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## GOVERNANCE POLICIES

# Disruptive Behaviour at Council Meetings



Policy Number:	G7
Relevant Delegation:	Not Applicable
Adoption Details:	28 January 2016
Last Review Details:	25 February 2025

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### **POLICY OBJECTIVE:**

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

### **POLICY SCOPE:**

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

### **POLICY STATEMENT:**

#### **INTRODUCTION**

Council is committed to providing members of the public with opportunities to attend meetings and to participate in meeting processes.

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

The general conduct of a Council Meeting is based upon mutual respect and good faith between elected members and the public. However, there may be instances where a member of the public fails to show respect or consideration for the Presiding Member, elected members, staff and other members of the public. Such disruptive behaviour makes the conduct of Council business 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.

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 is not acceptable. This policy sets out how disruptive behaviour will be dealt with should it occur.

#### **PROVISIONS**

- 1.1 Decisions about whether disruptive behaviour is being exhibited and whether action should be taken will be made by the Presiding Member.
  - 1.2 Most interjections whether from an individual or a group will be of limited duration. In such instances the dignity of the meeting can often be retained by the Presiding Member simply ignoring the interjection(s) and moving on to the next item of business.
  - 1.3 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 be
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given the opportunity to continue to speak provided the disruptive behaviour does not re-occur, or the Presiding Member may choose to move on to another speaker.

- 1.4 Should the behaviour continue, the Presiding Member may adjourn the meeting for a stated period of time. During that time, the Chief Executive Officer will speak with the offending person(s) requesting them to behave more appropriately. The President or Councillors should retain the dignity of their office by not interacting in any way with the interjector(s) during the adjournment.
- 1.5 If, after resuming the meeting the disruptive behaviour continues it would be appropriate for the Presiding Member to again adjourn the meeting and instruct the CEO to ask the offending person or persons to leave the premises. This duty must be undertaken by the CEO who, through Section 5.41(d) of the *Local Government Act 1995* 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.
- 1.6 Once the meeting has been adjourned the CEO will advise the person or persons that they are requested to leave the premises and that if they remain, they will be committing the offence of trespass under Section 70A of the Criminal Code and could be prosecuted. The request to leave should be in the nature of a firm demand indicating the request is not open for debate. Should the person or persons refuse to leave the CEO will advise them that the Police will be called to apprehend them, and the local government will instigate legal proceedings.
- 1.7 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 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.
- 1.8 If the Police are not immediately available, the meeting will remain adjourned until they can attend.
- 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.
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- demanding to ask questions before others in contradiction of an order by the Presiding Member.
  - 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 elected members, 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.

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Responsible Officer:	Chief Executive Officer
Contact Officer:	Council & Executive Support Officer
Relevant Legislation:	<i>Local Government Act 1995</i> (Section 5.41d) <i>Criminal Code</i> (Section 70A) <i>Police Act 1892</i> (Section 49) <i>Criminal Procedure Act 2004</i> (Section 74)

Review History:

Date Review Adopted:	Resolution Number
Adopted – 28 January 2016	
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Reviewed – 25 November 2019	291119
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Former Policy No:	G2.3