



# RESTRICTING ACCESS TO COUNCIL FACILITIES POLICY

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## Policy Statement

The Restricting Access to Council Facilities Policy (the Policy) establishes a framework for managing individuals whose access to Walgett Shire Council (Council) facilities may need to be restricted or modified to protect the safety and wellbeing of staff, contractors, visitors, and the public. Council takes the decision to restrict access seriously, considering all available options before implementing any restrictions.

The Policy outlines the conditions under which access to Council facilities may be restricted, including temporary or permanent bans, with authority derived from the *Inclosed Lands Protection Act 1901 (NSW)*.

This Policy draws guidance from *Part 5: Restricting and Controlling Access* in the *Guidance for Agencies* issued by the New South Wales Ombudsman and incorporates principles of fairness and transparency while ensuring the safety of all users.

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## Definitions

Term	Meaning
<b>Accompanied Access</b>	A restriction that allows an individual, typically a minor, to access a Council facility only when accompanied by a responsible adult.
<b>Area-Specific Restriction</b>	A restriction that limits access to specific areas of a Council facility while allowing continued use of other areas.
<b>Council Facility</b>	Any building, land, space or property owned, managed, or operated by Walgett Shire Council.
<b>Formal Ban</b>	A restriction imposed by the General Manager or their delegate that prohibits an individual from accessing a Council facility for a set period of time or permanently, based on the severity of their behaviour or previous history.

<b><i>Inclosed Lands Protection Act 1901</i></b>	Legislation providing Council the legal authority to remove or ban individuals from its premises in cases of trespass, unlawful behaviour, or safety risks. This also includes any subsequent legislation that replaces the <i>Inclosed Lands Protection Act 1901</i>
<b>Temporary Restriction</b>	A short-term restriction of up to 48 hours, issued by authorised staff, limiting an individual's access to a Council facility due to immediate risks or safety concerns.
<b>Time-Specific Restriction</b>	A restriction that limits an individual's access to a Council facility during specific hours or days, depending on the level of risk posed by the individual's behaviour.
<b>Business day</b>	A day when Walgett Shire Council's office in Walgett is officially open for business, typically Monday to Friday, excluding public holidays, any official shutdown periods such as between Christmas and New Year, and other designated non-working days.

## 1. Introduction

- 1.1. Walgett Shire Council is committed to ensuring the safety and security of its facilities for all users, including staff, contractors, visitors, and the public.
- 1.2. In circumstances where an individual's behaviour threatens safety, disrupts services, or causes harm, Council may implement access restrictions, either temporarily or permanently, to mitigate risks.
- 1.3. The Policy outlines the process for restricting or modifying access to Council facilities, which may include time-specific, area-specific, or complete bans, depending on the severity of the situation.

## 2. Application

- 2.1. The Policy applies to all individuals accessing Council facilities, including members of the public, Council staff, contractors, and visitors.
- 2.2. Restrictions may range from temporary bans to permanent exclusions and may also include alternative arrangements such as restricted access times, limiting access to certain areas or requiring minors to be accompanied by a responsible adult.

## 3. Decision-Making Criteria

### 3.1. Basis for Restriction

- a. Council has the authority under the *Inclosed Lands Protection Act 1901* to restrict access to its facilities when individuals engage in inappropriate behaviour such as trespassing, property damage, or actions that threaten the health or safety of others.
- b. Any decision to restrict access must consider the seriousness of the behaviour, prior incidents, and potential risks to others.

### 3.2. Consideration of Alternatives

- a. Before issuing a Formal Ban, Council will consider less restrictive measures, such as:
  - i. Time-Specific Restriction: Limiting access to certain hours to prevent contact with staff or other users.

- ii. Area-Specific Restriction: Restricting access to particular areas of Council facilities while allowing continued access to other spaces.
- iii. Accompanied Access: Allowing minors or other individuals to access facilities only when accompanied by a responsible adult.
- b. Temporary restrictions provide immediate safety and risk mitigation measures, allowing time for the General Manager or their delegate to review the situation.

### 3.3. Reasons for Restricting Access

- a. Reasons for restricting access to a Council facility include, but are not limited to:
  - i. Verbal or physical assault or threats directed at Council staff, contractors, visitors, or members of the public.
  - ii. Unlawful behaviour such as vandalism, theft, or trespassing.
  - iii. Inappropriate use of Council facilities, including misuse of equipment or failure to comply with facility rules.
  - iv. Indecent exposure, inappropriate language or other forms of offensive behaviour.
  - v. Possession, use, or distribution of illegal drugs on Council premises.
  - vi. Any conduct that poses a safety risk to others or disrupts the orderly functioning of Council.

## 4. Process for Issuing and Reviewing Restrictions

### 4.1. Issuing Temporary Restrictions

- a. A Temporary Restriction (up to 48 hours) may be issued by staff delegated by the General Manager when an individual's behaviour poses an immediate safety risk.
- b. The individual will be notified, preferably in writing but orally, if necessary, in instances where safety or other reasons prohibit a written notification of the restriction, the reasons for it, and the review process that will follow.
- c. Should the 48-hour temporary restriction expire on a non-business day, the restriction will remain in effect until 5:00 pm on the next business day, when a review and final decision will be made.

### 4.2. General Manager's Review

- a. The General Manager or their delegate will review all available information within 48 hours, or the next business day, including witness statements, incident reports, and the individual's prior conduct.
- b. Based on this review, the General Manager will determine whether the restriction should be extended, modified, or lifted.

### 4.3. Final Decision and Notification

- a. After reviewing the case, the General Manager or their delegate will decide on the appropriate action, which may include lifting the restriction, imposing a formal ban, or implementing less restrictive measures.
- b. The individual will be notified in writing of the final decision, the reasons for it, and any applicable conditions or duration of the restriction.
- c. If the banned individual's contact details have not been provided, the notification will be sent to the facility where the individual has been banned. The notification will be handed to the individual should they attempt to access the facility.

## 5. Appeals Process

- 5.1. Individuals subject to a restriction may appeal the decision by submitting a written request to the General Manager, outlining their reasons.
- 5.2. The General Manager or their delegate will review the appeal and make a final determination, considering any new information or changes in circumstances.
- 5.3. Appeals must be submitted within 14 days of the final decision being notified to the subject individual.

## 6. Implementation and enforcement

- 6.1. All restrictions will be applied consistently and fairly, with staff responsible for enforcing them ensuring compliance with the Policy and the *Inclosed Lands Protection Act 1901*.
- 6.2. Breaches of restrictions may result in further action, including law enforcement involvement if necessary.

## 7. Related Policy/Procedure

Code of Conduct.

### History

Minute Number	Meeting Date	Description of Change
R-12-11-2024	26 November 2024	Placed on Public Exhibition