is contrary to the public interest to give the access.

This Council policy acknowledges the importance of fundamental human rights.

Council is committed to recognising and protecting these rights when creating policies and procedures that shape the frameworks, standards, behaviors, and actions of the Banana Shire Council.

An assessment of this Policy determined that it does not limit or affect any human rights under the Human Rights Act 2019.

## **PROCEDURE**

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Procedures as approved and issued by the Chief Executive Officer, and subject to further revision, amendment and issue under the authority of the Chief Executive Officer.

## **CERTIFICATION**

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**CHIEF EXECUTIVE OFFICER**  
**BANANA SHIRE COUNCIL**

30 June 2025

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**DATE**