

# Disruptive behaviour by the public at council meetings

## Guidelines

May 2024

**Note:** This guideline has been adapted, with permission, from the *Local Government Operational Guidelines*, developed by the Western Australian Department of Local Government, Sport and Cultural Industries.

## Introduction

From time to time, a local government may experience unreasonable conduct in council and committee meetings by one or more members of the public. In most cases, such conduct is of short duration and while members of council and staff may feel uncomfortable, business can still continue. However, in a few instances, this conduct 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 unreasonable or disruptive conduct in meetings.

The *Local Government Act 1993* (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 unreasonable and disruptive conduct will arise.

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 chairperson, elected members, council staff and other members of the public. Such unreasonable conduct makes the running of council business more difficult and stressful, reducing the efficiency and effectiveness of council meetings.

Unreasonable and disruptive conduct can also deny other members of the public the opportunity to participate in and observe council proceedings.

The following are examples of unreasonable conduct in council meetings:

- constant interjection, particularly when the chairperson or elected members present at the meeting are speaking
- debating an answer with the chairperson
- 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 allow other members of the public to ask questions or demanding to ask questions before others in contradiction of an order by the chairperson
- refusal to accede to a chairperson's instructions, particularly when asked to desist from unreasonable conduct
- 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.

The *Tasmanian Local Government (Meeting Procedures) Regulations 2015* state that if a member of the public:

- a) hinders or disrupts a meeting; or
- b) tries to hinder or disrupt a meeting; or
- c) fails or refuses to leave a closed meeting –

then the chairperson may take reasonable steps to remove the person from the meeting or closed meeting, including requesting the assistance of a police officer in removing the person. The next section details some steps for managing such issues.

## Contact

Office of Local Government

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## Dealing with unreasonable conduct by members of the public

Instances where a member of the public conducts themselves inappropriately during a council meeting and refuses to accede to the directions of the chairperson can be stressful for councillors, council staff and other people.

Most 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 chairperson, 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 unreasonable and disruptive conduct does not cease, then a very useful tool is for an adjournment to be called. In such cases the General Manager should discuss the situation with the offending parties during the adjournment and ask them to behave and conduct themselves appropriately.

The Mayor 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 chairperson to issue a warning that further continuation of the unreasonable conduct will lead to stronger action.

If, after resuming the meeting, the unreasonable conduct continues it would be appropriate for the chairperson to again adjourn the meeting and instruct the General Manager to ask the offending person or persons to leave the premises.

The General Manager must take this action as while the chairperson is in charge of the meeting, it is the General Manager who has control or management of the local government's buildings, including the council chamber and meeting rooms and is the 'person in charge of the land' in relation to Section 14B of the *Police Offences Act 1935*.

Once the meeting has been adjourned, the General Manager 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 14B of the *Police Offences Act 1935* 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 General Manager should advise them that the Police will be called to apprehend them, and the council will instigate legal proceedings.

Depending on the nature and intensity of the unreasonable conduct the chairperson may decide that more warnings will be issued before asking the General Manager 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.

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Section 14B of the *Police Offences Act 1935* authorises the General Manager 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.

It is important to note that the chair person can also direct police officers to remove the individuals creating the disturbance, under Section 20 of the *Police Offences Act 1935*.

Once steps have been taken to remove a person from a council meeting, the General Manager, or their delegate, should refer to the council's 'Managing unreasonable conduct by customers' policy to determine possible next steps for managing the person's access to council services in a fair and effective manner.

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