Handheld scanners in schools - guidelines

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# Policy statement

The Department of Education and Training (the department) is committed to providing safe school environments for students, staff members and the community, and supporting police to disrupt and reduce weapon-related violence.

Northern Territory Police (NTP) use of handheld scanners (scanners) is intended to make public places, including our schools, safer and to reduce knife crime and violence with weapons. Part VII, Division 1C of the *Police Administration Act 1978* (PAA) gives NTP members (police) the power to require any person in an affected place to stop and submit to a scan conducted with a scanner when certain criteria is met, for a period of up to 72 hours. An affected place could be a public place, on public transport, or in a school. Police can scan adults, as well as youth and children of any age without a parent or guardian present.

The department respects, values and celebrates religious and cultural beliefs and recognises the right to equality of opportunity for all school community members. Under the Anti-Discrimination Act 1992, the department has a positive duty to eliminate discrimination based on a number of protected attributes which includes but is not limited to age, disability, race, sex and religious belief or activity to the greatest extent possible in Northern Territory (NT) Government schools.

This document provides guidance on NTP use of scanners on NT Government school sites.

# Scope

These guidelines apply to NT Government gazetted school sites and other department school sites providing education managed by an NT Government principal. This includes NT Government operatedearly childhood education and care services, out of school hours care services, boarding facilities, special programs and any other educational services operating on these sites.

These guidelines apply to any person on an NT Government school site, including students, staff and visitors.

This policy does not apply to third party services operating on NT Government School sites.

# Handheld scanners in schools guidelines

Scanners are active devices used to detect metallic ferrous, non-ferrous, and stainless steel weapons, contraband or other metal objects concealed or carried on a person. Scanners have both visual and silent vibrating alarms.

## Criteria for police to issue a handheld scanner authority

NTP can issue a scanner authority under the following circumstances:

* 1. the approved member, minimum rank Senior Sergeant, considers using scanners in the affected place will likely be effective to deter or detect the commission of an offence involving the possession or use of a firearm, controlled weapon or prohibited weapon; and
     1. in the previous 6 months an offence was committed in the school within an affected area involving either; the possession or use of a firearm, a controlled weapon or prohibited weapon, a violent offence, or more than one weapon offence was committed; or
     2. the approved member, having regard to any intelligence or other available information, has reasonable grounds to suspect that an offence involving a firearm, controlled weapon or prohibited weapons is likely to occur within the period of the proposed authority within the next 72 hours.
  2. the affected place is no larger than the approved member considers to be reasonably necessary to deter or detect unlawful possession of weapons and the authority period cannot exceed 72 hours.

# Consent for police to enter an NT Government school site and operate a scanner

Schools are not public places. Trespass laws, including trespass common law, apply. Where there is no statutory power for police to enter, police, like any other members of the community, require consent to enter and to remain on the site. Any person authorised to give consent can also withdraw the consent and police must leave.

Consent to enter a school site for the purposes of scanning is provided by the principal or the next most senior school leader available where the principal is not available, known as the nominated responsible officer (NRO). Consent is provided to the NTP rather than to individual police members. Consent can be provided verbally to the approved member but must be followed with written communication of the consent to enter a school site form (the consent form). The approved member or case officer must exchange email contact details with the principal or NRO and provide a copy of the scanner authority.

If the boundaries of a proposed scanner authority include a school site, but there is no intention to use scanners on the school site, no consent is required. Consent must be obtained, and a scanner authority issued prior to the use of scanners on a school site.

If NTP have sufficient grounds and circumstances to warrant entry and search under current statutory powers, no scanner authority or consent from the school is required. Police currently have the power to enter a school and search for weapons under section 119AA of the PAA.

## Consent record keeping

The department must provide written consent to NTP, as NTP must have documentary evidence of consent in case evidence as required for prosecutions, other court proceedings, complaints, or other documentary requirements. The department is also required to keep a copy of the written consent and scanner authority.

The approved member will provide a copy of the scanner authority to the principal or NRO’s nominated email address.

The principal or NRO must complete the consent form and:

* Email the completed consent form to the address provided by the approved member or provide it as a hard copy.
* Email the completed consent form and the scanner authority provided by the approved member to the Senior Director School Operations ([osdso@education.nt.gov.au](mailto:osdso@education.nt.gov.au)).

## Period and place of consent

The period of consent for the use of a scanner at a school site cannot exceed 72 hours and must be stated on the consent form. Schools should seek advice from NTP if a period shorter than 72 hours is appropriate.

The place of consent is the affected place recorded on the scanner authority within the bounds of the school site.

## Application of handheld scanner

Once NTP have consent to enter a school site for scanning, police may, without a warrant, require a person in the school to stop and submit to the use of a scanner.

Police may select persons at random however, a person or group of persons may be identified for scanning because their behaviours cause police or the public to have ongoing concerns for safety. Scanners are used to scan a person and their belongings by passing the scanner close to the person’s body and belongings.

A young person can request that a parent or support person be present during scanning however scanning may go ahead without a parent or support person if the officer:

* reasonably believes the search needs to be a carried out as a matter of urgency, or
* that a delay to allow a parent or support person to be present would create an unacceptable risk of harm to the youth or another person, or the loss or destruction of evidence.

A support person might be a responsible adult with parental responsibility, or other support persons listed in section 35 of the *Youth Justice Act 2005.*

## When metal is indicated or detected

If the scanner indicates metal, police may require the person to:

* produce the item that may be causing the scanner to indicate metal
* resubmit to the use of the scanner.

Police do not have power under a scanner authority to require a person to empty out their pockets or property. The power to use a scanner is limited to requiring production of the metal item that may be indicated.

In the event the student is in possession of a prohibited weapon or firearm, the weapon will be removed, where safe to do so, and the student’s parents will be informed. Refer to the weapons in schools guidelines and the management of weapon related incidents in schools procedure chart for more details.

## Search of a person when a scanner indicates or detects metal

A scanner authority does not authorise police to search a person. However, police can exercise their search powers without a warrant under section 119AA of the PAA or section 19 of the *Weapons Control Act 2001* if they have reasonable grounds to suspect the person is unlawfully possessing a restricted weapon. Reasonable grounds include if a person fails to:

* Comply with a direction to stop and submit to the use of a scanner.
* Produce the object that may be causing a positive indication of metal.
* Resubmit to a scan without reasonable excuse.

When the power to search is exercised in a school, it must be in compliance with the requirements of the Youth Justice Act and having regard for the agreed Law enforcement protocols in [Police in NT Government schools | Department of Education and Training](https://education.nt.gov.au/policies/health-safety/police-in-nt-government-schools).

# Roles and responsibilities

## Principals

Principals are responsible for:

* Ensuring all school staff members, students and parents are aware of the guidelines and procedures regarding scanning in schools.
* Notifying the Senior Director School Operations as soon as practicable following NTP issuing a scanner authority.
* Notifying families and the school community when an affected area has been declared that includes their school site.
* Notifying Quality Education and Care NT where incidents have occurred in a regulated service, for example a preschool or an outside school hours care service operating on a school site.

## NT Police

NTP are responsible for:

* Ensuring that police are aware of the relevant policies, procedures and supporting documents.
* Communicating with the principal or NRO and seeking consent to enter the school site to undertake scanning operations.
* Ensuring that scanner operations occur in line with relevant legislation, policies and procedures.

## School Operations

The relevant regional Director School Operations will record this on the incident register and progress a newsflash if required.

## School staff

School staff members are responsible for:

* Informing the principal or the NRO in circumstances where they suspect that a student or individual on a school site has possession of a weapon or may be involved in a weapon related incident or offence.

## Students

Students are responsible for:

* Ensuring they comply with the school’s code of conduct.
* Not being in the possession of a weapon on school sites.
* Immediately advising a school staff member if they find a weapon on a school site or become aware of a potential weapon in the possession of a student or adult on a school site.

# Definitions

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| Term | Definition |
| Affected place | An affected place is a suspected offence area, a high risk area, or a public transport facility and public transport vehicles travelling to and from the public transport facility for which a scanner authority is proposed to be issued. |
| Approved member | A member of the NTP of or above the rank of Senior Sergeant. |
| Child | Is a person under the age of 18 years of age. |
| Controlled weapon | (a) A knife or axe, other than a knife or axe that is a prohibited weapon, or  (b) an article that is prescribed by regulation to be a controlled weapon.  See section 9.1 below for more details. |
| Handheld scanner authority (scanner authority) | An authority issued under section 116KB of the PAA authorising the use of a handheld scanner in an affected place for a specified period. |
| Nominated responsible officer | The principal or the next most senior school leader available when consent is required in cases where the principal in unavailable. This will be the most senior acting principal, assistant principal or senior teacher on the school site. If none of these are available, consent must be sought from the relevant regional Senior Director Education. |
| Prohibited weapon | Prohibited weapon means an article prescribed by regulation to be a prohibited weapon. |
| School site | NT Government gazetted school sites and other school sites occupied by the department for the purpose of providing education, where a NT Government principal has been appointed with responsibility for that site. This includesearly childhood education and care settings, out of school hours care programs, boarding facilities, special programs and any other educational services operating on these sites. Palmerston Youth Skills Centre is not a school site. |
| School staff | All NT Public Service employees and school body employees providing services on a school site. |
| Support person (in relation to a youth) | A support person is a responsible adult with parental responsibility, or other support persons as defined in section 35 of the Youth Justice Act 2005. |
| Weapon | An object or instrument designed or used for inflicting bodily harm or physical damage. All weapons that are controlled or prohibited are listed in section 8 below.  An item carried by a student for ceremonial religious, cultural reasons or lessons may be considered as a weapon for the purpose of these guidelines where a student uses it as a weapon. |
| Violent offence | An offence against the *Criminal Code Act 1983* involving the use, or threatened use, of violence against a person. |
| Visitor | Any individual on the premises of a school site, other than enrolled students and school staff members, including but not limited to students’ family members, artists, religious instructors, sports instructors, mentors, coaches, community representatives, guest speakers, service providers, volunteers or staff from a registered training organisation. |

# Acronyms

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| Acronym | Full form |
| NRO | Nominated responsible officer |
| NT | Northern Territory |
| NTP | Northern Territory Police |
| PAA | Police Administration Act 1978 |

# Related legislation, policy and resources

## Legislation

* *Anti-Discrimination Act 1992* – <https://legislation.nt.gov.au/Legislation/ANTIDISCRIMINATION-ACT-1992>
* *Criminal Code Act 1983* – <https://legislation.nt.gov.au/en/Legislation/CRIMINAL-CODE-ACT-1983>
* *Education Act 2015* – <https://legislation.nt.gov.au/Legislation/EDUCATION-ACT-2015>
* *Education and Care Services (National Uniform Legislation) Act 2011* – <https://legislation.nt.gov.au/Legislation/EDUCATION-AND-CARE-SERVICES-NATIONAL-UNIFORM-LEGISLATION-ACT-2011>
* *Firearms Act 1997* – <https://legislation.nt.gov.au/Legislation/FIREARMS-ACT-1997>
* *Police Administration Act 1978 -* [*https://legislation.nt.gov.au/Legislation/POLICE-ADMINISTRATION-ACT-1978*](https://legislation.nt.gov.au/Legislation/POLICE-ADMINISTRATION-ACT-1978)
* [Police in NT Government schools | Department of Education and Training](https://aus01.safelinks.protection.outlook.com/?url=https%3A%2F%2Feducation.nt.gov.au%2Fpolicies%2Fhealth-safety%2Fpolice-in-nt-government-schools&data=05%7C02%7Cdean.brown1%40education.nt.gov.au%7C3b3c90f1fa084437210e08dd14b42337%7C6adff6fb1ad14b95bb8fac8c0e8f1a77%7C0%7C0%7C638689486094889857%7CUnknown%7CTWFpbGZsb3d8eyJFbXB0eU1hcGkiOnRydWUsIlYiOiIwLjAuMDAwMCIsIlAiOiJXaW4zMiIsIkFOIjoiTWFpbCIsIldUIjoyfQ%3D%3D%7C0%7C%7C%7C&sdata=1w12%2BFrn6DwbZTyy939cxo%2FI63sS42we8WYtPhvFKu8%3D&reserved=0)
* *Trespass Act 2023* – <https://legislation.nt.gov.au/Legislation/TRESPASS-ACT-2023>
* *Weapons Control Act 2001* – <https://legislation.nt.gov.au/Legislation/WEAPONS-CONTROL-ACT-2001>
* Weapons Control Regulations 2001 – <https://legislation.nt.gov.au/Legislation/WEAPONS-CONTROL-REGULATIONS-2001>
* *Work Health and Safety (National Uniform Legislation) Act 2011* – <https://legislation.nt.gov.au/Legislation/WORK-HEALTH-AND-SAFETY-NATIONAL-UNIFORM-LEGISLATION-ACT-2011>
* *Youth Justice Act 2005 –* [*https://legislation.nt.gov.au/Legislation/YOUTH-JUSTICE-ACT-2005*](https://legislation.nt.gov.au/Legislation/YOUTH-JUSTICE-ACT-2005)

## Policy

* Codes of conduct for education sites and workplace participants policy and procedures – <https://education.nt.gov.au/policies/conduct#codes_of_conduct_for_education_sites_and_workplace_participants>
* Student wellbeing and positive behaviour policy – <https://education.nt.gov.au/policies/health-safety/behaviour-and-wellbeing>
* Weapons in schools – guidelines - [https://education.nt.gov.au/policies/school-operations#weapons-in-schools](https://education.nt.gov.au/policies/school-operations%23weapons-in-schools)

## Resources

* Charter for schools, parents, carers and families – [Let’s keep school safe for everyone | Department of Education and Training](https://education.nt.gov.au/parents-and-carers/lets-keep-school-safe-for-everyone)
* Management of weapon related incidents in schools – procedure chart – [https://education.nt.gov.au/policies/school-operations#weapons-in-schools](https://education.nt.gov.au/policies/school-operations%23weapons-in-schools%20)
* Police in NT Government schools – <https://education.nt.gov.au/policies/health-safety/police-in-nt-government-schools>
* Quality Education and Care NT (QECNT) – <https://education.nt.gov.au/committees,-regulators-and-advisory-groups/quality-education-and-care-nt>
* Safe Schools NT – Code of behaviour – [Let’s keep school safe for everyone | Department of Education](https://education.nt.gov.au/parents-and-carers/lets-keep-school-safe-for-everyone)

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