

Australian Capital Territory COURTS AND TRIBUNAL

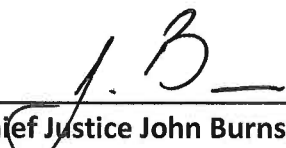
Security Screening and Conditions of Entry

Policy

Authorisation by Heads of Jurisdiction

Subject to particular orders made by a judicial officer, the following policy is to be applied to all those entering Courts of the Australian Capital Territory.

This document will remain in force unless and until revoked by one or both of the heads of jurisdiction.



A/g Chief Justice John Burns
The Hon. Chief Justice of the Supreme Court of
the Australian Capital Territory

Date: 8 October 2019



A/g Chief Magistrate Glenn Theakston
The Chief Magistrate of the Magistrates Court of
the Australian Capital Territory

Date: 8 October 2019

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Definition of Terms

Term	Definition
Accoutrements	Firearms, magazines, rounds, defensive sprays, electronic control devices, or any other weapon an officer may carry while on duty. For the purpose of this policy, accoutrements do not include handcuffs or any other restraining device carried by a law enforcement or correctional officer while on duty.
Baggage	Any bag, pack, container or other item used to carry or convey personal, corporate or legal property into court premises.
Court Premises	1) ACT Law Courts, 4-6 Knowles Place Canberra; or 2) Any other premises used to conduct a court function. Court premises referred to in this policy do not include ACAT premises.
Security Officer	1) Contracted security officer; or 2) a Sheriff's Officer.
Screening	1) The process of electronically or physically inspecting property in the possession of persons entering the court. 2) Electronically or visually inspecting any person entering court premises. Electronic screening equipment includes any authorised x-ray device, walk through metal detector; a hand held metal detector (hand-wand); or any other electronic detection device authorised by the Chief Justice or Chief Magistrate.

1. Purpose

This Policy sets out the Conditions of Entry and Security Screening Policy for court premises.

2. Scope

The scope of this Policy relates to the arrangements for security screening of persons and property entering court premises.

3. General conditions of entry

3.1 Hours of operation

Public access to all ACT Law Courts premises will generally be available from 8.30am to 5.00pm Monday to Friday and from 8.30am until cessation of business on Saturdays.

The registry counter is typically open between 9am to 4.30pm Monday to Friday. The registry is not open on weekends.

When by special arrangement the ACT Law Courts are open outside of the normal operating hours, standard screening processes will be conducted.

3.2 Security screening – general conditions

The ACT Law Courts have security screening areas at all public entrances to the court premises. For the purposes of this Policy, screening requirements will be enforced at any temporary premises not situated at 4-6 Knowles Place Canberra, if the premises are used for any court function.

As part of the conditions of entry, all persons wishing to enter court premise through the public entrances must comply with all security procedures and follow all reasonable directions from a security officer.

3.3 Exceptions to security screening

The following persons are exempt from security screening procedures at all times:

- All Judges of the Supreme Court including Visiting Judges.
- All Magistrates of the Magistrates' Court including Special Magistrates;
- All current Australian Judicial Officers visiting, for whatever purpose, the ACT Law Courts in the company of a court staff member;
- Emergency Services staff, including Police Officers, attending the Law Courts building in response to an emergency incident.

3.4 Pregnant women

The Court has been advised that walk through metal-detectors currently in use do not pose a risk to pregnant women. Pregnant women will be required to comply with entry screening with the exception of hand-wanding devices which may be dangerous to pregnant women and should not be used under any circumstances.

3.5 Wheelchairs and mobility assistance devices

People entering the Law Courts in wheelchairs or other mobility devices who are unable to proceed through the screening machine on foot will be subject to a hand-held wand screening process and a manual inspection screening of themselves and their wheelchair or mobility device

3.6 Child conveyances

Child conveyances such as strollers, prams, backpacks and portable car restraints will, where capable of being placed through the x-ray machines, be screened in the usual manner detailed in this policy. Child conveyances that cannot be x-rayed will be the subject of manual screening in accordance with this policy.

3.7 People with pacemakers and similar medical devices

Any person who has a defibrillator and or a pacemaker medically implanted is not required to proceed through the screening machine. Upon informing the security officer of their condition, and producing the appropriate implant card or cards for verification, the person will be instructed to place their personal items in a tray for scanning and then be asked to either pass through the screening machine without stopping or be scanned by a hand-wand (with their hand placed firmly over the site of the pacemaker).

IMPORTANT: It should be noted that defibrillators should not be hand scanned at any time.

3.8 Vulnerable witnesses

Any person attending court as a vulnerable witness will be required to be screened as per normal screening processes, unless an exemption has been granted by the Chief Justice or the Chief Magistrate.

3.10 Jury and jury panel members

Any person attending court as a serving jury member, or for the purpose of jury empanelment will be screened as per the normal screening processes.

3.11 Fast-Track Exemption

The Chief Justice, Chief Magistrate or their delegate may issue a Fast-Track Exemption which exempts a pass holder's footwear from the screening process. To clarify any misinterpretation, a Fast-Track Exemption only exempts footwear and does not exempt any other items of clothing or jewelry worn by a person; or any other item in a pass-holder's possession or carried in any baggage.

A Fast-Track Exemption may be issued to:

- Private legal practitioners
- Legal practitioners and support staff from the DPP, ACT Legal Aid, or the Government Solicitors Office
- Court staff or an employee of a service occupying court premises, including
 - Corrective Services
 - Domestic Violence Crisis Service
 - Prisoners Aid
- Journalists
- Any other person granted exemption by the Chief Justice or Chief Magistrate for extenuating circumstances.

3.12 Assistance animals

Any person with a disability is entitled to be accompanied by an approved assistance animal which is being used to assist that person into any building or place open to or used by the public in accordance with the *Domestic Animals Act 2000* (ACT). If the person does not require a wheelchair or other mobility apparatus, they are to be screened as per the standard process unless an exemption has been granted by the Chief Justice or the Chief Magistrate.

3.13 Personal and baggage screening

Unless exempted, all persons entering the Law Courts building will be required to undergo a security screening process which involves the following:

- Each person must walk through a metal detector – if the metal detector alarm sounds, the person will be asked by a security officer to remove any metal objects and place them on the trays provided and to walk through the metal detector a second time. If a walk through metal detector is not available, each person will be scanned by way of a hand-wand.
- Each person must pass their baggage (if any) and metallic items through an x-ray scanner. If an x-ray scanner is not available, personal baggage must be inspected by a security officer.

A security officer may ask the owner of the baggage to present their baggage and remove items for inspection. All items removed will be visually inspected and the baggage frame will be hand-wanded.

If a security officer believes on reasonable grounds that baggage contains a knife, a prohibited item or any other item that could be used as a weapon, the officer may search the bag and remove the item. A search can only be conducted after the officer has informed the person:

- 1) The reason for the search; and
- 2) That refusal to comply with the direction will result in refusal of entry into court premises.

If a security officer believes on reasonable grounds that baggage contains a prohibited item and the item creates an immediate risk to life or property, the entire bag or package may be either captured within the x-ray device; or seized and stored in a secure location. If this action is taken, the person in possession of the bag must be informed of the reason why the bag has been seized and the Sheriff and ACT Police are to be contacted immediately.

3.14 Delays to entry into court premises

In the event of a breakdown or failure of any part of the security screening system which causes a delay, the contracted security manager will immediately notify the Sheriff and seek approval to commence manual screening.

Where the Sheriff has approved the manual screening procedure, priority access to the Law Court buildings may be provided to Legal Practitioners and Court staff who present appropriate identification at the security screening point.

4. Prohibited and dangerous items

4.1 Seizing prohibited items

A security officer may seize any prohibited item located during any search procedure. If an item is seized, the person in possession of the item must be issued with a seizure receipt that identifies what the item is and why it was seized. ACT Police must be contacted as soon as practicable to take possession of the item and conduct any relevant investigations.

Examples of prohibited items include, but are not limited to:

- Illicit drugs
- Firearms
- Explosives
- Batons
- Defensive sprays or munitions
- Any other item that would be an offence to possess in a public place

4.3 Surrendering dangerous items

The Chief Justice or Chief Magistrate may deem any item a dangerous item if they believe on reasonable grounds that it can be used to cause harm to any person, or damage any property. If a dangerous item is detected during the course of security screening, the owner of that item or the person carrying it will be asked to either:

- 1) Surrender the item to a security officer for the duration of their stay on the premises; or
- 2) Be asked to leave the court premises.

Examples of dangerous items include, but are not limited to:

- Knives
- Nail files or clippers
- Scissors
- Syringes (not including syringes required for a medical condition)
- Multi-tools
- Glass bottles or containers
- All aerosols
- Any other item deemed a dangerous item as per the Chief Justice and Chief Magistrate's directions.

A person who surrenders an item to a security officer will be provided with a receipt for that item and may, in certain circumstances, retrieve the item upon leaving the buildings. If the security officer reasonably suspects that possession of the item may be unlawful in a public place (possible prohibited item), ACT Police must be contacted as soon as practicable to seek clarification. Any item suspected of being a prohibited item (not confirmed) cannot be returned to the owner without approval from the Sheriff.

4.4 Claiming surrendered dangerous items

A person wishing to claim dangerous items that have been surrendered to a security officer must produce the receipt that was issued to them at the time of surrendering the items. If the receipt has been lost, the person wishing to claim possession must provide sufficient evidence to establish their right of possession to the items.

4.5 Uncollected items

Any surrendered dangerous item must be collected before the close of business that day. Items not collected before the close of business on the day they are surrendered (excluding perishable items) will be retained for seven (7) days and if still uncollected, will be dealt with in accordance with the *Uncollected Goods Act (1996)*.

After seven (7) days non-perishable items (excluding illegal or prohibited items) are to be given to the Registry Manager of the ACT Law Courts and Tribunal to be dealt with in accordance with the *Uncollected Goods Act (1996)*. Perishable items may be disposed of at the end of the day on which they were surrendered.

The ACT Law Courts accept no responsibility for the proper storage of any perishable items.

5. Possession of religious items

Persons of Sikh faith may retain possession of a Kirpan while on court premises providing the following criteria is met:

- The blade is less than 7.5cm in length.
- Both the blade and the tip is to be dull and unlikely to cause any injury during general handling.
- The Kirpan is to remain sheathed and secreted under clothing at all times while on court premises.

The person in possession of the item is to be informed that failure to comply with any of the requirements will result in them being either denied entry into; or to be removed from court premises.

6. Prohibited or dangerous items that are exhibits

If a Police Officer, an officer from the Office of the Director of Public Prosecutions (DPP), a lawyer or an expert witness wishes to enter the premises with a prohibited or dangerous item for the purpose of tendering the item as evidence in a prosecution matter, the item must be declared at the screening point to a security officer. The person entering the premises with the exhibit must ensure that the item is rendered safe and labelled appropriately.

7. Emergency services entry into court premises

All Emergency Services staff, including Police Officers, will be given priority entry into the Law Courts building to attend to an emergency incident. In these circumstances, Emergency Services staff, including Police Officers, will be exempt from any security screening processes.

8. No weapons or accoutrements within court premises

Upon showing appropriate identification to a security officer, any Police Officers, Corrections Officers or Law Enforcement Agencies staff wishing to enter court premises with their firearms (not being an exhibit to be produced in court proceedings) must proceed immediately to the gun storage lockers within the relevant Court building and store the firearms in accordance with the ACT Police and AFP National Protocols and Agreements.

With the exception of handcuffs or other approved restraining devices, accoutrements cannot be carried into any ACT Courts or Tribunal premises beyond a screening point without the prior approval of the Chief Justice or the Chief Magistrate.

NOTE: In exceptional circumstances the Chief Justice or Chief Magistrate may consent to the carrying of a firearm or accoutrements in court premises. Requests by law enforcement agencies to carry accoutrements should be made through the Sheriff's Office.

9. Tradespeople

Under the public and private partnership of the ACT Law Courts, the private stakeholder will typically be responsible for coordinating trades and contractors (tradesperson).

9.1 Security cleared tradesperson

If a tradesperson has been security cleared and issued with a temporary access pass, they may enter court premises via staff entry points and move within the court premises without staff escort. If they enter the court via the public entry point, the tradesperson and any equipment or baggage in their possession will be subjected to standard screening processes.

A security cleared tradesperson must not enter a jury deliberation area while it is being used for a trial without a Sheriff's Officer being present. Additionally, a tradesperson is not authorized to enter chambers or work in any area associated with chambers without a staff escort unless an exemption has been granted by the Chief Justice, the Chief Magistrate or their delegate.

9.2 General tradesperson

Any tradesperson who has not been security cleared must be screened prior to entering court premises, including the screening of any equipment or baggage in their possession. Any tools or equipment that cannot pass through the x-ray machines will be subject to manual inspection by a security officer.

Any tradesperson or contractor who has not been security cleared, must be escorted by a staff member while on court premises, unless an exemption has been granted by the Principal Registrar, Supreme Court Registrar, Magistrates Court Registrar, or their delegate.

9.3 After hours court premises entry

It is the responsibility of the public partnership owner to coordinate after hours tradesperson entry into court premises. If the tradesperson has not been security cleared, they must be screened prior to entering court premises and escorted by staff at all times.

10. General service deliveries

All deliveries to any court premises are to be screened in accordance with this policy unless prior arrangements have been made with appropriate Court Staff. If there is any doubt as to whether a delivery can enter court premises without being screened, the Sheriff must be contacted.

11. Mail and parcel delivery handling

All mail and small parcel deliveries entering the Law Courts will be subject to the screening and vetting processes outlined in the ACT Justice and Community Safety Directorate Policy number, "JACS Policy 14", Safe and Secure Mail Handling.

Personal items addressed to a Judicial Officer are not to be opened but will be subjected to security screening through x-ray examination for dangerous items.

12. Review

This process will be reviewed within 2 years of commencement.

13. Enquiries

Any enquiries relating to this process can be directed to the Sheriff's Office, Security and Intelligence Coordinator.