

Unreasonable Customer Conduct Policy

Local Government Act 2009

1. Policy Statement

Townsville City Council (Council) is committed to delivering high quality services that respond to the needs of its stakeholders and the community, while providing a safe and healthy workplace for its Councillors and workers.

While Council has an expectation that its workers will treat people with courtesy and respect, there is an expectation that this courtesy is to be returned. Council does not tolerate behaviour that is offensive, abusive or threatening or consumes disproportionate resources.

This policy supports Council's zero tolerance approach to work-related violence by providing a consistent approach to mitigating and managing unreasonable behaviour by customers, where observed or reported.

2. Principles

This policy provides a guide for Council workers and Councillors to effectively identify, mitigate and manage unreasonable customer conduct in a fair, consistent, transparent and appropriate way. This process includes:

- managing or eliminating potential risks to health, safety and security of customers, workers and Councillors through early identification and proactive mitigation of unreasonable conduct;
- clearly articulating the expectations from Council of its customers for:
 - interacting with Councillors and workers;
 - accessing and/or utilising Council-owned facilities or assets or Council workplaces; and,
 - participating in Council-related activities or Council-facilitated functions; and,
- enabling positive and effective interactions between Councillors, workers and customers.

3. Scope

This policy applies to all Councillors and workers.

This policy does not apply to the management of complaints or unreasonable complainant conduct, which is addressed in Council's Complaint Management Policy and associated Procedure.

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4. Responsibility

The Chief Executive Officer (CEO) and managers are responsible for ensuring that this policy is understood and adhered to by all Councillors and workers.

Councillors and workers are responsible for ensuring that this policy is provided or made available, where appropriate, to customers of Council.

General Managers are responsible for decisions to limit a customer's access to Council. Where there is an internal review of a decision to limit a customer's access to Council (refer to section 6.2.1), the CEO or nominated delegate (the delegate must be no less senior than the officer who made the original decision) will be responsible for determining the internal review.

5. Definitions

Customer - anyone who attends a Council workplace or function and is served by or engages with Councillors or Council workers in-person or by telephone, letter, social media or electronic communication.

Manager - an individual responsible for overseeing and coordinating specific functions, departments, teams or projects within Townsville City Council.

Psychosocial Hazards - Workplace Health and Safety Queensland describes psychosocial hazards as:

“a hazard that arises from, or relates to, the design or management of work, a work environment, plant at a workplace, or workplace interactions and behaviours and may cause psychological harm, whether or not the hazard may also cause physical harm.”

Services - services provided by Council to the community, including libraries, the provision of community assistance, waste disposal, water and wastewater.

Unreasonable Customer Conduct - behaviour by a current or former customer which, because of its nature and/or frequency, raises substantial health, safety, resource or equity issues for Council workers and its stakeholders.

Workers - includes employees, contractors, volunteers and all others who perform work on behalf of Council.

Workplace - is a place where work is carried out for the Townsville City Council and includes any place where a worker goes, or is likely to be, while at work. A 'place' includes:

- (a) a vehicle, vessel, aircraft or other mobile structure; and
- (b) any waters and any installation on land, on the bed of any waters or floating on any waters.

6. Policy

Council is committed to protecting the health, safety and wellbeing of its Councillors and workers while at work and, where possible, eliminating or reducing their exposure to physical and psychosocial hazards in the workplace and while undertaking work-related activities through the effective identification and management of unreasonable customer conduct.

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6.1. Customer Conduct (General)

Council welcomes members of the public to access and utilise a range of Council facilities, workplaces and resources, while endeavouring to provide a safe place for its Councillors, workers and community members.

To achieve this, Council expects all customers to acknowledge their responsibility and the expectations from Council for customers to demonstrate appropriate standards of behaviour.

6.2. Preventing and Managing Unreasonable Customer Conduct

Council is committed to delivering high quality services to the community. At the same time, Council's success depends upon:

- the ability of its workers to do their work and perform their functions in the most effective and efficient way possible; and
- ensuring the health, safety and security of its workers.

When people behave unreasonably in their dealings with Council, their conduct can significantly affect the progress and efficiency of the response Council can deliver. As a result, Council will take decisive action to manage any conduct that negatively and unreasonably affects its workers and/or customers while attending a Council workplace or participating in Council-related activities or Council-facilitated functions. This may include limiting access as described in section 6.2.1.

6.2.1 Decision to Change, Restrict or Withdraw Access (Limit Access)

If the customer has demonstrated unreasonable conduct, Council, through a decision by a General Manager, may:

- change;
- restrict; or,
- in serious cases, withdraw an individual's access to workers, premises and certain services.

A General Manager will ensure that human rights are properly considered in alignment with the *Human Rights Act 2019* prior to making any decision to change, restrict or withdraw certain services or access to Council facilities (limit access).

Before a decision is made to change, restrict or withdraw services or access, Council will:

- inform the customer of the proposal to limit access and the types of limitations that are being proposed (i.e. affording the person natural justice); and
- consider the person's response to the proposal.

6.2.2 Ability to Review a Decision Limiting Access

The customer can request an internal review of the decision if:

- the customer is seeking to amend the limitations imposed;
- a new incident occurs seeking a revision of the existing limitations; or,
- the limitations are due to expire and need to be reconsidered.

The CEO or nominated delegate (the delegate must be no less senior than the officer who made the original decision) will be responsible for determining the internal review.

Customers have the right to seek an external review if they are dissatisfied with Council's internal handling or outcome, including appealing to the Queensland Ombudsman or other relevant external bodies.

7. Legal Parameters

Crime and Corruption Act 2001

Human Rights Act 2019

Information Privacy Act 2009

Judicial Review Act 1991

Local Government Act 2009

Local Government Regulation 2012

Public Interest Disclosure Act 2010

Right to Information Act 2009

8. Associated Documents

Code of Conduct

Code of Conduct for Advisors

Code of Conduct for Councillors in Queensland

Complaint Management Policy

Complaint Management Procedure

Work Health and Safety Policy and Policy Statement

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