

Unreasonable Customer Conduct Policy

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1 Introduction

This policy has been developed to assist customers and staff members in understanding Snowy Monaro Regional Council's position in relation to unreasonable customer conduct (UCC). This policy applies to the management of unreasonable conduct by customers in interactions with Council that may occur (but are not limited to) face-to-face, via phone, written letter or digitally (e.g. website, email, social media).

Unreasonable customer conduct (UCC) is any behaviour by a current or former Council customer which, because of its nature or frequency, raises health, safety, resource or equity issues for Council, our staff, other service users and customers, or the customer themselves.

Council's UCC policy is guided by the NSW Ombudsman's *Managing Unreasonable Conduct by Complainant's Model Policy July 2022*, which can be accessed at [NSW Ombudsman | Managing unreasonable conduct by complainants Model](#).

2 Purpose

Snowy Monaro Regional Council is committed to being accessible and responsive to all customers who require our services. The success of Council's service delivery depends on:

- Council's ability to provide service and perform functions in the most effective and efficient ways possible;
- The health, wellbeing, and safety of officers, volunteers and Council staff; and
- Council's ability to allocate resources across all customer requests received.

Council values and respects its community and recognises the vast majority of customers engage positively and respectfully. However, when customers behave unreasonably in their dealings with us, their conduct can significantly affect Council's success. As a result, Snowy Monaro Regional Council will take proactive and decisive action to manage any customer conduct that negatively and unreasonably impacts our staff, resources, services or community.

3 UCC Principles

Reasonable and Fair

- 3.1 We will assess any report of unreasonable customer conduct on its merits, applying consistent process and involving customers and/or their representative in the process where appropriate - regardless of ethnic identity, national origin, religion, linguistic background, sex, gender expression, sexual orientation, physical ability or other cultural or personal factors – with resources distributed on the basis of the merits of a complaint, rather than a complainant's demands or conduct.

Effective and Efficient

- 3.2 We will allocate appropriate time and resources to dealing with unreasonable conduct, which, if left unmanaged, can negatively impact on Council services and staff.

Open and Transparent

- 3.3 We are committed to ensuring that customers contacted regarding unreasonable conduct are informed of the subject behaviour, process, outcomes and avenues for appeal with regards to being declared as an unreasonable customer of Council.

Health and Safety

- 3.4 We have zero-tolerance towards any of the unreasonable conduct outlined in this policy. We will prioritise work health and safety and duty of care obligations by identifying the potential risks posed by unreasonable conduct to officer, volunteer or employee health, safety and wellbeing and implementing measures to eliminate or control those risks.

Customer Conduct

- 3.5 Under this policy, UCC is reflected in five categories of customer conduct:
- Unreasonable persistence
 - Unreasonable demands
 - Unreasonable lack of cooperation
 - Unreasonable arguments
 - Unreasonable behaviours

4 Policy Responsibilities and Authorisations

The following responsibilities and authorisations apply to this policy:

Function	Council Officer
Approve policy	Council
The authority to exercise the responsibilities detailed in this policy, including but not limited to the authority to change and/or restrict a customer's access to Council services.	Chief Executive Officer
Management of Council's UCC register.	Public Officer
To change or restrict a customer's access to Council services in the circumstances identified in this UCC policy and procedures.	Public Officer
Undertake a review, in accordance with this policy and supporting procedures, of the Public Officer's decisions to modify or restrict a Customer's access to Council services upon receipt of an appeals request.	Chief Strategy Officer
Responsibility for recording, monitoring and reviewing all cases where this policy is applied to ensure consistency, transparency and accountability for the application of this policy. File record to be kept of all cases where this policy is applied.	Public Officer
Responsible to ensure their business unit adheres to the requirements of this policy and provide guidance to their staff in respect of the handling of unreasonable customer conduct within their unit and the organisation.	Managers

Employees must adhere to the requirements of this policy and operate within the authorities of the delegations granted to them by the Chief Executive Officer.	All employees
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5 Procedural Standards

For specific details on the five categories of customer conduct referred to in section 3.5 above, and applicable procedural standards to be followed, refer to **Appendix A** under this policy.

The Governance team will provide additional procedures in connection with the process to be followed by staff under this policy.

6 Individual Rights and Mutual Responsibilities

Council staff need to familiarise themselves with this policy as well as *the Individual Rights and Mutual Responsibilities of the Parties to a Complaint* document. Information in this respect is provided at **Appendix B** to this policy.

7 Other Obligations

Keeping of Records

- 7.1 Council must keep full and accurate records with respect to all information received in connection with the UCC process with appropriate security caveats applied.

Integrity Agencies

- 7.2 A person who is subject to a UCC at Council, needs to be made aware of the names of integrity agencies that can be contacted to raise their concerns about aspects of Council's processes. A list is provided at **Appendix C** to this policy.

8 Policy Review

Council reserves the right to review, vary or revoke this policy and should be reviewed periodically to ensure it is relevant and appropriate. The policy is subject to a four-year review period. The policy remains in force until renewed.

Appendix A: Standards of Unreasonable Customer Conduct

1. Unreasonable Persistence

Unreasonable persistence is continued, incessant and unrelenting conduct by a customer that has a disproportionate and unreasonable impact on Council, our staff, services, time and/or resources. Some examples of unreasonably persistent behaviour include (but are not limited to):

- An unwillingness or inability to accept reasonable and logical explanations including final decisions that have been comprehensively considered and dealt with.
- Persistently demanding reviews without presenting a valid case for one.
- Pursuing and exhausting all available review options with no valid reason or supporting evidence and then refusing to accept further action cannot or will not be taken on their requests.
- Reframing a request in an effort to get it taken up again.
- Consistently contacting Council staff/organisation by way of phone calls, visits, letters, and emails (including cc'd correspondence) after being asked not to do so.
- Contacting different people within Council and/or externally to get a different outcome.

2. Unreasonable Demands

Unreasonable demands are any demands (express or implied) that are made by a customer that have a disproportionate and unreasonable impact on Council, our staff, services, time and/or resources. Some examples of unreasonable demands include (but are not limited to):

- Issuing instructions and making demands about how Council have handled/should handle their request, the priority it was/should be given, or the outcome that was/should be achieved.
- Insisting on talking to a senior manager, Director or CEO personally when it is not appropriate or warranted.
- Attempting to blackmail and/or manipulate with the intention to guilt, intimidate, harass, shame, or portray themselves as being victimised.
- Insisting on outcomes that are not possible or appropriate in the circumstances – e.g. for someone to be sacked or prosecuted, an apology and/or compensation when no reasonable basis for expecting this
- Continuing to demand services that are of a nature or scale that Council cannot provide following reasonable attempts to explain Council's role

3. Unreasonable Lack of Cooperation

Unreasonable arguments include any arguments that are not based on reason or logic, that are incomprehensible, false or inflammatory, minor or unrealistic and that disproportionately and unreasonably impact upon Council, our staff, services, time, and/or resources.

Examples of unreasonable arguments include (but are not limited to):

- Sending lengthy and/or disorganised information without clearly defining any issue, request or relevance to the core issues being complained about.
- Providing little or no detail with a request.
- Refusing to follow or accept Council instructions, suggestions, or advice without a clear or justifiable reason for doing so.
- Arguing frequently and/or with extreme intensity for a particular solution in the face of valid contrary arguments and explanations.
- Displaying unhelpful behaviour – such as withholding information, acting dishonestly, misquoting others.

4. Unreasonable Arguments

Unreasonable arguments include any arguments that are not based on reason or logic, that are incomprehensible, false or inflammatory, minor or unrealistic and that disproportionately and unreasonably impact upon Council, our staff, services, time, and/or resources.

Examples of unreasonable arguments include (but are not limited to):

- Are not supported by any evidence and/or are based on conspiracy theories.
- Failure to consider all other valid and contrary arguments.
- Are minor when compared to the amount of time, resources and attention that the customer demands.
- Are false, inflammatory or defamatory.
- Failure to follow a logical sequence.

5. Unreasonable Behaviour

Unreasonable behaviour is conduct that is unreasonable in all circumstances – regardless of how stressed, angry or frustrated that a customer is – because it unreasonably compromises the health, safety and security of Council staff, officers, volunteers or other service users. Some examples of unreasonable behaviours include (but are not limited to):

- Acts of aggression, verbal abuse, derogatory, racist, or defamatory remarks.
- Harassment, intimidation or physical violence.
- Rude, confronting and threatening correspondence.
- Threats of harm to self or third parties, threats with an electronic device or weapon, or threats to damage property.
- Stalking (in person or online).
- Audio and/or video recording or photographing Councillors or Council staff without permission.
- Attempting to blackmail and/or manipulate as outlined in section 1 of Schedule A.

6. Assessment

In the interest of procedural fairness, each case will follow a detailed procedure to determine whether a customer's behaviour is to be deemed unreasonable (refer to sections 1 of Schedule A). This process will include fact finding and reviews by Management. Customers will also have the right to one review of a decision (refer to section 1 of Schedule A).

7. Enforced Restrictions

UCC incidents will generally be managed by limiting or adapting the ways that Council interacts with and/or deliver services to customers by using the following restrictions:

- Point of Contact Restrictions - Who the customer may have contact with, limiting a customer to a sole contact person/staff member in Council.
- Content Matter Restrictions - What they can raise with us, restricting the subject matter of communications that Council will consider and respond to.
- Time and Frequency Restrictions - When they can have contact, limiting a customer's contact with Council to a particular time, day, or length of time, or curbing the frequency of their contact.

- Contact Method Restrictions - Where they can make contact, limiting the locations where Council will conduct face-to-face interviews to specified Council facilities or other suitable areas.
- Limiting or modifying the forms of contact that the customer can have with us - This can include modifying or limiting face-to-face interviews, telephone and written communications, digital channels.
- Prohibiting access to Council premises.
- Contact through a representative only.
- Terminating access to Council services altogether.

When using the restrictions provided in this section Council recognises that sound judgement will need to be used to adapt them to suit a customer's personal circumstances, level of competency, literacy skills, and state of mind. In this regard, Council also recognises that more than one strategy may need to be used in individual cases to ensure their appropriateness and efficacy.

8. Point of Contact Restrictions

Where a customer tries to 'shop' internally within Council, changes their issues of request repeatedly, reframes their request, or raises an excessive number of requests, it may be appropriate to restrict their access to a single staff member (a sole contact point) who will exclusively manage their request(s) and interactions with Council. This helps ensure they are dealt with consistently and minimises the risk of duplication of effort and inappropriate application of resources. Customers who are restricted to a sole contact person will be provided the contact details of one additional staff member in the event their primary contact is unavailable – e.g. for leave periods.

9. Content Matter Restrictions

Where customers repeatedly send written communications (letters, emails, online forms, social media use) that raise minor or insignificant issues, contain inappropriate or abusive content or relate to a request/issue that has already been comprehensively considered and/or reviewed (at least once) by Council, Council may restrict the issues/subject matter the customer can raise with us or that Council will respond to.

This may include:

- Restricting the customer to one request/issue per month. Any attempts to circumvent this restriction, for example by raising multiple requests/issues in the one request letter, may result in modifications or further restrictions being placed on their access.
- Return correspondence to the customer and require them to remove any inappropriate content before Council will agree to consider its contents. A copy of the inappropriate correspondence will be kept for Council records to identify repeat/further UCC incidents.
- Refusing to respond to correspondence that raises an issue that has already been dealt with comprehensively, that raises a minor issue or is not supported by clear and valid evidence. The customer will be advised that future correspondence of this kind will be read and filed without acknowledgement unless Council decide to pursue it further in which case, Council may do so.

10. Time and Frequency Restrictions

If a customer's telephone, written or face-to-face contact with Council places an unreasonable demand on Council's time or resources because it is overly lengthy (e.g. disorganised and voluminous correspondence), takes an excessive amount of resources or affects the health safety and security of Council staff because it involves behaviour that is persistently rude, threatening, abusive or aggressive, Council may limit when and/or how the customer can interact with us.

This may include:

- Limiting their telephone calls or face-to-face interviews to a particular time of the day or days of the week.
- Limiting the length or duration of telephone calls, written correspondence or face-to-face interviews.
- Limiting the frequency of their telephone calls, written correspondence or face-to-face interviews.

For irrelevant, overly lengthy, disorganised or frequent written correspondence Council may also:

- Require the customer to clearly identify how the information or supporting materials they have sent to us relate to the central issues that Council have identified in their request.
- Restrict the frequency with which customers can send emails or other written communications to Council.
- Restrict a customer to sending emails to a particular email account or block their email access altogether and require that any further correspondence be sent through Australia Post only.

11. Contact Method Restrictions

If a customer is violent or overtly aggressive, unreasonably disruptive, threatening or demanding or makes frequent unannounced visits to Council premises, Council may consider restricting face-to-face contact with them. These restrictions may include:

- Restricting access to particular secured premises or areas of Council – such as the reception area or secured room/facility.
- Restricting their ability to attend Council premises to specified times of the day and/or days of the week only – for example, when additional security is available or to times/days that are less busy.
- Allowing them to attend Council on an 'appointment only' basis and only with specified staff. Note – during these meetings staff should always seek support and assistance of a colleague for added safety and security.
- Banning the customer from attending Council premises altogether and allowing some other form of contact – e.g. 'writing only' or 'telephone only' contact.
- Blocking access to our social media platforms in line with our terms of use for those channels.

12. Writing only Restrictions

When a customer is restricted to 'writing only' they may be restricted to written communications through:

- Australia Post only.
- Email only to a specific staff email or designated Council email account.
- Some other relevant form of written contact, where applicable.

If a customer's contact is restricted, the notification of the restrictions will clearly identify the specific means that the customer can use to contact Council. Also, if it is not suitable for a customer to enter Council premises to hand deliver their written communication; this must be communicated to them as well.

Any communications that are received by Council in a manner that contravenes a 'write only' restriction will either be returned to the customer or read and filed without acknowledgement.

13. Contact through a Representative only

In cases where Council cannot completely restrict contact with a customer and their conduct is particularly difficult to manage, Council may also restrict their contact to contact through a support person or representative only. The support person may be nominated by the customer but must be approved by the SMRC Public Officer.

14. Complete Termination of Access

In rare cases, and as a last resort when all other strategies have been considered and/or attempted, the Chief Executive Officer may decide that it is necessary for Council to completely terminate a customer's contact with or access to Council services.

A decision to have no further contact with a customer will only be made if it appears that the customer is unlikely to modify their conduct and/or their conduct poses a risk for Council staff or other parties because it involves one or more of the following types of conduct:

- Acts of aggression, verbal and/or physical abuse, threats of harm, harassment, intimidation, stalking, assault in person or through social media.
- Damage to property while on Council premises.
- Threats with a weapon or common office items that can be used to harm another person or themselves.
- Physically preventing a staff member from moving around freely either within their place of work or when off-site – e.g. in their home or community.
- Conduct that is otherwise unlawful.

In these cases, the customer will be sent a letter notifying them that their access has been terminated. The Police may also be notified in these circumstances.

A customer's access to Council services and premises may also be terminated (directly or indirectly) using the legal mechanisms such as trespass laws/legislation or legal orders to protect members of Council's officers, volunteers or staff from personal violence, intimidation or stalking by a customer.

15. Appealing a Decision

Customers are entitled to one review of a decision to change/restrict their access to Council services. This review will be undertaken by a senior staff member who was not involved in the original decision to change or restrict the customer's access. This staff member will consider the customer's arguments along with all relevant records regarding the customer's past conduct. They will advise the customer of the outcome of their review by letter which must be signed off by the CEO. The staff member will file any materials/records relating to the review in the appropriate corporate records management system.

If a customer continues to be dissatisfied after the review process, they may seek an external review from an oversight agency such as the Ombudsman. The Ombudsman may accept the review (in accordance with its administrative jurisdiction) to ensure that Council have acted fairly, reasonably and consistently and have observed the principles of good administrative practice including, procedural fairness.

The appeal process may be denied in cases that involve abusive or threatening conduct deemed serious in nature. This is at the discretion of the CEO.

Customers making formal application for information from Snowy Monaro Regional Council have review rights under the Government Information (Public Access) Act 2009 (GIPA). The rights of review described do not apply to customers making formal GIPA applications.

Appendix B: Individual Rights and Mutual Responsibilities of the Parties to a Complaint

[Note – The term ‘rights’ is used to demonstrate a guarantee of the standard of service and behaviour that all parties should meet if a complaints process is to be effective. It is not used to depict a legally enforceable entitlement – although some are.]

In order for Snowy Monaro Regional Council to ensure that all complaints are dealt with fairly, efficiently and effectively and that occupational health and safety standards and duty of care obligations are adhered to, the following rights and responsibilities must be observed and respected by all of the parties to the complaint process.

Individual rights

Customers have the right:

- To make a complaint and to express their opinions in ways that are reasonable, lawful and appropriate.
- To a reasonable explanation of the organisation's complaints procedure, including details of the confidentiality, secrecy and/or privacy rights or obligations that may apply.
- To a fair and impartial assessment and, where appropriate, investigation of their complaint based on the merits of the case.
- To a fair hearing.
- To a timely response.
- To be informed in at least general terms about the actions taken and outcome of their complaint.
- To be given reasons that explain decisions affecting them.
- To at least one right of review of the decision on the complaint.
- To be treated with courtesy and respect.
- To communicate valid concerns and views without fear of reprisal or other unreasonable response.

Officers, volunteers and staff have the right:

- To determine whether, and if so how, a complaint will be dealt with.
- To finalise matters on the basis of outcomes they consider to be satisfactory in the circumstances.
- To expect honesty, cooperation and reasonable assistance from customers.
- To expect honesty, cooperation and reasonable assistance from organisations and people within jurisdiction who are the subject of a complaint.
- To be treated with courtesy and respect.
- To a safe and healthy working environment.
- To modify, curtail or decline service (if appropriate) in response to unacceptable behaviour by a customer in accordance with this policy.

Subjects of a complaint have the right:

- To a fair and impartial assessment and, where appropriate, investigation of the allegations made against them.
- To be treated with courtesy and respect by staff of the Snowy Monaro Regional Council.
- To be informed (at an appropriate time) about the substance of the allegations made against them that are being investigated.
- To be informed about the substance of any proposed adverse comment or decision.
- To be given a reasonable opportunity to put their case during the course of any investigation and before any final decision is made.

- To be told the outcome of any investigation into allegations about their conduct, including the reasons for any decision or recommendation that may be detrimental to them.
- To be protected from harassment by disgruntled customers acting unreasonably.

Mutual Responsibilities

Customers are responsible for:

- Treating staff of the Snowy Monaro Regional Council with courtesy and respect.
- Clearly identifying to the best of their ability the issues of complaint, or asking for help from the staff of the Snowy Monaro Regional Council to assist them in doing so
- Providing to the best of their ability the Snowy Monaro Regional Council with all the relevant information available to them at the time of making the complaint
- Being honest in all communications with the Snowy Monaro Regional Council.
- Informing the Snowy Monaro Regional Council of any other action they have taken in relation to their complaint
- Cooperating with the staff who are assigned to assess/ investigate/resolve/determine or otherwise deal with their complaint

If customers do not meet their responsibilities, Snowy Monaro Regional Council may consider placing limitations or conditions on their ability to communicate with staff or access certain services.

Staff are responsible for:

- Providing reasonable assistance, including cultural and linguistic assistance, to complainants who need help to make a complaint and, where appropriate, during the complaint process.
- Dealing with all complaints, complainants and people or organisations the subject of complaint professionally, fairly, and impartially.
- Giving complainants or their advocates a reasonable opportunity to explain their complaint, subject to the circumstances of the case and the conduct of the complainant.
- Giving people or organisations the subject of complaint a reasonable opportunity to put their case during the course of any investigation and before any final decision is made.
- Informing people or organisations the subject of investigation, at an appropriate time, about the substance of the allegations made against them and the substance of any proposed adverse comment or decision that they may need to answer or address.
- Keeping complainants informed of the actions taken and the outcome of their complaints.
- Giving complainants explanations that are clear and appropriate to their circumstances, and adequately explaining the basis of any decisions that affect them.
- Treating complainants (and people who are the subject of complaints) with courtesy and respect at all times and in all circumstances.
- Taking all reasonable and practical steps to ensure that complainants are not subjected to any detrimental action in reprisal for making their complaint.
- Giving adequate warning of the consequences of unacceptable behaviour.

If Council fails to comply with these responsibilities, complainants may complain to the Public Officer.

Workplace Health and Safety

Snowy Monaro Regional Council has a zero tolerance policy in relation to any harm, abuse or threats directed towards its officers, volunteers and staff. Any conduct of this kind may result in a refusal to take any further action on a complaint or to have further dealings with the customer. Any such conduct of a criminal nature will be reported to police and in certain cases legal action may also be considered.

Appendix C: List of Integrity Agencies

Integrity agency	What they investigate	Contact information
The NSW Ombudsman	Most kinds of serious maladministration by most agencies and public officials (but not NSW Police, judicial officers or MPs)	Telephone: 1800 451 524 between 9am to 3pm Monday to Friday Writing: Level 24, 580 George Street, Sydney NSW 2000 Email: info@ombo.nsw.gov.au
Independent Commission Against Corruption	Corrupt conduct	Telephone: 02 8281 5999 or toll free on 1800 463 909 (callers outside Sydney) between 9am and 3pm, Monday to Friday Writing: GPO Box 500, Sydney NSW 2001 or faxing 02 9264 5364 Email: icac@icac.nsw.gov.au
Office of the Local Government	Local government pecuniary interest contraventions, misconduct.	Email: olg@olg.nsw.gov.au
The Privacy Commissioner	Privacy contraventions	Telephone: 1800 472 679 Writing: GPO Box 7011, Sydney NSW 2001 Email: ipcinfo@ipc.nsw.gov.au
The Information Commissioner	Government information contraventions	Telephone: 1800 472 679 Writing: GPO Box 7011, Sydney NSW 2001 Email: ipcinfo@ipc.nsw.gov.au