

Exclusion from Council Facilities

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Business Unit	Customer Community and Culture	Document ID	12343943

1. Objectives

The purpose of this procedure is to ensure that Council provides a safe and welcoming space for visitors and Workers within Council facilities. This procedure details the consequences of breaching Conditions of Entry or other published facility access protocols, and the process for dealing with those breaches.

2. Scope

This procedure applies to all persons entering Council facilities, removing and excluding users from Council facilities when found in breach of reasonable standards of behaviour or any stated Conditions of Entry or published access protocols.

3. Responsibility

The Managers of Council facilities are responsible for ensuring this Corporate Procedure is understood and adhered to.

4. Conditions of Entry

Persons will behave in a manner that is in compliance with Conditions of Entry or relevant published facility access protocols at all Council facilities.

5. Procedure

Any person entering a Council facility must comply with reasonable standards of behaviour and any stated Conditions of Entry or published access protocols. If a customer breaches or behaves contrary to these conditions or protocols, the following consequences may apply, depending on the nature and severity of the behaviour:

- **One day exclusion** from Council facilities for persistent but low-level unacceptable behaviour (see definition Unacceptable Behaviour),
- An interim **Seven day exclusion** from Council facilities for serious breaches while long term exclusion is being considered,
- **Long term exclusion** (including permanent exclusion) from Council facilities for a serious breach,

- Dangerous or unlawful activity will be reported to the Queensland Police Service.

5.1 AUTHORITY

- All Workers have the authority to request a person cease unacceptable behaviour.
- The Responsible Worker has the authority to impose a one day exclusion.
- A Manager or General Manager have the authority to exclude a person from Council facilities for up to 3 months.
- The CEO has the authority to exclude a person from Council facilities for any period including permanently.

5.2 LOW-LEVEL UNACCEPTABLE BEHAVIOUR

For persistent but low-level unacceptable behaviour, any Worker will issue a verbal warning and request a change of behaviour to ensure compliance with the Conditions of Entry or published facility access protocol.

The Responsible Worker may issue a second verbal warning for any further non-compliance with access conditions or protocols.

If non-compliance continues, the Responsible Worker will verbally advise the customer that a *one day exclusion* from the facility will now apply. A written notice may be issued where practical. The one day exclusion period pertains to all Council facilities unless otherwise specified.

5.3 SERIOUS UNACCEPTABLE BEHAVIOUR

If serious unacceptable behaviour occurs, a Manager or General Manager may impose an additional interim exclusion of up to seven days from Council facilities. The customer will be advised, verbally or in writing, that the extended exclusion will now apply. The exclusion period pertains to all Council facilities unless otherwise specified.

Breaches of Conditions of Entry or published facility access protocols of a more serious or sustained nature may be considered, whether they are occurring during a single visit, or as a pattern of repeated unacceptable behaviour over multiple visits.

A report of the facts and circumstances will be prepared for consideration of any extension to the exclusion period.

An exclusion can be issued for any period up to a permanent exclusion, from all Council facilities unless otherwise specified.

5.4 MANAGEMENT OF BREACHES

Breaches of Conditions of Entry or published facility access protocols resulting in a warning or exclusion will be reported as an incident in Council's safety management system. Breaches of a more serious or sustained nature may result in a longer exclusion period, whether occurring during a single visit, or as a pattern of repeated unacceptable behaviour over multiple visits.

5.4.1 First Warning

Any Worker can issue the first verbal warning advising a breach of Conditions of Entry or a published facility access protocol and request a change of behaviour to ensure compliance. A copy of the

Conditions of Entry or relevant access protocol may be provided to the customer at this time, including referral to posted Conditions of Entry or access protocols.

5.4.2 Second Warning

Under this escalation, a Responsible Worker may issue a second verbal warning advising a breach of the Conditions of Entry and request a change of behaviour in line with the Conditions of Entry. It is not compulsory to issue a second verbal warning and the Responsible Worker may choose to impose a one day exclusion.

For a seriousness breach a further review is required by a more senior officer.

5.4.3 Notification of Exclusion

If there is sustained or serious unacceptable behaviour, notification of an exclusion should be provided as a notice served upon the customer which is effective immediately. This may include an interim extension to a one day exclusion, and may be for a period (e.g. 7 days) to allow for a thorough review of the facts and circumstances. Exclusion notice will include details of:

- The Conditions of Entry or published facility access protocol that was breached;
- The period of the exclusion;
- The Council facilities to which it applies; and
- The appeal rights and process.

For persons under the age of 18 years, the written notification will be addressed to the parent or carer except when the person is legally an independent minor.

Where the name of the customer is not known, or will not be provided, the exclusion, whether verbal or in writing, will have effect when provided to the customer.

An exclusion notice will be served via:

- Registered mail when an address is known or to persons last known address;
- An email address provided by the person;
- By providing the printed notice in person;
- Or the Queensland Police Service will be requested to issue the exclusion notice at a suitable time.

The notice will include the access conditions that were breached, the period of exclusion and the appeal rights and process. The duration of the exclusion will depend on the nature and severity of the unacceptable behaviour.

Upon issuing of the exclusion notice, the person must immediately leave the Council facility. Unless expressly stated otherwise, persons issued an exclusion notice are not to enter any Council facility for the duration of the exclusion period. A copy of the signed exclusion notice may be kept at applicable Council facilities for the duration of the exclusion period as a record.

The Queensland Police Service may be advised of the issuing of any exclusion notice. A person who enters any Council facility while they are under an exclusion is trespassing and their removal will be facilitated by the Queensland Police Service (a person who is trespassing may also be prosecuted under Section 12 of the Summary Offences Act 2005). Entering or attempting to enter a Council facility during the term of the exclusion may be grounds for extending the exclusion.

5.4.4 Serious Unacceptable Behaviour

A person's behaviour is considered serious unacceptable behaviour where it is dangerous or unlawful, and may include:

- Carrying out any unlawful act;
- Carrying a weapon;
- Using or dealing in illegal substances; and/or
- Damaging public property.

In the event of behaviour of this nature:

- A Worker will contact the Queensland Police Service in the first instance; and
- An exclusion notice will be served.

5.5 COUNCIL EVENTS AND ACTIVITIES

Behaviour in line with the Conditions of Entry of relevant published facility access protocol is also expected at any Council event or activity, whether held in a Council facility or an external location, including outdoor venues. Unacceptable behaviour that breaches access conditions at such an event or activity will incur the same consequences, depending on the nature and severity of the unacceptable behaviour.

5.6 QUEENSLAND POLICE SERVICE INVOLVEMENT

Requests from the Queensland Police Service to exclude a person from a Council facility must be advised to the relevant Principal Specialist. Workers can contact the Queensland Police Service at any time if they feel threatened when dealing with unacceptable behaviour. More minor and non urgent issues should be reported to Queensland Police Service through the police link online portal.

5.7 APPEALS

A person who has been excluded may appeal to the CEO in writing within seven days. The appellant must be informed of a decision within 28 days of receipt of the appeal. An exclusion may be revoked, or its duration reduced on appeal. Details of the appeals process will be included in the exclusion notice. The exclusion will remain in force until a determination of the appeal is made by the CEO.

5.8 HUMAN RIGHTS ACT 2019

In creating this procedure Council has considered the human rights of the customers in accordance with the *Human Rights Act 2019*. Any limitation of human rights are reasonable and demonstrably justified in the circumstances in accordance with section 13 of the *Human Rights Act 2019*.

6. Compliance and Reporting

This corporate procedure includes the required reporting of excluded individuals, status and completions to the relevant managers and Executives.

Where in a library, it also requires the completion of the library systems exclusion checklist.

7. Definitions

CEO Chief Executive Officer - means a person who holds as appointment under section 194 of the

Local Government Act 2009. This includes a person acting in this position.

Conditions of Entry - means

1. any Conditions of Entry as displayed at Council facilities,
2. any advisory or directional signage displayed at Council facilities, and
3. a reasonable standard of behaviour toward Workers and Customers at Council facilities.

Council - means Scenic Rim Regional Council

Customer - refers to all users of, visitors to, Council facilities .

Worker - means Scenic Rim Council employees including contractors engaged to manage or provide security at Council facilities.

Responsible Worker - means the officer in charge of the facility, or most senior officer present

Independent minor - means a minor of 16-17 years living independently of a parent/guardian

Council facilities - includes *local government controlled area* being—

1. land, facilities and other infrastructure owned, held in trust or otherwise controlled by the local government, other than a road.

Examples of local government controlled areas—

- *parks, reserves and gazetted foreshores*
- *camping grounds or caravan parks on land owned or controlled by the local government*
- *local government swimming pools*
- *cemeteries*
- *Council Chambers, local government offices and community facilities*
- *Libraries*
- *Small Animal Facility*
- *Waste Management Facilities*
- *jetties.*

2. A local government controlled area includes part of a local government controlled area.

3. A local government controlled area does not include a residential lot on DOGIT land.

One day exclusion - means exclusion from the date of issue and the next opening day of the Council facilities (includes a Saturday) inclusive.

Published facility access protocol - means council signage or posters that identify access terms, conditions or protocols e.g. safety constraints, behaviour constraints or hours of service.

Responsible Worker - means the worker who has responsibility for the Council facility at the time.

Unacceptable Behaviour means behaviour that occur in breach of the Conditions of Entry at or within the Council facilities. Unacceptable behaviour refers, but is not limited to, the following:

- Engage in disorderly, indecent, offensive or unlawful behaviour;
- Engage in acts that are unsafe and may cause injury to any person or damage to property;
- Cause fear or distress to persons;

- Assault, threaten, intimidate, insult or harass any person, either verbally or physically;
- Disrupt others or library operations;
- Consume alcohol or illicit substances, or enter the library in an intoxicated state;
- Administer or sell illicit drugs;
- Smoke or consume tobacco products or vape cigarettes or devices outside of the designated areas;
- Display illegal material whether personally owned or on Council devices while in the facility;
- Use technology, systems, property, assets or processes inappropriately or for other than the intended purposes;
- Wilfully and deliberately make excessive noise (including the use of mobile phones in designated quiet areas);
- Cause damage to persons or property;
- Leave personal possessions unattended;
- Use an audio or visual recording device without approval;
- Take photos or other imagery of a person without that person's consent;
- Operate or solicit as business unless as part of an endorsed Council activity;
- Undertake fund raising (including selling raffle tickets or soliciting donations);
- Carry out any religious, charitable or other hawking;
- Distribute a petition or conduct a survey;
- Leave an unattended minor whose unsupervised behaviour presents a risk or impact upon other users; and/or
- Bring a dog or animal into the Council facility, with the exception of certified guide, hearing or assistance dogs, unless the space is sign posted as dog or animal friendly.

Trespass - means the unlawful entry or remaining in a dwelling or the yard of a dwelling, it is an offence contained in the *Summary Offences Act 2005*. Under section 12 of the Act, it is an offence to unlawfully gather or remain in a public building or structure used for business or in land used in connection with such a building. A person can be found guilty of this offence regardless of whether they entered lawfully.

8. Related Documents

Human Rights Act 2019

Library Access Policy

Scenic Rim Libraries Conditions of Entry Signage

WHS Procedure - Workplace violence and aggression 31 and the customer contact officer - Armed Hold Up or Duress Button Activation 004

9. Version Information

Version No	Adoption Date	Key Changes	Approved by
1	3/10/2023	New procedure, approved at ET meeting item 5.1	CEO