

1. Policy Statement

The purpose of the policy is to:

- (a) ensure that the TYTO Precinct is a safe, non-threatening, welcoming, and respectful place for all patrons, employees, and other users of the Precinct;
- (b) define the standards of Unacceptable Behaviour at the Precinct;
- (c) detail the consequences and processes for dealing with persons who behave unacceptably within the Precinct; and
- (d) provide knowledge, fairness and consistency in the enforcement of the policy.

2. Scope

- 2.1 This policy deals with Unacceptable Behaviour at and within the Precinct.
- 2.2 This policy is in addition to, and does not derogate from, Council's *Local Law No. 4 (Local Government Controlled Areas, Facilities and Roads) 2012* and other applicable legal rights.
- 2.3 This policy and its associated documents apply from the Current Version Adopted Date and supercedes any previous policy, procedure or practice.

3. Responsibility

- 3.1 It is the responsibility of Council to adopt and, as required, amend this policy by resolution. Changes to the procedure or forms which document the implementation of this policy may be made by the appropriate Senior Manager subject to the approval of the Chief Executive Officer.
- 3.2 The Responsible Officer or Responsible Manager (as defined in this policy), is responsible for:
  - (a) addressing Unacceptable Behaviour which occur at or within the Precinct ; and/or
  - (b) calling the Police in instances where Unacceptable Behaviour which occur at or within the Precinct will be treated as a public nuisance offence.
- 3.3 It is the responsibility of the Senior Manager of the Precinct to ensure that each Responsible Manager and each Responsible Officer has received adequate instruction on how to undertake the activities required of a Responsible Manager or Responsible Officer (as the case may be).
- 3.4 Corporate Services is responsible for ensuring that this policy and its associated documents are subject to regular review and that the current policy is available both in hardcopy and on Council's website.

4. Definitions

- 4.1 Anti-social behaviour is behaviour that causes, or is likely to cause, harassment, alarm, or distress to one or more persons and includes any aggressive, intimidating or destructive activity that damages or destroys another person's quality of life.

*Examples* of anti-social behaviour include: ridiculing a person; using violence in any form against another person; engaging in discrimination, harassment, or abuse in any form (including the use of obscene or offensive language or gestures); the incitement of hatred or violence or partaking in indecent or racist chanting; throwing missiles; noisy, or rowdy behaviour (including shouting); disorderly or inappropriate behaviour (such as, spitting at other people, swearing, or fighting); or being under the influence of drugs or alcohol.

- 4.2 Child means a person who has not turned 17 years or, after a day fixed under *Youth Justice Act 1992* section 6, a person who has not turned 18 years.
- 4.3 Chief Executive Officer means Council's chief executive officer, including a person acting in the position at a relevant time and a person to whom the chief executive officer's power has been delegated at a relevant time for a relevant purpose concerning this policy.

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Policy Number: CS\_P\_500 Unacceptable Behaviour (TYTO Precinct) Policy

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## Unacceptable Behaviour (TYTO Precinct)

- 4.4 Conditions of Entry means the conditions of entry applicable, from time to time, at the Precinct, which are displayed at and around the Precinct.
- 4.5 Council means Hinchinbrook Shire Council, also referred to as the local government.
- 4.6 Public nuisance offence is an offence committed by a person behaving in a disorderly, offensive, threatening, or violent way, and the person's behaviour interferes, or is likely to interfere, with the peaceful passage through, or enjoyment of, a public place by a member of the public. A public nuisance offence is dealt with under the *Summary Offences Act 2009* and is enforced by the Queensland Police Service.
- Examples of public nuisance behaviour include:*
- a person using offensive, obscene, indecent, or abusive language;
  - a person behaving in a threatening way if the person uses threatening language; or
  - a person or people behaving in a way which hinders access to a building or facility.
- 4.7 Responsible Officer is any Council officer who works at the Precinct. A Responsible Officer does not include a volunteer.
- 4.8 Responsible Manager means a person holding any of the following positions:
- (a) Manager Corporate & Economic Development;
  - (b) Manager Environmental Health Services;
  - (c) Environmental Health Technical Officer;
  - (d) Manager Engineering Services
- to be contacted in this descending priority order, if the preceding person in the list is unable to be contacted in order to deal with the relevant occurrence in a timely manner.
- 4.9 Senior Manager means the person holding the position of Manager, Corporate & Economic Development.
- 4.10 TYTO Precinct or Precinct means the areas within the TYTO Precinct situated at the street address of 73-75 McIlwraith Street, Ingham, not leased to third persons, comprising: the TYTO Information Centre, the Hinchinbrook Library, TYTO Regional Art Gallery, viewing tower, outdoor spaces, TYTO Conference Centre, TYTO Computer Training Room & TYTO Technology Learning Centre, and Public Toilets, as depicted in CS\_F\_500.1 Map of TYTO Precinct.
- 4.11 Unacceptable Behaviour of a person at or within the Precinct refers to any of the following behaviours:
- (a) the person behaving in a disorderly, indecent, offensive, threatening, or insulting manner;
  - (b) carrying out an activity or behaving in a manner reasonably likely to injure, endanger, obstruct, inconvenience or cause fear or excessive annoyance to another person;
  - (c) interfering with any facility or equipment located at the Precinct (or an area within the Precinct);
  - (d) any activity which fouls, litters, pollutes, or interferes with the Precinct (or an area within the Precinct);
  - (e) wilfully breaking, destroying, damaging, defacing, disfiguring, or writing upon any part of or within the Precinct or a notice erected or displayed by Council at or within the Precinct.
- Unacceptable Behaviour is taken to occur if a person breaches any of the Conditions of Entry applicable, from time to time, at or within the Precinct.

## 5. Conditions of Entry

- 5.1 Subject to section 5.2, the Conditions of Entry generally applicable, at and within the Precinct, are as follows:
- Surveillance cameras may be in operation at the Precinct.

For the safety and enjoyment of all persons, a person at the Precinct must:

- Not obstruct or interfere with an employee or contractor in the performance of their duties for Council.
- Not engage in illegal, nuisance or anti-social behaviour.
- Not vandalise, deface, destroy or damage any property located at or within the Precinct.
- Not litter, foul or pollute any part of the Precinct.
- Not ride a skateboard, rollerblade or bicycle.

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- Not possess or consume an illegal substance.
- Not drink alcohol (other than alcohol purchased and consumed in a licensed area).
- Not use a portable sound system (without prior written permission by Council)
- If the person is a child under the age of 12 years - be accompanied, at all times, by a responsible adult.
- Comply with the reasonable directions of a responsible officer.

Failure by a person to comply with a condition of entry may result in: the person being required to immediately leave the Precinct and not return to the Precinct prior to 9am the next following day; being banned from the Precinct for the period, and on conditions, deemed appropriate by the Responsible Manager; and/or Police assistance or action.

- 5.2 The Senior Manager is responsible for, from time to time, reviewing and recommending to the Chief Executive Officer for approval:

- (a) amendments to the Conditions of Entry set out in section 5.1 of this policy; and
- (b) additional specific Conditions of Entry that are to apply to the Precinct (wholly or in part).

The Chief Executive Officer will notify the Senior Manager as to whether the amendments or additional specific Conditions of Entry recommended by the Senior Manager are approved (with or without amendment) or rejected.

- 5.3 The Senior Manager is responsible for ensuring that the Conditions of Entry, as amended or added to from time to time, are displayed prominently at each entrance to the Precinct and be visible for persons to see before they enter the Precinct.

## 6. Policy

- 6.1 For the enjoyment and safety of other patrons, employees and users of the Precinct, every person present at the Precinct must behave in a manner that is safe, non-threatening, and respectful. This is achieved by each person, at all times, complying with the Conditions of Entry, as amended from time to time, and displayed prominently at and around the Precinct.

- 6.2 If a person behaves contrary to section 6.1 at or within the Precinct, a Responsible Officer may take any of the following action:

- Issue a verbal warning and request a change of behaviour by the person to ensure compliance with one or more Conditions of Entry.
- Issue a written warning to the person and require the person to immediately leave the TYTO Precinct and not return to the Precinct prior to 9am the next following day.
- Request the Responsible Manager to immediately proceed to issue a banning notice to the person for an incident of Unacceptable Behaviour that is deemed to be a high risk situation and require the person to immediately leave the TYTO Precinct and not return to the Precinct for the period stated in the banning notice.
- Request the Responsible Manager to issue a banning notice to the person following a written warning and require the person to immediately leave the TYTO Precinct and not return to the Precinct for the period stated in the banning notice.
- In consultation with the Responsible Manager, contact Council's Local Laws Officers to deal with any breach of Council's Local Laws (including, issuing a compliance notice against the person).
- In consultation with the Responsible Manager, contact the Police to deal with the person's behaviour in accordance with police powers and responsibilities, including (without limitation) to move the person on or to commence proceedings against the person for a public nuisance offence under the *Summary Offences Act 2005*, or a criminal offence.

- 6.3 The Responsible Manager is responsible for determining the period and appropriate terms of a banning notice for issue against a person for a breach or breaches of any of the Conditions of Entry.

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- 6.4 If the person fails to leave or returns to the Precinct prior to the end of the period stated in the written warning or the banning notice (as the case may be), the Responsible Officer or Responsible Manager (as the case may be) is to arrange for security or the Police to remove the person from the Precinct.
- 6.5 For moderate to high risk incidents, the Responsible Officer will contact the Responsible Manager who will determine whether to refer the incident to the Police for assistance and/or deal with the incident themselves as a breach of a Condition of Entry pursuant to this policy.
7. Legal Parameters
- *Local Government Act 2009* section 9 and common law rights, as owner or controller of the Precinct.
  - *Local Law No. 4 (Local Government Controlled Areas, Facilities and Roads) 2012.*
  - *Summary Offences Act 2005.*
  - *Police Powers and Responsibilities Act 2000.*
8. Associated Documents
- CS\_R\_500 Unacceptable Behaviour (TYTO Precinct) Procedure - Internal Document
  - CS\_F\_500.1 Map of TYTO Precinct
  - CS\_P\_500.2 Conditions of Entry
  - CS\_F\_500.3 Written Warning
  - CS\_F\_500.4 Banning Notice
  - Council's Incident Report Form