



Disorderly Conduct at Council and Committee of Council Meetings **Procedure**

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Purpose

The purpose of this procedure is to provide a framework for the management of physical and psychological safety risks to Council staff, participants, and attendees at Council and Committee meetings. This procedure facilitates productive and positive community participation whilst setting expectations regarding behaviour and conduct.

Summary

This procedure establishes a process to ensure Council's actions and decisions impacting attendees at Council meetings are safe, fair, compliant, and equitable. The procedure explicitly applies to circumstances in which council staff and/or members of the public are subjected to physical or psychological intimidation or risk.

Scope

This procedure covers any person or organisation attending a Council or Committee of Council meeting regardless of the location in which the meeting is conducted.

In accordance with the Code of Meeting Practice, the provisions of this procedure apply to meetings of all committees of the Council in the same way as they apply to meetings of the Council.

Procedure

Duty of care obligation

1. Council will take proactive and decisive action to manage any conduct that negatively or unreasonably affects Council officers and will support all Council officers to do the same in accordance with Council's *Code of Meeting Practice*, Council's *Unreasonable Complainant Conduct Policy* and the NSW Ombudsman's *Model Policy and Procedures on Managing Unreasonable Complainant Conduct* and this procedure.
2. Council has a duty of care to provide a workplace in which all staff are treated with respect, and which is free from bullying, harassment, discrimination and other intimidating behaviours and to take reasonable steps to eliminate such risks, pursuant to Part 2, Division 1 of the *Work Health and Safety Act 2011 (NSW)*.
3. Where the Chief Executive Officer (**CEO**) or their delegate determines that a staff member present at a Council or Committee Meeting is not being treated appropriately, they may request that the offending comment be withdrawn and/or an apology given.

4. If the comment is not withdrawn and/or an apology given, the CEO or their delegate may, in accordance with clause 4.4.4, of Council's Code of Meeting Practice withdraw staff from the meeting.

How disorder at a meeting may be dealt with

5. If disorder occurs at a Council or Committee of Council, the Chairperson presiding may adjourn the meeting for a period of not more than 15 minutes and leave the chair. The Council, on reassembling, must, on a question put from the chair, decide without debate whether the business is to be proceeded with or not. This sub-clause applies to disorder arising from the conduct of members of the public as well as disorder arising from the conduct of Councillors. *(Clause 14.13 of Council's Code of Meeting Practice)*

Expulsion from meetings

6. Chairpersons presiding at a Council or Committee of the Council meeting are authorised under the Council's Code of Meeting Practice (the **Code**) to expel any person other than a Councillor, from a Council or Committee of the Council meeting, for the purposes of section 10(2)(b) of the Act.
7. A member of the public may, as provided by section 10(2)(a) or (b) of the Act, be expelled from a Council or Committee of the Council meeting for engaging in or having engaged in disorderly conduct at the meeting *(Clause 233 of the Regulation)*.
8. No person shall enter a meeting if, in the opinion of the Chairperson, the person is dressed to a standard that is inappropriate for the meeting.
9. No person shall display any sign at a meeting which, in the opinion of the Chairperson, is considered dangerous, or would impair the ability of others to witness the meeting. Such action is considered conduct that is inconsistent with maintaining order at the meeting.

Power to remove persons from meeting after expulsion resolution

10. If a member of the public fails to leave the place where a meeting of council is being held immediately after being directed by the person presiding to leave the meeting, a police officer, or any person authorised for the purpose by the council or person presiding, may, by using only such force as is necessary, remove the member of the public from that place and, if necessary, restrain them from re-entering that place *(Clause 14.19 of the Code)*.
11. For the purposes of this clause, the Chairperson may authorise any person or persons to remove a person who has been expelled by a decision of the council.
12. If any such person, after being notified of a resolution or direction expelling him or her from the meeting, fails to leave the place where the meeting is being held, a police officer, or any person authorised for the purpose by the council, committee or person presiding, may, by using only

such force as is necessary, remove the first-mentioned person from that place and, if necessary restrain that person from re-entering that place.

Banning from future Council and Committee of Council Meetings

13. Council reserves the right to ban members of the public from Council and Committee of Council meetings for a period of 3, 6 or 12 months depending on the severity of the disorderly conduct at the discretion of the Chairperson presiding at the meeting.
14. Council will manage disorderly conduct at Council and Committees of Council meetings in accordance with Council's *Code of Meeting Practice*, Council's *Unreasonable Complainant Conduct Policy* and the NSW Ombudsman's *Model Policy and Procedures on Managing Unreasonable Complainant Conduct*.

Roles and responsibilities

The Chairperson presiding at the meeting and the CEO are responsible for the implementation of this procedure.

Review

Compliance, monitoring and review

It is the responsibility of the Unit Manager Governance, Risk and Legal to ensure this procedure:

- aligns with relevant legislation, government policy and/or Central Coast Council requirements, strategies, values and activities
- is implemented and monitored (i.e. the procedure reflects the changing environment and emerging issues are identified)
- is reviewed to evaluate its continuing effectiveness (e.g. purpose remains updated).

Records management

Staff must maintain all records relevant to administering this policy in Council's official recordkeeping system.

Definitions

Terms not defined in this document may be in a Council glossary or else state the terms and definitions as below.

In this procedure:

Act: means the *Local Government Act 1993* (NSW).

Disorder: means disorderly or offensive behaviour and may include riotous, threatening, abusive or insulting behaviour. Disorderly behaviour is behaviour of an unruly nature that is contrary to public order or expectations and disturbs or interferes, or has the intention to disturb or interfere, with the comfort of others in a public setting. Examples of such behaviour include, but are not limited to:

- obnoxious behaviour
- behaviour that poses a safety risk to the person or others
- physical and verbal acts of aggression or violence
- indecent acts
- harassment
- offensive actions.

Regulation: means the *Local Government (General) Regulation 2021* (NSW).

Related resources

Legislation:

[Local Government Act 1993 \(NSW\)](#)

[Local Government \(General\) Regulation 2021 \(NSW\)](#)

[Work Health and Safety Act 2011 \(NSW\)](#)

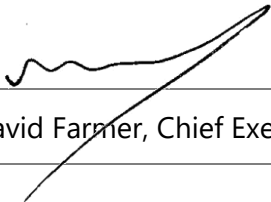
Associated/Internal documents:

[Code of Meeting Practice](#)

[Unreasonable Complainant Conduct Policy](#)

[Model Policy and Procedures on Managing Unreasonable Complainant Conduct](#) (NSW Ombudsman)

History of revisions

Amendment history	Details
Approval authority	<p>Chief Executive Officer</p>  <hr/> <p>David Farmer, Chief Executive Officer</p> <hr/> <p>To provide a procedure on managing disorderly conduct and Council and Committees of Council meetings.</p>
Version 1	<p>28/2/2023</p> <hr/> <p>CM document number: D15563583</p> <hr/> <p><i>State reasons for amendments</i></p>