

# 279 Responsible Conduct – Council owned and controlled Caravan Parks and Camping Facilities

## General Policy

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### PURPOSE

The purpose of the policy is to:

1. ensure that the North Burnett Regional Council's (NBRC) owned and controlled caravan parks and camping facilities ('facility' or 'facilities') are a safe, non-threatening, welcoming, and respectful place for all patrons, employees, and other users of these facilities; and
2. define the standards of responsible conduct and unacceptable behaviour at the facilities; and
3. provide detail of the consequences and processes for dealing with persons who behave unacceptably within Council's facilities; and
4. provide knowledge, fairness and consistency in the enforcement of the policy.

### SCOPE

This policy deals with responsible conduct and unacceptable behaviour at and within Council's facilities which are open to the public. This procedure is in addition to, and does not derogate from, Council's *Local Law No.4 (Local Government Controlled Areas, Facilities and Roads) 2011* and other applicable legislation.

### POLICY STATEMENT

For the enjoyment and safety of other patrons, employees and users of Council facilities, every person present at these facilities 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 facilities.

If a person behaves contrary to sections 3 and 4 at or within the Council facility, the Caretaker, Council appointed Lessee (the Manager) or an Authorised Officer of Council may take any of the following action:

#### 1. Verbal and Written Warning

- a) Issue a verbal warning and request a change of behaviour by the person to ensure compliance with one or more Conditions of Entry. If the behaviour does not change the person will be required to immediately leave the Council Facility and not return to the Council Facility prior to 12pm the following day.
- b) If there is a reasonable belief the person / persons have been effected by alcohol and or drugs and not in a fit state to drive a vehicle, they are to return to their caravan park and/or camping spot and remain quiet and leave the facility the next morning with a written warning being provided.
- c) If the person/persons still does not comply with the directions given, the Manager is to call the Queensland Police Service and they can 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.

## 2. Banning Notice – High Risk Situation

- a) Where a person/persons unacceptable behaviour is considered to be a high risk situation, the Manager can issue a banning notice and require the person to immediately leave the Council Facility and not return to the Council Facility for the period stated in the banning notice.
- b) If there is a reasonable belief the person/persons have been effected by alcohol and or drugs and not in a fit state to drive a vehicle, they are to return to their caravan park and/or camping spot and remain quiet and leave the facility the next morning.
- c) The Council's Chief Executive Officer, General Manager or 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.
- d) If the person fails to leave or returns to the Council facility prior to the end of the period stated in the written warning or the banning notice (as the case may be), the Manager or Authorised Officer (as the case may be) is to arrange for security or the Queensland Police Service to remove the person or persons from the Council facility.

## 3. Standards of behaviour

Council welcomes everybody subject only to observance of two (2) commonplace standards of behaviour:

- a) that the security and safety of people or property is not infringed; and
- b) that due regard is shown for the needs, sensitivities, rights and peaceful enjoyment of others.

Failure to observe these standards is unacceptable.

## 4. Unacceptable behaviour

Unacceptable behaviour that is otherwise inconsiderate or offensive, includes but is not necessarily limited to:

- a) communication that causes offense or disturbance to others – **HIGH RISK**
- b) displaying material that is offensive or objectionable to other members of the public, such as pornography, expressions of racial hatred, and representations of violence – **HIGH RISK**
- c) being noisy in designated quiet areas (including receiving and conducting mobile telephone calls or failing to use headphones on computers or mobile devices)
- d) personal hygiene or dress contrary to minimum community standards
- e) canvassing or hawking
- f) interference with personal property
- g) abuse/damage of Council's property, or behaviour that puts Council's property at risk, including misuse of furniture and eating or drinking in non-designated areas abuse of established Council's systems and processes – **HIGH RISK**
- h) Infringing the security of people or property including events, actions or behaviours that harm, create risk of harm or threaten harm, including drunk and or drug induced behaviour, intimidation and harassment – **HIGH RISK**
- i) theft or malicious damage of property – **HIGH RISK**
- j) trespass, including unauthorised entry to non-public areas and unauthorised access to established Council's information systems – **HIGH RISK**

The Manager is empowered to determine whether or not behaviour is unacceptable for the purposes of the Policy.

## 5. Conditions of Entry

Subject to section 3 and 4, the Conditions of Entry generally applicable, at and within the Council facility, is as follows:

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

- a) Not obstruct or interfere with an employee or contractor in the performance of their duties for Council.
- b) Not engage in illegal, nuisance or anti-social behaviour.
- c) Not vandalise, deface, destroy or damage any property located at or within the Council facility.
- d) Not litter, foul or pollute any part of the Council facility.
- e) Not ride a skateboard, rollerblade or bicycle in restricted areas
- f) Not possess or consume an illegal substance.
- g) Not use a portable sound system after 10.00pm each night
- h) If the person is a child under the age of 12 years - be accompanied, at all times, by a responsible adult.
- i) Comply with the reasonable directions of the Manager and or Authorised Officer.

Failure by a person to comply with a conditions of entry may result in action being taken in accordance with Sections 1 and/or 2 of this Policy.

The General Manager in conjunction with the Manager is responsible for periodic review of the Policy and recommending to the Chief Executive Officer any proposed amendments to the Policy including Conditions of Entry set out in Section 5.

The Manager is responsible for ensuring that the Conditions of Entry, as amended or added to from time to time, are available to all clients (*currently shown on the back of the receipt*) for their information and attention. These Conditions of Entry must be clearly understood by the client/s before they enter the Council Facility.

Note that surveillance cameras may be in operation at or surrounding the facility to assist Council and the Manager in maintaining acceptable behaviour.

## 6. Bans

### 6.1 Applicable Grounds

- a) A person may be banned from entering the Council's facility for infringements of security, safety and unacceptable behaviour.
- b) A person may be banned only on condition that their identity can be positively established.

### 6.2 Council Authority

The North Burnett Regional Council under common law have the right to specify rules or conditions of entry by third persons, subject to rights of entry specified by statute.

### 6.3 Consequences of Bans

- a) A person who has been banned will be issued with a letter.
- b) The letter will include a summary of incidents leading to the ban, the basis of the ban, the duration of the ban and appeal rights and procedures.
- c) The duration of a ban is at the discretion of the Chief Executive Officer, General Manager or the Manager and is determined by circumstances leading to the ban and whether the banned person has been previously banned.
- d) A ban can be issued for minimum period of 24 hours to maximum period of up to 3 years.
- e) A banned person who is found/discovered/apprehended attempting to enter a Council Facility premises or on a Council facility premises will be immediately required to leave.
- f) Entering or attempting to enter Council Facility premises during the term of a ban is grounds for extending the ban.

## 6.4 Appeal Process

A person who has been banned may appeal the duration of the ban.

- a) All appeals should be made in writing and addressed to the Council Chief Executive Officer
- b) The appeal will be considered by the Chief Executive Officer or nominated Delegate.
- c) The determination of the appeal will be made by consideration of available incident reports and records, and any case put forward by the person seeking the appeal.
- d) A ban may be revoked, or its duration reduced or increased, on appeal or review.
- e) The Council recognises that excluding, or banning, a person from a public facility is a serious matter.
- f) Exclusion/banning is a last resort, only warranted after conciliatory approaches have failed, or immediately in response to serious infringements of security or safety of staff or patrons and/or the conditions of entry of the Council facility.
- g) The appeal should be settled within two (2) weeks of its receipt and the person informed of the outcome as soon as possible

## RELEVANT LAW

- The *Local Government Act 2009*, section 9 (powers of local government generally) and common law rights, as owner or controller of the area
- *Local Law No.1 (Administration) 2011*
- *Subordinate Local Law No.1 (Administration) 2011*
- *Local Law No.4 (Local Government Controlled Areas, Facilities and Roads) 2011*
- *Subordinate Local Law No.4 (Local Government Controlled Areas, Facilities and Roads) 2011*
- *Summary Offences Act 2005*, Section 6
- *Police Powers and Responsibilities Act 2000*
- *Residential Tenancies and Rooming Accommodation Act 2008 Section 228*

## RELATED POLICIES AND PROCEDURES

Not applicable

## RELATED FORMS

No applicable

## DEFINITIONS

Term	Definition
<i>Unacceptable Behaviour</i>	<p>Unacceptable Behaviour of a person at or within a Council facilities refers, but is not limited to, any of the following behaviours:</p> <ol style="list-style-type: none"><li>1. the person behaving in a disorderly, indecent, offensive, threatening, or insulting manner;</li><li>2. carrying out an activity or behaving in a manner reasonably likely to injure, endanger, obstruct,</li><li>3. inconvenience or cause fear or excessive annoyance to another person;</li><li>4. interfering with any facility or equipment located at the facility;</li><li>5. any activity which fouls, litters, pollutes, or interferes with the facility;</li><li>6. wilfully breaking, destroying, damaging, defacing, disfiguring, or writing upon any part of or within the facility or a notice erected or displayed by Council at or within the facility.</li></ol> <p>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 Council facility.</p>

<i>Anti-social behaviour</i>	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.  <i>Examples</i> of anti-social behaviour include, but are not limited to: 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.
<i>Child</i>	A child means a person who is 12 years and under.
<i>Responsible adult</i>	A responsible adult means a person who is over 18 years of age.
<i>Chief Executive Officer</i>	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.
<i>Conditions of Entry</i>	Conditions of Entry means the conditions of entry applicable, from time to time, at Council's facilities which are displayed at and around the facility.
<i>Council Facility</i>	With respect to this Policy, a Council facility means any Council owned and controlled caravan parks and or camping facilities that is open to the public.
<i>Public nuisance offence</i>	Means 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 <i>Summary Offences Act 2009</i> and is enforced by the Queensland Police Service.  <i>Examples</i> of public nuisance behaviour include, but are not limited to: <ul style="list-style-type: none"> <li>i. a person using offensive, obscene, indecent, or abusive language;</li> <li>ii. a person behaving in a threatening way if the person uses threatening</li> <li>iii. language;</li> <li>iv. a person or people behaving in a way which hinders access to a building or facility; or</li> <li>v. a person or people behaving in a way which hinders the enjoyment and safety of other patrons and staff of a Council facility.</li> </ul>
<i>The Manager</i>	The Manager means the Council appointed lessee or caretaker of the facility.
<i>Authorised Officer</i>	An Authorised Officer means any Council officer who works for the North Burnett Regional Council and has been authorised by the Chief Executive Officer. An Authorised Officer does not include a volunteer.
<i>General Manager</i>	In context of this policy, General Manager means the General Manager Strategy, Innovation and Assets, including a person acting in the position at a relevant time and a person to whom the General Manager's power has been delegated at a relevant time for a relevant purpose concerning this Policy.

## APPROVAL

Council approved this policy on 15 August 2018.

## REVIEW

This policy will be reviewed every two (2) years by the Economic Development Manager, Department of Strategy, Innovation and Assets and is due for review in 1 August 2020.

## REVISION HISTORY

Version	Meeting	Date	History
1	Council Meeting	15 August 2018	New Policy