

Conditions of Entry - Policy & Procedure

Effective: 25 August 2023

13.C.1 Hours of operation

Public access to the ACAT premises will generally be available from 9:00am to 4:30pm, Monday to Friday (except for public holidays or ACAT shutdown periods). Access to Tribunal Rooms and security screening may not operate or cease earlier if there are no Tribunal matters on.

The ACAT may open and operate outside of the normal hours where special arrangements have been made, in these circumstances standard security screening procedure will be conducted.

13.C.2 Security screening – general conditions

The ACAT's tribunal rooms are located post a security screening checkpoint, with its counter area located before security screening. Any persons seeking to access Tribunal Rooms, or any area post the security screening checkpoint, will be required to be security screened by a security officer.

Screening requirements may be enforced at an alternative ACAT premises not situated at Allara House, 15 Constitution Avenue, City, ACT, 2601, if the alternative premises is to be used for any ACAT function. The requirement for security screening at alternative premises is to be determined by approval by the ACAT President or Presidential Member.

You may be required by a security officer to provide your name, identification, and state the purpose of your visit.

It is a condition of entry that all persons wishing to enter the ACAT premises through the public entrance must comply with all security procedures and follow all reasonable directions from a security officer.

13.C.3 Exceptions to security screening

The following persons are exempt from security screening procedures:

- All Judges of the Supreme Court including visiting Judges.
- All Magistrates of the Magistrates' Court including Special Magistrates.
- The ACAT President and all Presidential, Senior and Ordinary Members of the ACAT.
- All current judicial officers visiting, for whatever purpose, the ACAT premises in the company of an ACAT staff member.
- All Emergency Services staff attending the ACAT premises in response to an emergency or security related incident.
- All ACTCT staff carrying identification.
- Any other person authorised by the ACAT President or Registrar.

13.C.4 Pregnant women

ACAT has been advised that walk through metal detectors currently in use do not pose a risk to a pregnant person. A pregnant person will be required to comply with entry security screening with the exception of hand-wand devices which may be dangerous to pregnant persons and **should not be used under any circumstances.**

13.C.5 Wheelchairs and mobility assistance devices

Persons entering the ACAT premises in wheelchairs or mobility assistance devices who are unable to proceed through security screening gateway without assistance, will instead be subject to a handheld wand screening process and a manual inspection of themselves and their wheelchair or mobility assistance device.

13.C.6 Child conveyances

Child conveyors such as strollers, prams, backpacks, and portable car restraints will, where capable of being conveyed through x-ray machines, be screened in the usual manner detailed in this policy. Child conveyors that cannot be x-rayed due to their physical size will be required to be screened manually in accordance with this policy.

13.C.7 People with pacemakers and similar medical devices

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

IMPORTANT: It should be noted that defibrillators should **not under any circumstances be scanned with the use of a hand-held wand.**

13.C.8 Vulnerable witnesses

Any person attending the ACAT as a vulnerable witness will be required to be screened in accordance with the normal screening procedures in the policy unless an exemption has been granted by the ACAT President or Registrar per clause 13.C.3 above.

13.C.9 Assistance animals

Any person with a disability is entitled to be accompanied by an approved assistance animal used to assist that person when entering any building or place open to, or used by, the public in accordance with the *Domestic Animals Act 2000* (ACT).

If a person attends the ACAT with an assistance animal and they do not require the use of a wheelchair or other mobility device, they are to be screened as per the standard process outlined in clause 13.C.5 above, unless an exemption has been granted by the President, Registrar or CEO (or their delegate).

If a person attends with an assistance animal, they may be asked to provide proof that the animal has been trained and registered as a support animal.

The ACAT President or Registrar may also approve a person attending tribunal premises accompanied by a pet not specifically trained as an assistance animal.

13.C.12 Personal and baggage screening

Unless exempted, any persons seeking to access ACAT's Tribunal Rooms, or any area post the security screening checkpoint, will be required to undergo a security screening process which involves the following:

- Removing loose items from their person and placing them in the trays provided, and then walking through a metal detector. At the discretion of security, the ACAT Registrar or their delegate, a person may also be required to remove their shoes.
- If the metal detector alarm sounds, the person will be asked by a security officer to remove any metal objects and place them in the trays provided and to walk through the metal detector a second time.
- If the metal detector alarm sounds again, security may use their discretion to have the person walk through the metal detector again or undertake manual screening via a hand-wand.
- 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 subjected to hand-wand screening.

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 may 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 tribunal 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.

13.C.13 Delays to entry into ACAT Premises

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

The Sheriff should also be notified.

Where the ACAT Registrar or their delegate has approved the manual screening procedure, priority access to ACAT may be provided to Legal Practitioners and Tribunal staff who present appropriate identification at the security screening point.

13.C.14 Manual security screening procedure

It is paramount that manual security screening procedure is as non-invasive as reasonably practical, while maintaining the security standard. Depending on the circumstances of a breakdown or failure of any part of the normal security screening system, manual screening will continue to utilise functioning security systems while supplementing the failure or breakdown with manual procedure.

The primary avenues of manual screening involve the use of hand-wand devices and physical inspection of baggage, all persons will follow reasonable directions and requests of security officers as part of the manual screening process.

13.C.15 Prohibited and dangerous items – seizure and surrender

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

Below are examples of prohibited items, the examples are not exhaustive and may also include any item which a security officer may reasonably believe to be prohibited or dangerous:

- Illicit drugs;
- Firearms;
- Explosives;
- Batons;
- Blades;
- Defensive sprays or munitions;
- Any item that would constitute an offence to possess in public.

The ACAT President or Registrar 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 identified during the course of any screening procedure, the person in possession of the dangerous item will be asked to either:

1. Surrender the item to a security officer for the duration of their attendance at the ACAT Premises; or
2. Be refused entry to the ACAT Premises.

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

- Knives;
- Scissors;

- Syringes (not including syringes required for medical reasons, e.g. EpiPens, insulin shots, etc.);
- Multi-tools;
- Glass bottles or containers, other than vessels with a capacity of 100mls or less, such as perfume bottles;
- Items with capacity or dimensions of potential projectiles with reasonable prospects of causing harm;
- All aerosols;
- Any other item deemed a dangerous item as per the ACAT President or Registrar's directions.

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

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

Any surrendered dangerous item must be collected before close of business on the same day it was surrendered. Items not collected on the same day of surrender will be retained for a further seven (7) days, after which the item or items will be provided to the ACAT Registrar or their Delegate to be dealt with in accordance with the *Uncollected Goods Act 1996*. Perishable items which have been surrendered may be disposed of if not reclaimed by close of business on the day of surrender.

13.C.16 Possession of religious items

Persons of Sikh faith may retain possession of a Kirpan while attending ACAT Premises providing the following requirements are 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 handling;
- The Kirpan is to be declared to a security officer upon entry to the ACAT Premises or during security screening procedure; and
- The Kirpan is to remain sheathed and concealed under clothing at all times while attending ACAT Premises.

The person in possession of the Kirpan is to be informed by a security officer that failure to comply with any these requirements will result in them being denied entry to the ACAT Premises or being removed from the ACAT Premises.

13.C.17 Prohibited or dangerous items that are exhibits or evidence

If a police officer, a lawyer, party to a proceeding, or an expert witness wishes to enter the ACAT Premises with a prohibited or dangerous item for the purpose of tendering the item as evidence in an ACAT matter, the item must be declared to a security officer at the screening point who may choose to screen the item.

Security should then take the item, with the accompanying person, to the ACAT counter. The ACAT registry staff are to take the item to the relevant Tribunal Room and provide it to the presiding member. Where possible, ACAT users should give ACAT registry advance notice of any intention to bring prohibited or dangerous items to ACAT for the purpose of exhibiting the item as evidence.

13.C.18 Emergency services entry into ACAT Premises

All emergency services personnel, including police officers, will be given priority entry into the ACAT Premises to attend an emergency incident. In the event of an emergency incident, emergency personnel will be exempt from any security screening process.

In the event of an emergency incident security officers will ensure emergency personnel have unfettered access to the ACAT Premises to respond to the emergency incident.

13.C.19 No weapons or accoutrements within ACAT Premises

Any police officers, corrections officers, or law enforcement agencies staff seeking to enter the ACAT Premises with their firearms must provide identification to a security officer and security is to escort them immediately to the gun storage lockers to store their accoutrements 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 on ACAT Premises beyond a security screening point without the prior approval of the ACAT President or Registrar.

An exception is given for the express purpose of storing the accoutrements at the ACAT gun storage lockers or being contacted by ACAT to respond to an incident requiring police attendance.

13.C.20 Tradespeople and external contractors (tradespeople)

Tradespeople undertaking work on ACAT premises should attend the security control room to sign in and out. If there are works occurring outside of business hours, ACAT Security should be notified in advanced (except in an emergency).

If the contractor is not on the approved non-escorted list, ACAT security should contact the ACTCT Property & Contracts team to coordinate access.

If the tradesperson is a contractor of PFM, they will be responsible for coordinating access.

General tradespersons

Except in emergencies, any tradesperson or contractor must be escorted by a staff member or PFM while on the ACAT premises (including non-Tribunal room floors), unless they have non-escort approval, or exemption has been granted by the Principal Registrar, ACAT Registrar or Senior Director, ACAT Operations.

Approved tradespersons and external contractors

If a tradesperson is on a non-escort approved list and issued with an access pass, they may enter ACAT premises via staff entry points and move within the tribunal premises, within the boundaries

of their approval, without staff escort. If they enter the ACAT via the public entry point, the tradesperson and any equipment or baggage in their possession will be subjected to standard screening processes.

13.C.21 General service deliveries

All deliveries to the public ACAT Premises are to be screened in accordance with this policy unless prior arrangements have been made with appropriate ACAT Staff. If there is any doubt as to whether a delivery can enter ACAT Premises without being screened, the ACAT Registrar, Senior Director, ACAT Operations or the Sheriff must be contacted.

13.C.22 Mail and parcel delivery

All mail and small parcels delivered via postal services will be subject to the screening and vetting processes outlined in the Justice and Community Safety Directorate *"Safe and Secure Mail Handling"* Policy and will generally be opened by the Courts services provider before being delivered to ACAT.

13.C.23 Lodgements and items received over the counter

As a public counter, ACAT will receive lodgements and other items directly over the counter from members of the public and any persons like couriers.

Staff members should assess any envelope or package for risk and treat any unopened package with caution.

If a person attends the counter with a large envelope or package, if the envelope is not opened, they should be asked to open the package, so ACAT staff can visually inspect its contents before accepting it. If a person cannot open it, the person should be directed to provide the package to security screening point, so it can be placed through the x-ray machine.

ACAT can direct any other envelope or package to be screened at their discretion.

Personal items addressed to an ACAT Member or staff will be treated in accordance with any other mail, until staff are satisfied that the item is personal in nature.

13.C.24 Review

This policy and procedure is to be reviewed within 6 months of commencement and every 2 years thereafter.

The review is the responsibility of the Senior Director, ACAT Operations and Senior Director, ACTCT Property and Contracts.

13.C.25 Enquiries

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