
Policy Number:	G7
Relevant Delegation:	Not Applicable
Adoption Details:	28 January 2016
Last Review Details:	25 November 2019

POLICY OBJECTIVE:

To establish clear steps for management of disruptive behaviour by a member, or members, of the public at Council meetings and forums.

POLICY SCOPE:

This policy applies to all formal Council meetings and Council forums which are open to members of the public.

POLICY STATEMENT:**INTRODUCTION**

The Council is committed to providing residents and ratepayers with as many opportunities as possible to attend meetings held by the Shire and to participate in specified processes. The Public Question Time policy and the Conduct of Council Forums policy set out the parameters for attendance and participation at meetings and Forums.

It recognises that at times people will feel strongly about issues that have been raised or questions that they wish to ask of the Shire.

The general conduct of a council meeting depends upon mutual respect and good faith between elected members and the public. There can be instances at a council meeting where a member of the public fails to show respect or consideration for the presiding member, elected members, council staff and other members of the public. Such disruptive behaviour makes the conduct of council business more difficult and stressful, reducing the efficiency and effectiveness of council meetings. Disruptive behaviour also denies other members of the public the opportunity to participate in and observe council proceedings.

The Council is committed to conducting its business in an effective way. Disruptive behaviour and behaviour which shows disrespect for those involved in the conduct of Council business or other members of the public in attendance at meetings of the Council is not acceptable. This policy sets out how the Council will deal with disruptive behaviour should it occur at meetings and forums.

PRINCIPLES

- (a) protection of the democracy, democratic processes and the ability of members of the community to participate, at the local level is a pre-eminent concern of Council.
 - (b) Council will take a range of actions designed to reduce the impacts of disruptive behaviour as a first principle but may invoke statutory sanctions if all other avenues have failed.
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- (c) wherever possible, anyone who in the view of the presiding member at a meeting is exhibiting disruptive behaviour, that person will be asked to treat the meeting with respect and will be given the opportunity to continue, provided that respect is shown and the behaviour does not occur again.
 - (d) when a decision is being made about whether disruptive behaviour is being exhibited, consideration will be given to whether a person is under known stress or has experienced a recent bereavement.

PROVISIONS

- 1.1 Decisions about whether disruptive behaviour is being exhibited and whether action should be taken will be made by the Presiding Member of the Council meeting or forum.
- 1.2 If, in the view of the Presiding Member, behaviour is considered to be disruptive the person will be asked to cease. If the person is speaking in Public Question Time, the person may then be given the opportunity to continue to speak provided that the disruptive behaviour does not re-occur, or the presiding member may choose to move on to another speaker.
- 1.3 Should the behaviour continue and in the view of the presiding member is disrupting Council business, then the meeting may be adjourned for a stated period of time. During that time, the Chief Executive Officer will discuss the situation with the offending party or parties and ask them to behave appropriately in a place of government. The President or Councillors will not engage with the person or people involved during this time.
- 1.4 If, after resuming the meeting the disruptive behaviour continues, the Presiding Member may again adjourn the meeting. This may occur a number of times, but the presiding Member has the authority at any time to instruct the CEO to ask the offending person or persons to leave the premises. This duty will be undertaken by the CEO who, under section 5.41(d) of the Local Government Act, has control or management of the local government's buildings, including the council chamber and meeting rooms and is the "person in authority" in relation to Section 70A of the Criminal Code.
- 1.5 Once the meeting has been adjourned and if the presiding Member has instructed that a person be asked to leave the premises, the CEO will advise the person or persons that they are requested to leave and that if they remain, they will be committing the offence of trespass under Section 70A of the Criminal Code and could be prosecuted.
- 1.6 Depending on the nature and intensity of the disruptive behaviour the Presiding Member may decide that more warnings will be issued before asking the CEO to request the person or persons to leave or the Police being called. Section 70A of the WA Criminal Code authorises the CEO to request a person to leave not only the building where the meeting is taking place, but also the local government property.
- 1.7 Should the person or persons refuse to leave and at the instruction of the Presiding Member, the CEO will advise them that the Police will be called to apprehend them, and the Council will instigate legal proceedings.
- 1.8 If the Police are not immediately available, the meeting will remain adjourned until they can attend.

Note: Under Section 49 of the Police Act 1892 the CEO, or a person authorised by him or her, may apprehend and detain any person found committing an offence punishable in a summary manner until the person can be delivered into the custody of the Police. In the

case of Council meetings and forums the direct assistance of the Police is the preferred action.

- 1.9 The CEO may commence a prosecution for a breach of section 70A of the Criminal Code. A prosecution is initiated by a prosecution notice under section 24 of the Criminal Procedure Act 2004. Such an action must only be taken after consultation with the Shire President and Councillors.

PENALTIES:

Not applicable.

KEY TERMS/DEFINITIONS:

Disruptive Behaviour means: behaviour exhibited by a member of the public which in the view of the Presiding Member of the meeting or forum is preventing the discharge of intended business. Examples of such behaviour include but are not confined to:

- constant interjection, particularly when the presiding member or elected members present at the meeting are speaking.
- members of the public calling for points of order.
- refusal to give up the floor to allow other members of the public to ask questions.
- demanding to ask questions before others in contradiction of an order by the presiding person.
- refusal to accede to a presiding member's instructions, particularly when asked to desist from disruptive behaviour.
- use of abusive and/or inflammatory language when addressing council with a question or making a statement.
- unnecessarily repetitive questioning.
- aggressive/threatening behaviour towards either elected members, council staff or members of the public.

Council Meeting means: a meeting convened and conducted under the provisions of the Local Government Act 1995.

Council Forum means: an informal briefing, information session or workshop for elected members which may or may not be held on a regular basis.

Responsible Officer: Chief Executive Officer
Contact Officer: Chief Executive Officer
Relevant Legislation: Local Government Act 1995 (section 5.41d)
WA Criminal Code (Section 70A)
Police Act 1992 (section 49)
Criminal Procedure Act 2004 (Section 74)

Review History:

Date Review Adopted:	Resolution Number
Adopted – 28 January 2016	
Reviewed – 24 October 2016	
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