

DEALING WITH DISRUPTIVE BEHAVIOURS POLICY	
Council Policy	
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1. POLICY STATEMENT

- 1.1 Council complies with the provisions of the *Local Government (Procedures at Meetings) Regulations 2013* and Council's Code of Practice Meeting Procedures to ensure meetings are held in an open and transparent manner and that Elected Members are informed and are responsible decision makers. Whilst community participation in the affairs of the Council is encouraged, meeting protocols in relation to appropriate behaviour must be maintained throughout a meeting.
- 1.2 While Council Information Briefings are not formal decision making forums, the principle is that such meetings are undertaken with the same level of management and behavioural standards as a formal Council Meetings.

2. PURPOSE

2.1 Purpose

The purpose of this policy is to provide clear steps for the management of disruptive behaviour by a member of the public, at Council and Committee Meetings and Information Briefings, by the Presiding Member of those meetings.

2.2 Scope

This Policy applies to all Council Meetings, Information Briefings and Committee and Reference and Working Group meetings of Council.

2.3 Strategic Reference

5 Governance and Financial Sustainability

- 5.1 We are inclusive, engaged and open
- 5.5 We meet or exceed legislative and accreditation requirements for all relevant programs.

3. PRINCIPLES

- 3.1 Council and Committee Meetings and Information Briefings are open to the public and attendance is encouraged, except where the Council (or the Council Committee or Chief Executive Officer) believes it is necessary in the broader community interest to exclude the public from the discussion and, if necessary, decision of a particular matter.
- 3.2 The public will only be excluded from Council and Committee Meetings when considered appropriate and necessary in the circumstances, and after taking into account the confidentiality provisions set out at Section 90 of the *Local Government Act 1999*.
- 3.3 For Information Briefings the Chief Executive Officer will consider and make a determination in relation to the exclusion of the public, and reasons for excluding the public will be included within the notice and place on Council's Website.

- 3.4 The Council will not tolerate the interruption of meetings open to the public by members of the public. Such behaviour serves not only to reduce the efficiency and effectiveness of the Council, but also denies other members of the public the opportunity to observe and participate, where appropriate, in Council proceedings and processes. Inappropriate behaviour also has the potential to cause detriment to any person affected by the decision and brings into disrepute the integrity of the decision-making of the Council.
- 3.5 The Council recognises that, at times, members of the community will feel strongly about issues and matters that are before the Council for consideration and decision, however disruptive behaviour, and/or behaviour which shows disrespect for those involved in the conduct of Council business or other members of the public in attendance, is not acceptable and will not be tolerated.
- 3.6 Under the *Work Health and Safety Act 2012*, the Council has primary duty of care to ensure, so far as is reasonably practicable, that workers and other people are not exposed to health (which includes psychological health) and safety risks associated with working at, or undertakings of, the Council. It is reasonably foreseeable that in some situations disruptive behaviour at Council and Committee Meetings and Information Briefings could impact negatively upon the health and safety of Council staff, Elected Members or the public.

3.7 Disruptive Behaviour

- 3.7.1 Disruptive behaviour is to be assessed on a continuum. It amounts to more than strong emotions or opinions expressed during the course of discussion in a public forum and it is more than the expression of controversial and/or extreme points of view.
- 3.7.2 Generally, 'disruptive behaviour' is that which interferes with the business of the Council. The persistence, severity, and nature of the behaviour are key factors in determining the level of disruptiveness and the degree of tolerance with the perpetrator(s) of the disruptive behaviour and the nature of the action that the Council will take to address the behaviour. Examples include (but are not necessarily limited to):
- a) talking when others are speaking;
 - b) constant interjection, particularly when the Presiding Member or Elected Members present at the Council Meeting are speaking, but also when Council staff, consultants or the public are addressing the Meeting;
 - c) refusal to accede to a Presiding Member's lawful and reasonable instructions, particularly when asked to desist from disruptive behaviour;
 - d) verbal badgering;
 - e) frequent interruptions (including of a non-verbal nature);
 - f) audible mobile phone use in a public forum;
 - g) swearing or using derogatory and demeaning language;
 - h) unreasonably monopolising public opportunities for discussion and refusal to give up the floor to allow other members or the public to ask questions;
 - i) stalking or intimidation;
 - j) verbal or physical threats or any other aggressive or threatening behaviour towards either Elected Members, Council staff or other members of the public;
 - k) erratic, or otherwise odd or unusual behaviour;

- l) excessive noise-making;
- m) participants appearing to be under the influence of intoxicating alcohol or drug use; and
- n) physical aggression to other people or property.

3.7.3 The Council notes that some of the above behaviours constitute a criminal offence, and the Council will take appropriate action in such circumstances, including calling the South Australia Police (SAPOL) and/or making a report to SAPOL.

3.8 Dealing with Disruptive Behaviours

- 3.8.1 Decisions about whether disruptive behaviour is occurring, and the appropriate action to take in the circumstances, will be made by the Presiding Member, in accordance with this Policy.
- 3.8.2 If, in the view of the Presiding Member, the behaviour is considered to be disruptive, the person (or persons) will be directed to cease such behaviour immediately.
- 3.8.3 Should the behaviour continue, and is, in the view of the Presiding Member, disrupting the orderly conduct of Council business, the meeting may be adjourned for a stated period of time. The details of the adjournment (including the reasons) must be included in the minutes.
- 3.8.4 During the adjournment the Presiding Member and the Chief Executive Officer (or delegate) will discuss the appropriate management of the situation with the person(s) involved, advising them of their statutory obligations and requesting that they cease disrupting the meeting.
- 3.8.5 The Elected Members will not engage with the person(s) involved during this time but, rather, will remove themselves from the situation while the Presiding Member and the Chief Executive Officer discuss the matter with the disruptive person(s).
- 3.8.6 If, after resuming the Meeting, the disruptive behaviour continues, the Presiding Member may take one or more of the following actions:
 - a) request the assistance of SAPOL to attend the Meeting and remove the offending person(s) pursuant to Section 18A(2) of the *Summary Offences Act 1953*, and/or any other relevant legislative provisions, and, in conjunction with the CEO seek to have the person(s) prosecuted for a breach of Section 18A(1) of the *Summary Offences Act 1953*, and/or any other relevant legislative provisions that may have been breached in the circumstances.
 - b) In the event that SAPOL is not immediately available to attend, the Meeting will remain adjourned until such time as SAPOL can attend, or after a reasonable period of time has elapsed (as determined by the Presiding Member), the Meeting will be adjourned to a time and date to be fixed.
 - c) As soon as practicable following the Meeting (that has either naturally concluded or has been adjourned in accordance with 3.8.3), if SAPOL has been unable to attend, the Presiding Member, in conjunction with the CEO, will arrange for a comprehensive report to be made to SAPOL regarding the behaviour exhibited and setting out the identity of the person(s) (if known).
 - d) The Council will also consider any other legal avenues that may be open to it, including making application for an intervention order to restrict

a person's access to Council land and/or Council and Committee Meetings or Information Briefings as may be appropriate.

3.8.7 In all cases, the Council will, upon the outcome of any successful prosecution or other civil action, seek to recover from the offending person or persons, its full indemnity costs in pursuing the matter.

3.8.8 Upon the outcome of any successful prosecution as part of the sentencing process, the Council will in all cases:

- a) make application to the Court for an order restraining the offending person(s) from attending any Council and Committee Meeting or Information Briefings for a period of no less than six calendar months; and
- b) make submissions to the Court that a criminal conviction be recorded against the offending person(s).

3.8.9 Nothing in this Policy prevents an Elected Member, Council employee or member of the public from making their own report in relation to disruptive behaviours to the appropriate public authority, and taking any lawful action they consider appropriate in the circumstances.

4. RESPONSIBILITY & REVIEW

4.1 Responsible Officer

Chief Executive Officer

4.2 Availability

This policy will be available on Council's website.

4.3 Review

This policy will be reviewed within 12 months of a General Election for Local Government, or as required to meet other obligations.

5. REFERENCES

5.1 Legislation

Local Government Act 1999
Local Government (Procedures at Meetings) Regulations 2021
Summary Offences Act 1953
Work Health Safety Act 2012

5.2 Other References

Information Briefings Policy
Code of Practice Meeting Procedures Policy