

29 August 2025

**Criminal Law Branch (Legislation, Policy & Programs Division)**

Justice and Community Safety Directorate | ACT Government

By email: [REDACTED]

Dear Criminal Law Branch

**Review of operation of section 70 (Strip search on admission) of the Corrections  
Management Act 2007**

The ACT National Preventive Mechanism (ACT NPM) welcomes the opportunity to make this submission to the review of operation of s 70 (Strip search on admission) of the [Corrections Management Act 2007](#) (the CM Act).

The ACT NPM comprises the Human Rights Commission, the Custodial Inspector and the ACT Ombudsman and is responsible for undertaking regular preventive visits to places of detention within the ACT under the Optional Protocol to the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (OPCAT).

Under OPCAT, the ACT NPM has unfettered access to all places of detention and detained people, can make recommendations about treatment and conditions and can submit proposals on legislation. In carrying out our preventive mandate there is a need not only to address problems observed in relation to specific institutions but to consider the criminal justice system as a whole and the local conditions that influence its functioning in practice.<sup>1</sup>

The [Corrections and Sentencing Legislation Amendment Act 2022](#) (the amending Act) which commenced on 22 June 2023, amended s 70 of the CM Act to allow a routine strip search to be conducted upon admission to a correctional centre without having

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<sup>1</sup> United Nations Subcommittee on Prevention of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, Eighth annual report of the Subcommittee on Prevention of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, CAT/C/54/2 (26 March 2015) [83].

grounds to suspect the person deprived of liberty is concealing seizable items or believe it is prudent to conduct the search.

The ACT Inspector of Custodial Services has previously noted that:

The practice of mandatory strip searching is ... inconsistent with the [Human Rights Act 2004]. Strip searching engages and limits the right to humane treatment when deprived of liberty (s 19), protection from cruel, inhuman or degrading treatment (s 10), and the right to privacy (s 12). These rights can be limited but only where they are 'reasonable limits set by laws that can be demonstrably justified in a free and democratic society' ... (s 28).<sup>2</sup>

In providing justification for a departure from the general principle of using the least intrusive kind of search and conducting searches in the least intrusive way (as per s 108 of the CM Act), the Explanatory Statement reads:

It is necessary that searches conducted during a detainee's initial admission to a correctional centre can identify the widest range of concealed items. By ensuring that a thorough search and risk assessment can be conducted upon a detainee's admission, the amendment will reduce the opportunities for dangerous contraband such as drugs and weapons to enter a correctional centre and enable prison authorities to gain a better understanding of detainees' health in order to reduce risks of self-harm and harm to others.<sup>3</sup>

As recognised in the Legislative Assembly debate ahead of the passing of the amending Act, '[t]o make an intrusive and potentially traumatic procedure the default by legislation is not something that should be done lightly.'<sup>4</sup> In practice, strip searching is highly intrusive but highly ineffective: contraband is very rarely found.

In this submission we argue that the relevant provisions of the amending Act approving the routine use of strip searching on admission should be repealed and a preference

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<sup>2</sup> Australian Capital Territory Inspector of Custodial Services (24 September 2021), *Report of a review of a critical incident: Use of force to conduct a strip search at the Alexander Maconochie Centre on 11 January 2021*, 16. <[https://www.ics.act.gov.au/\\_data/assets/pdf\\_file/0009/1854351/9a6224324c4d6a0286d51ccc79da3e6681bbf59b.pdf](https://www.ics.act.gov.au/_data/assets/pdf_file/0009/1854351/9a6224324c4d6a0286d51ccc79da3e6681bbf59b.pdf)>.

<sup>3</sup> Legislative Assembly for the ACT (30 November 2022). CORRECTIONS AND SENTENCING LEGISLATION AMENDMENT BILL 2022 EXPLANATORY STATEMENT and HUMAN RIGHTS COMPATIBILITY STATEMENT. <[https://www.legislation.act.gov.au/View/es/db\\_66975/20221130-80087/html/db\\_66975.html](https://www.legislation.act.gov.au/View/es/db_66975/20221130-80087/html/db_66975.html)>.

<sup>4</sup> Legislative Assembly for the ACT (7 June 2023). *Hansard Debate*, 1727 Emma Davidson MLA, Assistant Minister for Families and Community Services, Minister for Disability, Minister for Justice Health, Minister for Mental Health and Minister for Veterans and Seniors. <<https://www.hansard.act.gov.au/hansard/10th-assembly/2023/HTML/week06/pi1705-pi1800.htm#pi1727>>. Accessed 13 August 2025.



towards the use of alternative technology-enabled search methods on admission be made, with strip searching only being used in very limited circumstances. The impact of recently installed body scanning technology at the Alexander Maconochie Centre (AMC) suggests this change has already begun, which severely undermines the justification for the amendments.

### **Applicable international standards and findings regarding Australia**

The United Nations Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules) stipulate that strip searches should be conducted only when ‘absolutely necessary’ and prison administrations should be encouraged to develop and use appropriate alternatives.<sup>5</sup> The United Nations Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders (the Bangkok Rules) set out further specifications related to the treatment of women during strip searching, including that searches shall only be carried out by female officers and alternative screening methods be explored to replace strip searching.<sup>6</sup>

In its concluding observations on the eighth periodic report of Australia in 2018, the United Nations Committee on the Elimination of Discrimination against Women urged Australia to replace strip searches with alternative screening methods for women in detention.<sup>7</sup>

In its concluding observations on the sixth periodic report of Australia in 2022, the United Nations Committee Against Torture additionally urged Australia to cease the routine practice of strip-searching for all people deprived of liberty.<sup>8</sup>

The United Nations Subcommittee on Prevention of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (UN SPT) further observed that, within Australia, ‘[t]he use of strip-searches, taking into account elements of regularity and

<sup>5</sup> Rule 52, *The United Nations Standard Minimum Rules for the Treatment of Prisoners* (the Nelson Mandela Rules) <[https://www.unodc.org/documents/justice-and-prison-reform/Nelson\\_Mandela\\_Rules-E-ebook.pdf](https://www.unodc.org/documents/justice-and-prison-reform/Nelson_Mandela_Rules-E-ebook.pdf)>.

<sup>6</sup> Rule 19-21, *The United Nations Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders* (the Bangkok Rules) <<https://www.ohchr.org/en/instruments-mechanisms/instruments/united-nations-rules-treatment-women-prisoners-and-non-custodial>>.

<sup>7</sup> United Nations Committee on the Elimination of Discrimination against Women (25 July 2018). Concluding observations on the eighth periodic report of Australia, CEDAW/C/AUS/CO/8 [56(e)].

<sup>8</sup> United Nations Committee Against Torture (5 December 2022). Concluding observations on the sixth periodic report of Australia, CAT/C/AUS/CO/6 [32(f)].



invasiveness, may amount to degrading treatment'.<sup>9</sup> The UN SPT recommended that strip searching be limited to exceptional cases and 'if such searches are carried out, they are accompanied at a minimum by a reasonable suspicion of wrongdoing, and that the criteria of necessity, reasonableness and proportionality are met.'<sup>10</sup>

### Arbitrary strip searching

Strip searching is likely to engage several human rights protected in the [Human Rights Act 2004](#) (HR Act). As an ACT public authority, ACT Corrective Services (ACTCS) must act compatibly with human rights (the substantive obligation) and give proper consideration to human rights when making decisions (the procedural obligation). Both these obligations are relevant to a decision to strip search a person deprived of their liberty.

Rights may generally be subject to reasonable limits set by laws that can be demonstrably justified by ACTCS in accordance with s 28 of the HR Act.

While by its nature, every strip search may constitute some form of degrading treatment, the manner of a particular strip search will also be relevant as to whether the search is an unreasonable limitation on the rights to humane treatment when deprived of liberty (s 19 of the HR Act), or even the protection from cruel, inhuman or degrading treatment (s 10 of the HR Act). For example, the ACT Custodial Inspector has previously completed a critical incident review of a use of force by Corrections Officers while attempting to strip search an Aboriginal woman in January 2021.<sup>11</sup> The review found that there had been no proper consideration of human rights in making the decision to attempt to forcibly remove the detained person's clothes, and in the detained woman's own words, the nature and circumstances of the strip search were

<sup>9</sup> United Nations Subcommittee on Prevention of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (20 December 2023). Visit to Australia undertaken from 16 to 23 October 2022: recommendations and observations addressed to the State party, CAT/OP/AUS/ROSP/1 [58].

<sup>10</sup> United Nations Subcommittee on Prevention of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (20 December 2023). Visit to Australia undertaken from 16 to 23 October 2022: recommendations and observations addressed to the State party, CAT/OP/AUS/ROSP/1 [59].

<sup>11</sup> Australian Capital Territory Inspector of Custodial Services (24 September 2021), *Report of a review of a critical incident: Use of force to conduct a strip search at the Alexander Maconochie Centre on 11 January 2021*. <[https://www.ics.act.gov.au/\\_data/assets/pdf\\_file/0009/1854351/9a6224324c4d6a0286d51ccc79da3e6681bbf59b.pdf](https://www.ics.act.gov.au/_data/assets/pdf_file/0009/1854351/9a6224324c4d6a0286d51ccc79da3e6681bbf59b.pdf)>.



degrading, leading to feelings of fear and shame.<sup>12</sup> The effects of strip searching on people deprived of their liberty is discussed further below.

In addition to the manner of a strip search, the amendments raise the possibility that the mere routine nature of the practice may constitute an unreasonable limitation on rights. For example, the right to privacy protects individuals from interference which is arbitrary or unlawful. A search will be arbitrary where it is capricious, or has resulted from conduct that is not proportionate to the legitimate aim sought.<sup>13</sup>

Strip searching people deprived of their liberty routinely without suspicion risks such searches being an arbitrary limitation on rights (even if lawful under the CM Act). For example, the Victorian Court of Appeal has found that mandatory strip searching of a person deprived of their liberty prior to a random urine sample was not a reasonably justifiable limitation on a person's privacy and dignity rights, as the detaining authority did not provide evidence that less intrusive options had been considered, or whether they would be less or more effective, such as x-ray body scans<sup>14</sup>.

### Strip searching is harmful

The potential harm of strip searching (routine or otherwise) to women deprived of their liberty in particular, is well documented. A significant number of women entering custody have been victims of violence and sexual or emotional abuse and may find the experience of being strip searched upsetting, traumatic or akin to sexual abuse.<sup>15</sup>

<sup>12</sup> Australian Capital Territory Inspector of Custodial Services (24 September 2021), *Report of a review of a critical incident: Use of force to conduct a strip search at the Alexander Maconochie Centre on 11 January 2021*, 32. <[https://www.ics.act.gov.au/\\_data/assets/pdf\\_file/0009/1854351/9a6224324c4d6a0286d51ccc79da3e6681bbf59b.pdf](https://www.ics.act.gov.au/_data/assets/pdf_file/0009/1854351/9a6224324c4d6a0286d51ccc79da3e6681bbf59b.pdf)>.

<sup>13</sup> *Thompson v Minogue* [2021] VSCA 358 [221].

<sup>14</sup> *Thompson v Minogue* [2021] VSCA 358 [352] – [354].

<sup>15</sup> See for example, New South Wales Inspector of Custodial Services (February 2020). *Women on remand*, 12.

<<https://inspectorcustodial.nsw.gov.au/documents/inspection-reports/women-on-remand.pdf>>; Anti-Discrimination Commission Queensland (2006). *Women in Prison: A Report by the Anti-Discrimination Commission Queensland*, 72. <[https://www.qhrc.qld.gov.au/\\_media/documents/reports/WIP\\_report.pdf](https://www.qhrc.qld.gov.au/_media/documents/reports/WIP_report.pdf)>; Yoorook Justice Commission (August 2023). *Yoorook for Justice: Report into Victoria's Child Protection and Criminal Justice Systems*, 375.

<<https://cdn.craft.cloud/06ad3276-b3d9-4912-bcbb-37795aade9a8/assets/documents/Yoorook-for-justice-report.pdf>>; Queensland Ombudsman (September 2014). *An investigation into the strip search practices at Townsville Women's Correctional Centre*, 5–6.

<[https://www.ombudsman.qld.gov.au/ArticleDocuments/239/The\\_strip\\_searching\\_of\\_female\\_prisoners\\_report.pdf.aspx?Embed=Y](https://www.ombudsman.qld.gov.au/ArticleDocuments/239/The_strip_searching_of_female_prisoners_report.pdf.aspx?Embed=Y)>; Queensland Inspector of Detention Services (March 2025) Southern Queensland Correctional Centre inspection report, 66.

<<https://www.ombudsman.qld.gov.au/ArticleDocuments/591/SQCC%20inspection%20report%202025%20-%20PUBLIC.pdf.aspx?embed=Y>>; Australian Human Rights Commission (09 October 2020). *Wiyi Yani U Thangani*



The United Kingdom moved to a targeted, intelligence-based approach to strip searching after a 2007 report described regular strip searching of women as ‘wholly unacceptable’. The report stated:

Strip-searching is humiliating, degrading and undignified for a woman and a dreadful invasion of privacy. For women who have suffered past abuse, particularly sexual abuse, it is an appalling introduction to prison life and an unwelcome reminder of previous victimisation. It is unpleasant for staff and works against building good relationships with women.<sup>16</sup>

Routine strip searching is also disproportionately used on Aboriginal and Torres Strait Islander people deprived of their liberty. In its 2022 Healthy Prison Review of the AMC, the ACT Inspector of Custodial Services found that of the 4,077 strip searches conducted in the ACT between 2021–2022; 30% were undertaken on Aboriginal and Torres Strait Islander males and 58% on Aboriginal and Torres Strait Islander women.<sup>17</sup>

The QLD Human Rights Commission, in its 2023 review of strip searching in women’s prisons, also highlighted that additional vulnerabilities may be faced by Aboriginal and Torres Strait Islander people deprived of liberty from remote communities:

Significant communication barriers exist for many First Nations prisoners who come from remote communities and whose first language is not English. The language barrier, coupled with cultural differences, makes understanding the process of a strip search more difficult.<sup>18</sup>

The harmful impacts of strip searching are not only limited to people deprived of liberty but extends to staff. Strip searches have a significant impact on corrective services

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(Women’s Voices): *Securing Our Rights, Securing Our Future Report*, 201.

<[https://humanrights.gov.au/sites/default/files/document/publication/ahrc\\_wiyi\\_yani\\_u\\_thangani\\_report\\_2020.pdf](https://humanrights.gov.au/sites/default/files/document/publication/ahrc_wiyi_yani_u_thangani_report_2020.pdf)>.

<sup>16</sup> Home Office (UK) (2007). *The Corston Report: A Report by Baroness Jean Corston of a Review of Women with Particular Vulnerabilities in the Criminal Justice System*, 31.

<<https://webarchive.nationalarchives.gov.uk/ukgwa/20130206102659/http://www.justice.gov.uk/publications/docs/corston-report-march-2007.pdf>>.

<sup>17</sup> Australian Capital Territory Inspector of Custodial Services (November 2022), *Healthy Prison Review of the Alexander Maconochie Centre 2022*, 42. <[https://www.ics.act.gov.au/\\_data/assets/pdf\\_file/0006/2111964/11432R-ACT-ICS-Healthy-Prison-Review-Nov-2022\\_tagged\\_FA-updated.pdf](https://www.ics.act.gov.au/_data/assets/pdf_file/0006/2111964/11432R-ACT-ICS-Healthy-Prison-Review-Nov-2022_tagged_FA-updated.pdf)>.

<sup>18</sup> Queensland Human Rights Commission (September 2023). *Stripped of our dignity: A human rights review of policies, procedures, and practices relating to strip searches of women in Queensland prisons*, 94.

<[https://www.qhrc.qld.gov.au/\\_data/assets/pdf\\_file/0007/45187/QHRC\\_StrippedOfOurDignity\\_FullReport.pdf](https://www.qhrc.qld.gov.au/_data/assets/pdf_file/0007/45187/QHRC_StrippedOfOurDignity_FullReport.pdf)>.



officers, both in terms of physical risk, such as the potential for assault, and mental well-being, including the risk of vicarious trauma.<sup>19</sup>

The QLD Human Rights Commission's review found officers consistently expressed their dislike of strip searching, considering it to be one of the worst aspects of their job, with some considering it one of the most high-risk tasks they perform.<sup>20</sup> Staff members additionally recognised that strip searching erodes trust between people deprived of liberty and staff members and was especially challenging for them if they had established a rapport with the person deprived of liberty or knew them well.<sup>21</sup>

In a 2019 review on strip searching by the WA Inspector of Custodial Services, 523 responses were received from a staff survey gauging their perceptions of the effectiveness of strip searches.<sup>22</sup> 1 in 10 respondents reported they had been assaulted while conducting a strip search.<sup>23</sup>

### **Routine strip searching is ineffective**

The ineffectiveness of routine strip searching as a means of contraband detection is well evidenced within Australia jurisdictions.

In 2014 the QLD Ombudsman investigated Townsville Women's Correctional Centre's routine strip searching of all women deprived of liberty, and receiving a certain class of restricted medication. Between June 2013 and March 2014, approximately 1,000 strip searches were conducted, and 0 items of contraband were found.<sup>24</sup>

<sup>19</sup> Queensland Human Rights Commission (September 2023). *Stripped of our dignity: A human rights review of policies, procedures, and practices relating to strip searches of women in Queensland prisons*, 117.

<[https://www.qhrc.qld.gov.au/\\_data/assets/pdf\\_file/0007/45187/QHRC\\_StrippedOfOurDignity\\_FullReport.pdf](https://www.qhrc.qld.gov.au/_data/assets/pdf_file/0007/45187/QHRC_StrippedOfOurDignity_FullReport.pdf)>.

<sup>20</sup> Queensland Human Rights Commission (September 2023). *Stripped of our dignity: A human rights review of policies, procedures, and practices relating to strip searches of women in Queensland prisons*, 115.

<[https://www.qhrc.qld.gov.au/\\_data/assets/pdf\\_file/0007/45187/QHRC\\_StrippedOfOurDignity\\_FullReport.pdf](https://www.qhrc.qld.gov.au/_data/assets/pdf_file/0007/45187/QHRC_StrippedOfOurDignity_FullReport.pdf)>. Similar comments are made by Corrections Officers in the ACT.

<sup>21</sup> Queensland Human Rights Commission (September 2023). *Stripped of our dignity: A human rights review of policies, procedures, and practices relating to strip searches of women in Queensland prisons*, 117.

<[https://www.qhrc.qld.gov.au/\\_data/assets/pdf\\_file/0007/45187/QHRC\\_StrippedOfOurDignity\\_FullReport.pdf](https://www.qhrc.qld.gov.au/_data/assets/pdf_file/0007/45187/QHRC_StrippedOfOurDignity_FullReport.pdf)>.

<sup>22</sup> Western Australian Inspector of Custodial Services (March 2019). *Strip searching practices in Western Australian prisons*, 36. <<https://www.oics.wa.gov.au/wp-content/uploads/2019/04/Strip-Searches-Review.pdf>>.

<sup>23</sup> Western Australian Inspector of Custodial Services (March 2019). *Strip searching practices in Western Australian prisons*, 3. <<https://www.oics.wa.gov.au/wp-content/uploads/2019/04/Strip-Searches-Review.pdf>>.

<sup>24</sup> Queensland Ombudsman (September 2014). *An investigation into the strip search practices at Townsville Women's Correctional Centre*, 1,5,16.

<[https://www.ombudsman.qld.gov.au/ArticleDocuments/239/The\\_strip\\_searching\\_of\\_female\\_prisoners\\_report.pdf.aspx?Embed=Y](https://www.ombudsman.qld.gov.au/ArticleDocuments/239/The_strip_searching_of_female_prisoners_report.pdf.aspx?Embed=Y)>.



Also in 2014, the ACT Human Rights Commission reported that during January to November 2013, generally only admission strip searches were conducted on women and of the 5 non-admission searches that occurred, no contraband finds were made.<sup>25</sup> While acknowledging the infrequent use of strip searching of women at the AMC, the Commission recommended the cessation of routine admission strip searching, noting they are potentially damaging and re-traumatising for women who are at their most vulnerable when first entering prison; and due to the lack of seizable items found in strip searches on induction.<sup>26</sup>

In 2019 a significant review into strip searching conducted by the WA Inspector of Custodial Services, found that between 2014 and 2019, only 571 items were found from almost 900,000 strip searches and most were not drug or weapons related.<sup>27</sup> This equates to finding contraband in just 0.06% of occasions or less than once in every 1,500 strip searches.

The WA Inspector of Custodial Services also reported that where strip searching is reduced, or eliminated, there is no increase in contraband. For example, at the time of its review, the Inspector found that '[s]ince stopping strip searches Boronia<sup>28</sup> has not experienced an increase in contraband. In fact, no contraband has been found during any search of a resident at Boronia in the last five years.'<sup>29</sup>

A 2020 inspection report by the NSW Inspector of Custodial Services of the Mary Wade Correctional Centre, found no contraband was identified by way of routine strip searching after a visit (contact or non-contact) between 22 October 2018 and

<sup>25</sup> ACT Human Rights Commission (April 2014). *Human Rights Audit on the Conditions of Detention of Women at the Alexander Maconochie Centre: A Report by the ACT Human Rights and Discrimination Commissioner*, 70. <[https://www.hrc.act.gov.au/\\_\\_\\_data/assets/pdf\\_file/0003/2306163/Audit-on-the-Conditions-of-Detention-of-Women-at-the-AMC-2014.pdf](https://www.hrc.act.gov.au/___data/assets/pdf_file/0003/2306163/Audit-on-the-Conditions-of-Detention-of-Women-at-the-AMC-2014.pdf) Human Rights Audit on the Conditions of Detention of Women at the Alexander Maconochie Centre>.

<sup>26</sup> ACT Human Rights Commission (April 2014). *Human Rights Audit on the Conditions of Detention of Women at the Alexander Maconochie Centre: A Report by the ACT Human Rights and Discrimination Commissioner*, 71. <[https://www.hrc.act.gov.au/\\_\\_\\_data/assets/pdf\\_file/0003/2306163/Audit-on-the-Conditions-of-Detention-of-Women-at-the-AMC-2014.pdf](https://www.hrc.act.gov.au/___data/assets/pdf_file/0003/2306163/Audit-on-the-Conditions-of-Detention-of-Women-at-the-AMC-2014.pdf) Human Rights Audit on the Conditions of Detention of Women at the Alexander Maconochie Centre>.

<sup>27</sup> Western Australian Inspector of Custodial Services (March 2019). *Strip searching practices in Western Australian prisons*, 7. <<https://www.oics.wa.gov.au/wp-content/uploads/2019/04/Strip-Searches-Review.pdf>>.

<sup>28</sup> Boronia Pre-release Centre is a small, minimum-security, pre-release facility for women located in the Perth metropolitan area.

<sup>29</sup> Western Australian Inspector of Custodial Services (March 2019). *Strip searching practices in Western Australian prisons*, 9-10. <<https://www.oics.wa.gov.au/wp-content/uploads/2019/04/Strip-Searches-Review.pdf>>.



22 October 2019.<sup>30</sup> The rate of detection as a fraction of the number of strip searches conducted on women at the centre was not obtainable at the time as routine strip searches were not recorded.

Information published under Freedom of Information in January 2023 demonstrated that for 1 October 2021 to 30 April 2022, 1201 strip searches took place at the AMC uncovering contraband on 23 occasions (equal to a 1.9% detection rate).<sup>31</sup>

A QLD Human Rights Commission review into strip searching in women's prisons in 2023 obtained data from Queensland Corrective Services over a one-week period in February 2023. The data revealed that of the 262 routine strip searches conducted, no contraband was detected.<sup>32</sup> The review also collected longer-term data from various sources around Australia, from which they calculated the contraband detection rate from strip searching in Australia to be 0.01% or even lower.<sup>33</sup>

### **Routine strip searching may lead to misconduct risks<sup>34</sup>**

The 2022 Cultural Review of the Adult Custodial Corrections System conducted in Victoria noted that '...where strip searching is used routinely, and not based on intelligence or a reasonable suspicion of the presence of contraband, there is an increased risk that integrity risks will arise.'<sup>35</sup>

Throughout its investigation the review found that:

<sup>30</sup> New South Wales Inspector of Custodial Services (February 2020). *Inspection of Mary Wade Correctional Centre*, 20. <<https://inspectorcustodial.nsw.gov.au/documents/inspection-reports/inspection-of-mary-wade-correctional-centre.pdf>>.

<sup>31</sup> ACT Justice and Community Safety Directorate (10 January 2023). 299- Documents, JACS2023-229. <[https://www.justice.act.gov.au/\\_data/assets/pdf\\_file/0005/2169230/229-Documents.pdf](https://www.justice.act.gov.au/_data/assets/pdf_file/0005/2169230/229-Documents.pdf)>. Accessed on 14 August 2025.

<sup>32</sup> Queensland Human Rights Commission (September 2023). *Stripped of our dignity: A human rights review of policies, procedures, and practices relating to strip searches of women in Queensland prisons*, 41. <[https://www.qhrc.qld.gov.au/\\_data/assets/pdf\\_file/0007/45187/QHRC\\_StrippedOfOurDignity\\_FullReport.pdf](https://www.qhrc.qld.gov.au/_data/assets/pdf_file/0007/45187/QHRC_StrippedOfOurDignity_FullReport.pdf)>.

<sup>33</sup> Queensland Human Rights Commission (September 2023). *Stripped of our dignity: A human rights review of policies, procedures, and practices relating to strip searches of women in Queensland prisons*, 41. <[https://www.qhrc.qld.gov.au/\\_data/assets/pdf\\_file/0007/45187/QHRC\\_StrippedOfOurDignity\\_FullReport.pdf](https://www.qhrc.qld.gov.au/_data/assets/pdf_file/0007/45187/QHRC_StrippedOfOurDignity_FullReport.pdf)>.

<sup>34</sup> Note: For the purpose of this submission, misconduct refers to the exercise of a power or duty for an improper purpose.

<sup>35</sup> Cultural Review of the Adult Custodial Corrections System, Safer Prisons, Safer People, Safer Communities (1 December 2022). Safer Prisons, Safer People, Safer Communities, 375. <<https://www.vic.gov.au/sites/default/files/2024-03/Final-Report-Cultural-Review-of-the-Adult-Custodial-Corrections-System.pdf>>.



- when strip-searching is not conducted with dignity and privacy, it is more likely to lead to a situation where a person becomes agitated which may then lead to an altercation, and
- people in custody alleged that some staff may use strip-searching as a way to incite a person in custody to react aggressively or refuse to comply, then justifying the staff member using force to make them comply.<sup>36</sup>

These findings are supported by numerous other reviews and investigations, for example, the 2014 QLD Ombudsman investigation into the Townsville Women's Correctional Centre. The investigation found that 'on the balance of probabilities there may have been occasions where menstruating prisoners were not given access to sanitary material between strip searches'; and 'it was alleged that on occasion, during the strip searches when prisoners had nothing covering the bottom half of their body, they were asked to turn around and bend forward slightly, a practice prisoners found humiliating and reminded prisoners of past sexual abuse.'<sup>37</sup>

During its investigation into the Dame Phillip Frost Centre (a maximum security women's prison) in 2017, the Victorian Ombudsman received 179 survey responses from women deprived of their liberty.<sup>38</sup> 42% of the respondents expressed the view that officers were respectful during strip searches only either 'sometimes but not always' (19%), 'not very often' (13%) or 'never' (10%).<sup>39</sup> 26% of respondents additionally expressed that they felt they had been strip searched as punishment.<sup>40</sup>

By contract, the ACT Inspector of Custodial Services found in its 2022 Healthy Prison Review survey results that 70% of respondents felt strip searches are carried out with

<sup>36</sup> Cultural Review of the Adult Custodial Corrections System, Safer Prisons, Safer People, Safer Communities (1 December 2022). Safer Prisons, Safer People, Safer Communities, 375. <<https://www.vic.gov.au/sites/default/files/2024-03/Final-Report-Cultural-Review-of-the-Adult-Custodial-Corrections-System.pdf>>.

<sup>37</sup> Queensland Ombudsman (September 2014). *An investigation into the strip search practices at Townsville Women's Correctional Centre*, 1,5,16. <[https://www.ombudsman.qld.gov.au/ArticleDocuments/239/The\\_strip\\_searching\\_of\\_female\\_prisoners\\_report.pdf.aspx?Embed=Y](https://www.ombudsman.qld.gov.au/ArticleDocuments/239/The_strip_searching_of_female_prisoners_report.pdf.aspx?Embed=Y)>.

<sup>38</sup> Victorian Ombudsman (November 2017). *Implementing OPCAT in Victoria: report and inspection of the Dame Phyllis Frost Centre*, 48. <<https://assets.ombudsman.vic.gov.au/assets/Reports/Parliamentary-Reports/1-PDF-Report-Files/Implementing-OPCAT-in-Victoria-report-and-inspection-of-Dame-Phyllis-Frost-Centre.pdf>>.

<sup>39</sup> Victorian Ombudsman (November 2017). *Implementing OPCAT in Victoria: report and inspection of the Dame Phyllis Frost Centre*, 111. <<https://assets.ombudsman.vic.gov.au/assets/Reports/Parliamentary-Reports/1-PDF-Report-Files/Implementing-OPCAT-in-Victoria-report-and-inspection-of-Dame-Phyllis-Frost-Centre.pdf>>.

<sup>40</sup> Victorian Ombudsman (November 2017). *Implementing OPCAT in Victoria: report and inspection of the Dame Phyllis Frost Centre*, 112. <<https://assets.ombudsman.vic.gov.au/assets/Reports/Parliamentary-Reports/1-PDF-Report-Files/Implementing-OPCAT-in-Victoria-report-and-inspection-of-Dame-Phyllis-Frost-Centre.pdf>>.



due sensitivity and respect ‘most of the time’ or ‘all of the time.’<sup>41</sup> It should be noted however the majority of people detained at that time were male, with the average daily detainee population at the AMC in 2020–21 being 411, comprising 383 males and 28 females.<sup>42</sup> As discussed below, there has also been considerable changes at AMC since the 2022 Healthy Prison Review.

As noted earlier, the WA Inspector of Custodial Services 2019 review received 523 responses to a staff survey gauging their perceptions of the effectiveness of strip searches.<sup>43</sup> Approximately 15% of respondents said that they had observed a strip search being conducted to change a person’s behaviour.<sup>44</sup>

In 2024, the Special Commission of Inquiry into Offending by Former Corrections Officer Wayne Astill at Dillwynia Correctional Centre, heard allegations that staff would make inappropriate comments when strip searching women, such as ‘you have put on weight’, ‘you have lost weight’, ‘did you get those stretch marks giving birth’ or commenting on the women’s private parts.<sup>45</sup>

### **Australian jurisdictions are moving away from using routine strip searching**

Routine strip searching is inconsistent with trauma-informed practice principles and less effective than alternative technology-enabled search methods.<sup>46</sup> As noted by the QLD Inspector of Detention Services, ‘[t]he added advantage of phasing out strip

<sup>41</sup> Australian Capital Territory Inspector of Custodial Services (November 2022), *Healthy Prison Review of the Alexander Maconochie Centre 2022*, 32. <[https://www.ics.act.gov.au/\\_data/assets/pdf\\_file/0006/2111964/11432R-ACT-ICS-Healthy-Prison-Review-Nov-2022\\_tagged\\_FA-updated.pdf](https://www.ics.act.gov.au/_data/assets/pdf_file/0006/2111964/11432R-ACT-ICS-Healthy-Prison-Review-Nov-2022_tagged_FA-updated.pdf)>.

<sup>42</sup> Australian Capital Territory Inspector of Custodial Services (November 2022), *Healthy Prison Review of the Alexander Maconochie Centre 2022*, 40. <[https://www.ics.act.gov.au/\\_data/assets/pdf\\_file/0006/2111964/11432R-ACT-ICS-Healthy-Prison-Review-Nov-2022\\_tagged\\_FA-updated.pdf](https://www.ics.act.gov.au/_data/assets/pdf_file/0006/2111964/11432R-ACT-ICS-Healthy-Prison-Review-Nov-2022_tagged_FA-updated.pdf)>.

<sup>43</sup> Western Australian Inspector of Custodial Services (March 2019). *Strip searching practices in Western Australian prisons*, 36. <<https://www.oics.wa.gov.au/wp-content/uploads/2019/04/Strip-Searches-Review.pdf>>.

<sup>44</sup> Western Australian Inspector of Custodial Services (March 2019). *Strip searching practices in Western Australian prisons*, 12. <<https://www.oics.wa.gov.au/wp-content/uploads/2019/04/Strip-Searches-Review.pdf>>.

<sup>45</sup> New South Wales Government (2024). *Report: Special Commission of Inquiry into Offending by Former Corrections Officer Wayne Astill at Dillwynia Correctional Centre*, 362–363. <<https://www.nsw.gov.au/sites/default/files/noindex/2024-03/Wayne%20Astill%20Special%20Commission%20of%20Inquiry%20-%20Final%20Report.pdf>>.

<sup>46</sup> New South Wales Inspector of Custodial Services (February 2020). *Inspection of Mary Wade Correctional Centre*, 7. <<https://inspectorcustodial.nsw.gov.au/documents/inspection-reports/inspection-of-mary-wade-correctional-centre.pdf>>.



searching in favour of body scanners is that it contributes to the humane management of prisoners.<sup>47</sup>

Australian jurisdictions are increasingly moving away from routine strip searching in favour of body scanners and other technologies.

In its response to the 2022 Cultural Review of the Adult Custodial Corrections System, the Victorian Government reported that '[s]ignificant work has taken place over many years to reduce strip searching requirements in the Victorian custodial corrections system, including use of body scanning technology, and saliva drug testing. Strip searching is currently used as a last resort as part of a suite of other mechanisms to limit contraband entering prisons.'<sup>48</sup>

The Tasmanian Inspector of Custodial Services reported in late 2024 that work was then underway to install four body scanners throughout the prison system in Tasmania.<sup>49</sup>

The NSW Inspector of Custodial Services has also reported changes to the Custodial Operations Policy and Procedures in favour of body scanning as an alternative to a strip search in circumstances where strip searching is otherwise routine.<sup>50</sup>

In February 2025, the South Australian Department of Corrective Services announced the installation of a body scanner at the Adelaide Women's Prison (in addition to the three already at the Yatala Labour Prison). The announcement also noted that across South Australian prisons in 2023-24, more than 103,000 searches (not exclusively strip searches) were conducted and 1,500 contraband items seized (equal to a 1.5% detection rate).<sup>51</sup>

<sup>47</sup> Queensland Inspector of Detention Services (March 2025) Southern Queensland Correctional Centre inspection report, 66. <<https://www.ombudsman.qld.gov.au/ArticleDocuments/591/SQCC%20inspection%20report%202025%20-%20PUBLIC.pdf.aspx?embed=Y>>.

<sup>48</sup> Victorian Government (24 March 2023). *Cultural Review of the Adult Custodial Corrections System Victorian Government Response*, 7. <[https://www.vic.gov.au/sites/default/files/2023-03/Victorian-Government-response-to-the-Cultural-Review-of-the-Adult-Custodial-Corrections-System\\_.pdf](https://www.vic.gov.au/sites/default/files/2023-03/Victorian-Government-response-to-the-Cultural-Review-of-the-Adult-Custodial-Corrections-System_.pdf)>.

<sup>49</sup> Office of the Inspector of Custodial Services Tasmania (December 2024). *Adult Wellbeing Inspection Report 2024*, 17. <[https://www.custodialinspector.tas.gov.au/\\_data/assets/pdf\\_file/0010/793990/Adult-Wellbeing-Inspection-Report-2024.pdf](https://www.custodialinspector.tas.gov.au/_data/assets/pdf_file/0010/793990/Adult-Wellbeing-Inspection-Report-2024.pdf)>.

<sup>50</sup> New South Wales Inspector of Custodial Services (December 2024). *Inspection of Mid North Coast Correctional Centre 2023*, 58. <[https://inspectorcustodial.nsw.gov.au/documents/inspection-reports/ICS\\_Inspection\\_of\\_Mid\\_North\\_Coast\\_CC\\_Report.pdf](https://inspectorcustodial.nsw.gov.au/documents/inspection-reports/ICS_Inspection_of_Mid_North_Coast_CC_Report.pdf)>.

<sup>51</sup> South Australian Department of Corrective Services (14 February 2025). *Body scan technology targeting contraband at Adelaide Women's Prison*. <<https://www.corrections.sa.gov.au/news/all-news/body-scan-technology-targeting-contraband-at-adelaide-womens-prison>>. Accessed 13 August 2025.



## Changes at the AMC make amendments redundant

In September 2021, the ACT Government announced it would purchase two Tek84 Intercept body scanners following the ACT Inspector of Custodial Services 2021 critical incident review of a use of force to conduct a strip search at the AMC on 11 January 2021.<sup>52</sup> In making the announcement, the then Minister for Corrections Mick Gentleman stated '[t]hrough the procurement of these body scanners, we're moving towards a future where strip searches are only necessary in a small number of cases and as a last resort.'<sup>53</sup> The Corrections Management (X-ray Body Scanner Search) Operating Procedure 2023, notes that these body scanners may be used on all new admissions to the centre in accordance with s 111 (1)(b) of the CM Act where on reasonable grounds, it is prudent to conduct the search to protect the security or good order at a correctional centre.<sup>54</sup>

The installation of body scanning technology at the AMC has resulted in a significant reduction in strip searching, which is welcome. For example, in 2020–21, ACTCS conducted 4077 strip searches. In comparison, the ACT NPM understands that in the 2024 calendar year there were a total of 580 strip searches conducted, with the bulk of these (430) occurring at ACT Corrective Services Court Transport Unit (CTU) (which does not have a body scanner).

This suggests that there is a less restrictive option available to ACTCS than strip searching, in the form of body scanner technology – which is currently at the AMC, and presumably can be installed at CTU. Even without a body scanner at CTU, there has been a significant reduction in total strip searches performed compared to those

<sup>52</sup> ACT Government (16 September 2021). *ACT Government will fast track procurement of body scanners to minimise strip searches at AMC in response to Inspector's Report*. <[https://www.cmtedd.act.gov.au/open\\_government/inform/act\\_government\\_media\\_releases/gentleman/2021/act-government-will-fast-track-procurement-of-body-scanners-to-minimise-strip-searches-at-amc-in-response-to-inspectors-report](https://www.cmtedd.act.gov.au/open_government/inform/act_government_media_releases/gentleman/2021/act-government-will-fast-track-procurement-of-body-scanners-to-minimise-strip-searches-at-amc-in-response-to-inspectors-report)>; Australian Capital Territory Inspector of Custodial Services (24 September 2021), *Report of a review of a critical incident. Use of force to conduct a strip search at the Alexander Maconochie Centre on 11 January 2021*. <[https://www.ics.act.gov.au/\\_data/assets/pdf\\_file/0009/1854351/9a6224324c4d6a0286d51ccc79da3e6681bbf59b.pdf](https://www.ics.act.gov.au/_data/assets/pdf_file/0009/1854351/9a6224324c4d6a0286d51ccc79da3e6681bbf59b.pdf)>.

<sup>53</sup> ACT Government (16 September 2021). *ACT Government will fast track procurement of body scanners to minimise strip searches at AMC in response to Inspector's Report*. <[https://www.cmtedd.act.gov.au/open\\_government/inform/act\\_government\\_media\\_releases/gentleman/2021/act-government-will-fast-track-procurement-of-body-scanners-to-minimise-strip-searches-at-amc-in-response-to-inspectors-report](https://www.cmtedd.act.gov.au/open_government/inform/act_government_media_releases/gentleman/2021/act-government-will-fast-track-procurement-of-body-scanners-to-minimise-strip-searches-at-amc-in-response-to-inspectors-report)>.

<sup>54</sup> ACT Corrective Services (28 February 2023) *Corrections Management (X-ray Body Scanner Search) Operating Procedure 2023: Notifiable instrument NI2023–116*. <<https://www.legislation.act.gov.au/view/ni/2023-116/current/html/2023-116.html>>.



conducted 3 years ago. With such a significant reduction, it appears the purpose of the amendments is being achieved without the need for the provisions. That is, the body scanner is providing the thorough search and risk assessment at admission cited by the Government as the purpose of the amendments.

It is unclear from the data if a person deprived of liberty has ever been strip searched as part of admission to CTU and subsequent admission to the AMC. Such an outcome appears lawful under the ss 67 and 70 of the CM Act as currently drafted, which refer to a person deprived of their liberty being strip searched on each admission to a correctional centre. A correctional centre is defined under s 24 of the CM Act as a place declared by the Minister, and separate declarations have been made for the AMC and the court cells, rendering them different correctional centres. Multiple routine strip searches at both CTU and AMC while a person deprived of their liberty remains in the custody of ACTCS further risks an unreasonable limitation on rights and emphasises why the provisions in their current form are not fit for purpose.

## **Conclusion**

As this submission has evidenced, routine strip searching is harmful, ineffective, may lead to misconduct risks and Australian jurisdictions are moving away from using routine strip searching. The use of routine strip searching in Australia has been cautioned against by multiple United Nations bodies and may amount to degrading treatment in contravention of international human rights obligations.

The ACT NPM calls for the repeal of the relevant provisions of the amending Act approving the routine use of strip searching on admission, noting the limitation of rights set by this law can no longer be demonstrably justified against the weight of evidence against routine strip searching. The ACT NPM considers the use of alternative technology-enabled search methods on admission a safer and more effective means of detection that should be reflected in both law and policy.

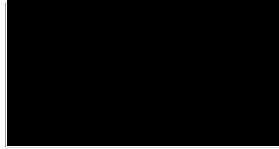
The ACT NPM welcomes the opportunity to discuss this submission with you further. If you would like to meet with us, you can contact Steven Caruana, ACT NPM Coordinator, on [REDACTED] or by email at [actnpm@ombudsman.gov.au](mailto:actnpm@ombudsman.gov.au) to make arrangements.



Yours sincerely



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