

Responses to Questions on Notice

Received at the 19 November 2020
Planning Meeting of Council

A handwritten signature in blue ink that reads "Mark Arnold".

Mark Arnold
General Manager

QUESTIONS WITH NOTICE

1 Code of Meeting Practice terms3

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Question with Notice No. 1
File No:

Code of Meeting Practice terms
I2020/1645

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At Council's Planning Meeting held on 19 November 2020, John Anderson representing Coorabella Vista P/L asked the following question which was taken on notice:

Will the Mayor please indicate where in the Code of Meeting Practice the terms "insult" and "personal reflection" occur such that he holds those terms to be applicable to members of the public during a meeting, and is able to use them as a basis for disallowing questions/submissions?

Response Legal Counsel:

Council's Code of Meeting Practice at clause 4.27 provides that speakers must refrain from engaging in disorderly conduct... or making other potentially defamatory remarks.

Whilst the terms "insult" and "personal reflection" do not appear in the Code of Meeting Practice they are forms of conduct which fall within "disorderly" and/or "potentially defamatory".

Clause 4.28 provides that if a speaker engages in conduct set out in clause 4.27 the chairperson may request the speaker to refrain from the inappropriate behaviour and to withdraw and unreservedly apologise for inappropriate comments and where the speaker fails to comply the chairperson may immediately require the speaker to stop speaking.

During the period when Public Access was restricted because of COVID arrangements clauses 4.27 and 4.28 were applied to written submissions and/or questions which had been lodged. That took the form of the redaction of those parts of written submissions and/or questions which were considered to be in breach of clause 4.27.