



Department of
**Local Government, Sport
and Cultural Industries**

Local government operational guidelines

Disruptive behaviour by the public at
council meetings

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1. Introduction

From time to time, a local government may experience disruptive behaviour in council and committee meetings by one or more members of the public. In most cases, such behavior is of short duration and while members of council and staff may feel uncomfortable, business can still continue. However, in a few instances, this behavior can become so bad that normal business cannot proceed until the offending parties leave or are removed from the chamber. This guideline provides advice on the options available to councils when members of the public exhibit ongoing disruptive behaviour in meetings.

The *Local Government Act 1995* (the Act) promotes participation of the community in council meetings through public question time and observation of the decision-making process which should be conducted in an open and transparent way. It is important that council meetings be conducted in an atmosphere of inclusiveness and openness to foster productive relationships with the community. Public question time plays an important part in achieving these objectives by providing an opportunity for the public to seek council responses on issues that are of interest to them.

It is however, at this time in the meeting where it is most likely issues with disruptive behaviour will arise. This guideline should be read in conjunction with the guideline titled 'Managing Public Question Time'.

To a large extent, the general conduct of a council meeting, particularly during public question time, 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 following are examples of inappropriate behaviour:

- 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
- booing individual members or the council
- contemptuous laughter or derisive comments at decisions or during debate
- refusal to give up the floor to allow other members of the public to ask questions or 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; and aggressive/threatening behaviour towards either elected members, council staff or members of the public

2. Dealing with disruptive behaviour by members of the public

Instances where a member of the public behaves inappropriately during a council meeting and refuses to accede to the directions of the presiding member (consistent with first page) can be stressful for councillors, council staff and other people.

Most of the interjections whether from an individual or a group will be of limited duration as they will relate to one item in which the person or persons have a particular interest. In such cases the advice is for the council, and in particular, the presiding member, to behave with dignity. This can be done by effectively ignoring the interjection and moving on with the business of the day. If the interjections continue it may be appropriate to ask the offending parties to cease.

If the disruptive behaviour does not cease, then a very useful tool is for an adjournment to be called. In such cases the Chief Executive Officer (CEO) should discuss the situation with the offending parties during the adjournment and ask them to behave appropriately.

The Mayor or President and other elected members should retain the dignity of their office by not interacting in any way with the interjectors during the adjournment. It would be appropriate when resuming for the presiding member to issue a warning that further continuation of the disruptive behaviour will lead to stronger action.

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.

The CEO must take this action as while the presiding member is in charge of the meeting, it is the CEO who, through section 5.41(d) of the 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.

Once the meeting has been adjourned, the CEO should 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 that the request is not open for debate. Should the person or persons refuse to leave the CEO should advise them that the Police will be called to apprehend them, and the local government will instigate legal proceedings.

Depending on the nature and intensity of the disruptive behaviour the presiding person 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.

It is advisable that on all occasions the assistance of the Police be the preferred action.

Prosecution for a breach of section 70A of the Criminal Code may be commenced by an employee of a local government who is acting in the course of their duties, a person authorised in writing by the local government or a Police Officer. A prosecution is initiated by a prosecution notice under section 24 of the *Criminal Procedure Act 2004*.

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. This would address the situation where a person leaves the meeting but waits outside to challenge the elected members or staff after the meeting.

3. About the Guideline series

This document and others in the series are intended as a guide to good practice and should not be taken as a compliance requirement. The content is based on Department of Local Government, Sport and Cultural Industries (DLGSC) officer knowledge, understanding, observation of, and appropriate consultation on contemporary good practice in local government. Guidelines may also involve the DLGSC's views on the intent and interpretation of relevant legislation.

All guidelines are subject to review, amendment and re-publishing as required. Therefore, comments on any aspect of the guideline are welcome. Advice of methods of improvement in the area of the guideline topic that can be reported to other local governments will be especially beneficial.

For more information about this and other guidelines, contact the Local Government Support and Engagement Branch at lghotline@dlgsc.wa.gov.au

Department of Local Government, Sport and Cultural Industries

140 William Street

Perth WA 6000

PO Box 8349

Perth Business Centre 6849

Telephone (08) 6552 7300

Freecall (Country only) 1800 34 541

Email: info@dlgsc.wa.gov.au

Website: www.dlgsc.wa.gov.au

Translating and Interpreting Service (TIS) – Tel: 13 14 50