

# Statutory Review Report

Section 70 Corrections Management Act 2007



## Acknowledgement of Country

The Justice and Community Safety Directorate acknowledges the Ngunnawal people as traditional custodians of the ACT and recognise any other people or families with connection to the lands of the ACT and region.

We respect the Aboriginal and Torres Strait Islander people, particularly our Aboriginal and Torres Strait Islander staff, and their continuing culture and contribution they make to the Canberra region and the life of our city.

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# Contents

<b>Contents</b> .....	<b>3</b>
<b>Introduction</b> .....	<b>5</b>
Terms of Reference .....	5
<b>Background</b> .....	<b>7</b>
Searching Detainees.....	7
Purpose of a strip search .....	7
Authorisation for strip searches .....	8
Legislative safeguards on strip searches .....	8
Recent capacity to undertake scanning searches .....	9
Admission to the Alexander Maconochie Centre .....	9
Legislative pathways to admission.....	9
The Court Transport Unit .....	10
The Amendment Act .....	10
Purpose of the Amendment.....	10
Effect of the Amendment .....	11
Stakeholder concerns about the Amendment.....	11
<b>Consultation</b> .....	<b>12</b>
Submissions Received from Stakeholders.....	12
<b>Data</b> .....	<b>13</b>
Data collection .....	13
Findings .....	17
<b>Analysis</b> .....	<b>20</b>
Are the amendments operating effectively and as intended?.....	20
Clarity of the Amendment .....	20
Effect of the Amendment .....	20
Whether strip searching on admission continues to be the least intrusive kind of search that is reasonable or necessary in the circumstances .....	22
Effectiveness of strip searches.....	22
Non-invasive technologies as an alternative .....	23
Effectiveness of alternatives .....	23
General feedback on the use of strip searches .....	24
Harmful impacts of strip searching .....	24

<b>Conclusions and Findings .....</b>	<b>27</b>
<b>Appendix A: List of Stakeholders .....</b>	<b>28</b>
<b>Appendix B: Legislation .....</b>	<b>29</b>

# Introduction

The *Corrections and Sentencing Legislation Amendment Act 2023* (the Amendment Act) amended section 70 of the *Corrections Management Act 2007* (CMA) to clarify the requirements for a strip search upon admission to a correctional facility (the amendment). The amendment aimed to achieve this by excluding the operation of sections that required various thresholds to be met prior to authorising a strip search. Notably, the amended section 70 allows a strip search to be conducted on admission to a correctional centre without a correctional officer forming a reasonable suspicion or believing that it is prudent to conduct a strip search.

The Amendment Act also inserted section 230 into the CMA. Section 230 requires the Minister to review the operation of the amendment (the Review) as soon as practicable two years after commencement. This is the Report on that Review.

The purpose of the Review is to examine the operation of section 70 of the CMA and to determine:

- Whether the amendments are operating effectively and as intended,
- If there are any issues with the process facilitated by the amendments, and
- Whether strip searching on admission continues to be the least intrusive kind of search that is reasonable or necessary in the circumstances.

The Review considered the legislative framework as excerpted in [Appendix B](#). It was outside the scope of the Review to explore strip search policy and procedure more broadly, except to provide context to understanding and evaluating the operation of section 70.

The Review also made use of the findings of the *Review into Over-Representation of First Nations People in the ACT Justice System* published in July 2025 undertaken by the Jumbunna Institute (Jumbunna) at the University of Technology Sydney. During the preparation of the report, the Supreme Court of the ACT delivered its decision in *Williams v Director-General of the Justice and Community Safety Directorate*.<sup>1</sup> The Review took into consideration comments made in the decision.

## Terms of Reference

The Review considered the following matters:

- a) the impact of the amendments on search practices for admission into a correctional centre including the prevalence of strip searching and less invasive searches
- b) the impact of the amendments on the safety of detainees including the incoming detainee, corrections officers and other people in the correctional centre
- c) how the amendments are operating in practice, including how this operation could be improved
- d) any other matters relevant to the review.

In their feedback to the Review, stakeholders raised issues that went to the use of strip search powers generally, beyond section 70 of the CMA. For example, ACT Corrective Services and

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<sup>1</sup> [2025] ACTSC 396

ACT Policing have the authority to undertake strip searches under different legislation. Strip searches may be conducted in police cells under section 31 of the CMA or at a police station under section 227 of the *Crimes Act 1900* (ACT) (Crimes Act)<sup>2</sup>. ACT Policing play a role in providing relevant risk information to ACT Corrective Services to support informed decision making for correctional officers under sections 67 and 70 of the CMA. These aspects of strip searches are outside the scope of this review, but concerns raised have been included in this report for visibility.

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<sup>2</sup> *Crimes Act 1900* (ACT) s 227.

# Background

## Searching Detainees

It is important to ensure that prohibited things, such as weapons, controlled drugs and mobile phones, are prevented from entering a correctional centre. Among other detection methods, five search types are used to identify prohibited things entering a correctional centre in order to maintain a safe and secure environment for detainees, staff and visitors.

Section 107 of the CMA defines the five types of search:

1. A *frisk search* is a search of a person conducted by quickly running the hands over a person's outer garments, and an examination of anything worn or carried by the person that is conveniently and voluntarily removed by the person.
2. An *ordinary search* is a search of a person (or of items in a person's possession) where the person may be required to remove their overcoat, coat or jacket and any gloves, shoes or hat for them to be searched.
3. A *scanning search* is a search of a person by electronic or other means that does not require the person to remove the person's clothing or to be touched by someone else. For example, using a metal detector is a type of scanning search.
4. A *strip search* is a search which may require the person to remove all of their clothes and allow an examination of the person's body (not including the person's orifices or cavities) and the clothing.
5. A *body search* is a search of a person's body, including an examination of the person's orifices and cavities. A body search must be conducted by a doctor (section 116).

A person conducting a search must ensure, as far as practicable, that the search is the least intrusive kind of search that is reasonable and necessary in the circumstances and that the search is conducted in the least intrusive way that is reasonable and necessary in the circumstances.

## Purpose of a strip search

The purpose of a strip search when a detainee comes into custody is to ensure the safety and security of the detainee, staff, and other detainees, and to identify a detainee's immediate physical and mental health risks and needs.<sup>3</sup>

This may include finding contraband, prohibited items, or injury on the detainee. Prohibited things may include a weapon, alcohol, a controlled drug, a mobile phone, or anything else declared by the Director-General to be prohibited.<sup>4</sup> There is a heightened risk of detainees carrying dangerous contraband on admission, which requires a form of search that can detect the widest range of concealed items in order to ensure safety and security.

Strip searches contribute to a correctional centre's responsibility in suicide prevention. Self-harming behaviours are typically higher inside correctional centres than in the general community, and strip searches can alert officers of injuries and reduce contraband that may be used for suicide.<sup>5</sup>

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<sup>3</sup> Explanatory Statement, Corrections and Sentencing Legislation Amendment Bill, 30 November 2022.

<sup>4</sup> *Corrections Management Act 2007* (ACT) s 81. For other examples of prohibited items, see Corrections Management (Prohibited Things) Declaration 2024.

<sup>5</sup> Explanatory Statement, Corrections and Sentencing Legislation Amendment Bill, 30 November 2022.

## Authorisation for strip searches

There are three grounds to conduct a strip search under the CMA.

Section 113B allows the director-general to direct a corrections officer to strip search a detainee if the director-general suspects on reasonable grounds that the detainee has a seizeable item concealed on the detainee.

Section 113C allows the director-general to direct a corrections officer to strip search a detainee if the director-general believes on reasonable grounds that it is prudent to search the detainee for a seizeable item that may be concealed on or in the detainee because the detainee has recently not been under the control or immediate supervision of a corrections officer for a period and during the period, may have had an opportunity to obtain a seizeable item. A strip search under this provision is only lawful if a scanning search is not available, or not likely to detect more than a limited range of seizeable items, or that the search would require the use of force that would make the scanning search ineffectual. A strip search under this provision is only lawful if a frisk search or ordinary search is not likely to detect more than a limited range of seizeable items.

Section 70 allows the director-general to direct a detainee to submit to a strip search for the purposes of an initial assessment under section 67. Under section 67, the director-general must ensure that each detainee admitted to a correctional centre is assessed as soon as practicable to identify any immediate physical or mental health, or safety or security, risks and needs; and any risks and needs identified by the assessment are addressed. This is referred to as a 'strip search on admission'.

The power to direct the detainee to submit to a strip search is a discretionary power; it is not intended that strip searches of detainees are a routine activity.

## Legislative safeguards on strip searches

There are legislative safeguards in place to maintain the dignity of the individual being searched to the extent possible and to minimise the infringement of human rights.

A strip search must be conducted:

- By a corrections officer of the same sex as the detainee and in the presence of one or more other corrections officers that are also of the same sex as the detainee,<sup>6</sup> and
- In a private area, or one that provides reasonable privacy for the detainee who is being searched.<sup>7</sup>

The corrections officer conducting the strip search may only direct another corrections officer who is present to provide assistance if the conducting officer believes, on reasonable grounds, it is necessary and reasonable for the search.<sup>8</sup> In addition, conducting officers must also ensure, as far as practical, that it is the least intrusive kind of search that is reasonable and necessary in the circumstances.<sup>9</sup> The strip search itself must also be conducted in the least intrusive way that is reasonable and necessary in the circumstances.<sup>10</sup>

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<sup>6</sup> *Corrections Management Act 2007* (ACT) s 114(1). Where a detainee identifies as transgender, officers must ask the detainee to confirm their gender preference for the officers conducting the search (per 2.2 of the Corrections Management (Strip Search) Operating Procedure 2022).

<sup>7</sup> *Corrections Management Act 2007* (ACT) s 115(1).

<sup>8</sup> *Corrections Management Act 2007* (ACT) s 114(3).

<sup>9</sup> *Corrections Management Act 2007* (ACT) s 108(a).

<sup>10</sup> *Corrections Management Act 2007* (ACT) s 108(b).

Corrections officers who are present during a strip search must also ensure, as far as practicable, that:

- The search is done in a way that minimises embarrassment for the detainee,
- The search is done quickly, and
- The detainee is allowed to dress in private immediately following the completion of the search.<sup>11</sup>

In addition, a strip search must not involve the following:

- Any touching of the detainee's body,<sup>12</sup> or
- Be conducted in the presence of someone of the opposite sex to the detainee, or in the presence or sight of anyone else whose presence is not necessary for the search or safety of everyone present.<sup>13</sup>

## Recent capacity to undertake scanning searches

A scanning search relies on technology to detect contraband concealed on a person.

In 2023, the AMC acquired two x-ray body scanners. According to the Corrections Management (X-ray Body Scanner Search) Operating Procedure 2023, the AMC's body scanners may be used on all new admissions to the centre in accordance with section 111 (1)(b) of the Act where on reasonable grounds, it is prudent to conduct the search to protect the security or good order at a correctional centre.

## Admission to the Alexander Maconochie Centre

### Legislative pathways to admission

There are (broadly) three groups of people who are detained at the Alexander Maconochie Centre (AMC).

- The first group are those people who have been sentenced to a term of imprisonment after being found guilty of a criminal offence. These people are held under a warrant of imprisonment under section 12 of the *Crimes (Sentence Administration) Act 2005* (CSA).
- The second group are those who have been charged with an offence and are held in custody while they await trial. These people are held under a warrant of remand under section 17 of the CSA.
- The third group are those people who have been arrested, are awaiting a bail hearing, and are unable to be detained at a police cell. These people are held under sections 30(3) and 30(4) of the CMA.

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<sup>11</sup> *Corrections Management Act 2007* (ACT) s 115(5).

<sup>12</sup> *Corrections Management Act 2007* (ACT) s 115 (3). Note that this provision is subject to section 126 (Searches—use of force) of the CMA. Section 126 outlines that a corrections officer may use force to carry out a search, to assist a body search under section 118 (Body searches—assistance from corrections officer), or to prevent the loss, destruction, of contamination of anything seized, or that may be seized, during the search. Corrections officers may only use force only in accordance with Part 9.7 (Use of force).

<sup>13</sup> *Corrections Management Act* (ACT) s 115(2).

It is commonly the practice that people who are held under a warrant of imprisonment and those who are held under a warrant of remand are admitted to the AMC through the Court Transport Unit (CTU).

Those who are held under sections 30(3) and 30(4) of the CMA are admitted to the AMC directly from police custody.

## The Court Transport Unit

Many people who are admitted to the AMC were initially held at the CTU. The CTU is based at the court cells situated beneath the court precinct. Relevantly to the Review, it operates transport vehicles to escort detainees to, from, or within an ACT correctional centre for the purposes of attending a Court, Tribunal, or Sentence Administration Board hearing. The CTU is responsible for the transport, management, and care of people in their custody, and corrections officers with the CTU have the same search functions as corrections officers with the AMC, including the ability to undertake strip searches under sections 70, 113B, and 113C of the CMA.

The CTU use the powers under section 70 to undertake a strip search of a person as a part of the process of being admitted to the AMC. Most strip searches of those entering custody occur at CTU. While it is possible for person to be strip searched more than once during the admission process, it is the practice that an individual is only strip searched once, either at CTU or AMC.

The CTU does not currently have the equipment to undertake a scanning search of a detainee. The Government is in the process of acquiring an x-ray body scanning machine for use by the CTU.

## The Amendment Act

### Purpose of the Amendment

Prior to the Amendment Act, a drafting ambiguity meant that it was not clear if section 70 of the CMA was only available if either section 113B (on suspicion) or section 113C (where prudent) was also satisfied.

This issue emerged because section 113A stated that a ‘detainee may be strip searched only if the director-general gives a direction in accordance with section 113B or section 113C.’ If this did apply to section 70, a strip search on admission for the purpose of undertaking an assessment under section 67 would only be lawful if:

1. the director-general suspected on reasonable grounds that the person had a seizeable item concealed (section 113B); or
2. the director-general believed on reasonable grounds that it is prudent to search the person for a seizeable item because the person has recently not been under the control or immediate supervision of a corrections officer for a period and, during the period, may have had an opportunity to obtain a seizeable item (section 113C).

This issue arose because sections 113A, 113B and 113C were ‘introduced into the Act after section 70 and, whilst focused on searches for contraband in the possession of detainees already in custody, also [had] implications for section 70 that were not originally envisaged’.<sup>14</sup> The requirement for an individual risk assessment in accordance with sections 113B and 113C introduced ambiguity for correctional officers for strip searches on admission.

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<sup>14</sup> Explanatory Statement, Corrections and Sentencing Legislation Amendment Bill, 30 November 2022.

## **Effect of the Amendment**

The Amendment Bill resolved the ambiguity by excluding the operation of section 113A, section 113B and section 113C from the operation of section 70. That is, it clarified that section 70 allows a strip search to be conducted on admission to a correctional centre without a correctional officer forming a reasonable suspicion or believing that it is prudent to conduct a strip search.

The Amendment Bill did not displace the general legislative protections on strip searches, such as the rule that a strip search must not be conducted in the presence of someone whose presence is not necessary (section 115) or the general legislative protections on searches. That includes that (the person undertaking the search must ensure, as far as practicable, that the search is conducted in the least intrusive way possible (section 108).

## **Stakeholder concerns about the Amendment**

Although the Amendment was motivated by a need to clarify the operation of the legislation, some stakeholders were concerned that the Amendment would increase the number of strip searches.

To address that concern, the Amendment Bill included a requirement that the Amendment be reviewed two years following its commencement (section 230).

# Consultation

## Submissions Received from Stakeholders

On 7 August 2025, JACS wrote to 18 stakeholders inviting written submissions on the operation and effectiveness of section 70 of the Act. A list of the stakeholders that were contacted are at [Appendix A](#). These stakeholders were consulted on the original Amendment Act. Responses were received from the following stakeholders:

- Aboriginal Legal Service (ACT/NSW)
- ACT Corrective Services
- ACT Human Rights Commission
- ACT Policing
- JACS First Nations Justice Branch
- Legal Aid ACT
- National Preventative Mechanism (comprised of the Human Rights Commission, the Custodial Inspector, and the ACT Ombudsman).

# Data

## Data collection

Data was obtained to support the analysis of whether the Amendment is operating effectively and as intended. A key question is whether the Amendment has resulted in an increase in strip searches. The data also allowed an exploration of the relative benefit of scanning searches over strip searches.

The key source of data was CORIS, the offender database introduced in 2022 used by ACTCS. Data quality and availability is a known and acknowledged issue with ACTCS records. The 2025 Healthy Prison Review of the AMC conducted by the ACT Inspector of Custodial Services (the Inspector) found that record keeping and incident reporting practices across multiple areas at the AMC 'fall short of expected accountability standards'.<sup>15</sup> Further, the implementation of CORIS coincides with the Amendment Act, making data comparisons between time periods difficult. As noted in both the 2019 Healthy Prisons Review and the 2022 Healthy Prisons Review, AMC records were frequently in Excel spreadsheets that were 'not coded and as such, are very cumbersome to interrogate'.<sup>16</sup>

Data was also used from the 2025 Healthy Prison Review of the AMC. This was done to ensure consistency of information used across reports.

Section 110 of the CMA requires ACTCS to maintain a register of strip and body searches. This includes searches done under section 70. As noted by the 2025 Healthy Prison Review of the AMC, the data contained minor errors in data entry.<sup>17</sup> The data available for this review was unable to be broken down into which searches were done under section 70 and which were undertaken under other sections.

Table 1 (below) presents the number of admissions to the AMC in 2024. This data includes those people who are serving a sentence of imprisonment, those people who are on remand, and those people who are transferred to the AMC under sections 30(3) and 30(4) of the CMA and are awaiting a bail hearing.

Table 1 presents both the count and the percentage for each category (percentages for subcategories in *italics* reflect percentage of the entire population and not of the category).

This data is used to evaluate if some groups of detainees are overrepresented in the strip search data.

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<sup>15</sup> ACT Inspector of Correctional Services, Healthy Prison Review of the Alexander Maconochie Centre 2025, 83.

<sup>16</sup> ACT Inspector of Correctional Services, Healthy Prison Review of the Alexander Maconochie Centre 2022, 64.

<sup>17</sup> ACT Inspector of Correctional Services, Healthy Prison Review of the Alexander Maconochie Centre 2025, 84.

## Admissions in 2024

	Admissions	% of total
First Nation	232	29.5
<i>Female</i>	30	3.8
<i>Male</i>	202	25.7
Non-First Nation	536	68.2
<i>Female</i>	46	5.9
<i>Male</i>	489	62.2
<i>Unknown/not stated</i>	1	0.13
First Nations status unknown/not stated	18	2.29
<i>Female</i>	2	0.3
<i>Male</i>	16	2.0
<i>Unknown/not stated</i>	0	0
Total	786	100

**Table 1: Source - ACTCS**

Table 2 (below) is reproduced from the 2025 Healthy Prison Review (2025 HPR) of the AMC. Table 2 publishes data about two twelve-month periods: 1 July 2020—30 June 2021, and 1 January 2024—31 December 2024. One of these time periods was prior to the Amendment Act commencing, and the other is after the Amendment Act commenced.

The data published by the 2025 HPR did not disaggregate section 70 searches from other types of search. Although it is not possible to use this data to state the exact effect that the Amendment had on the number of strip searches taken under section 70, Table 2 shows a dramatic reduction in the number of strip searches conducted between the two time periods. There were 4,077 strip searches undertaken in the 2020/21 period; this reduced to 580 in 2024. In 2020/21, the average detainee had been strip searched 3.4 times; in 2024, approximately one-in-two detainees had been strip searched. Relevantly, the total number of strip searches in 2024 (580) is less than the number of admissions in 2024 (786), meaning that not every person is being strip searched upon admission.

The 2025 HPR did note issues with data quality specifically with reference to Table 2: ‘19 separate strip search occurrences removed from the data-set due to missing data entry. Most usually the data missing was about the person's demographics (PID, gender identity). The majority (15) of the excluded records were from CTU’.<sup>18</sup> These items are published in the row ‘Missing Data’.

Table 2 also shows that the majority of strip searches are undertaken at the CTU. 2025 HPR attributed this to the CTU not having a body scanner.<sup>19</sup>

<sup>18</sup> ACT Inspector of Correctional Services, Healthy Prison Review of the Alexander Maconochie Centre 2025, 84.

<sup>19</sup> ACT Inspector of Correctional Services, Healthy Prison Review of the Alexander Maconochie Centre 2025, 84.

	01/07/20 to 30/06/21			1/1/24 to 31/12/24				
	Aggregate Population	Total Strip Searches	Total searches per person average	Aggregate Population	Strip searches (AMC)	Strip Searches (CTU)	Total Strip Searches	Total searches per person average
<b>Persons</b>								
Aboriginal and Torres Strait Islander men	229	1105	4.83	293	37	97	134	0.46
Non-Indigenous men	816	2591	3.17	741	82	267	349	0.47
Unknown men	15	20	1.31	38	0	20	20	0.53
<b>All men</b>	<b>1060</b>	<b>3716</b>	<b>3.51</b>	<b>1072</b>	<b>119</b>	<b>384</b>	<b>503</b>	<b>0.47</b>
Aboriginal and Torres Strait Islander women	60	209	3.50	36	10	11	21	0.58
Non-Indigenous women	78	151	1.94	66	10	20	30	0.45
Unknown women	2	1	0.49	4	1	0	1	0.25
<b>All women</b>	<b>140</b>	<b>361</b>	<b>2.59</b>	<b>106</b>	<b>21</b>	<b>31</b>	<b>52</b>	<b>0.49</b>
Non-Indigenous Transgender <sup>20</sup>	0		0	3	6	0	6	2
Missing Data	0		0		4	15	19	
<b>All detained people</b>	<b>1200</b>	<b>4077</b>	<b>3.40</b>	<b>1181</b>	<b>150</b>	<b>430</b>	<b>580</b>	<b>0.49</b>

Table 2: Source – 2025 HPR, 84.

Table 3 (below) presents greater detail about the number of strip searches and the outcome of the search (contraband found or contraband not found) at the CTU. The count is not the number of detainees, but the number of searches: a person may have been searched more than once in the CTU on different occasions. For context, the 430 total strip searches in this table matches the 430 strip searches at the CTU in Table 2 (above).

The positive detection rate provides some evidence about the utility of undertaking strip searches, subject to some caveats. First, the ‘true rate’ of contraband possession is not known, so the data does not reveal how effective strip searches are at detecting contraband. Table 2 indicates that 2.8% of strip searches detected contraband. This does not mean that only 2.8% of people who were searched were in possession of contraband, only that this was the detection rate. Second, even where the result is negative, there is a benefit to having some degree of confidence that the person is not in possession of contraband. Searches help to provide a corrections environment that is safer for detainees, visitors, and corrections officers.

As a result of these two caveats, it is not clear what a target positive detection rate for strip searches should be. If the positive rate is too low, it may appear that strip searches are unnecessary and excessive. If the positive rate is very high, it may appear that there are systemic issues related to contraband that could be addressed through alternative deterrent interventions.

Of the twelve positive detections in Table 3, the contraband items discovered include a syringe, six instances of drugs (pills, strips, or substances), money, cigarette lighters, and a vape.

<sup>20</sup> These categories were used by the 2025 HPR and reflect the data available to the Review. The data captured by the ‘transgender’ category allows for analysis of potential differential treatment from cisgender categories.

### Court Transport Unit – Strip search occurrences in 2024

	Negative	Positive	Total	% Positive
First Nation	102	6	108	5.6
<i>Female</i>	10	1	11	9.1
<i>Male</i>	92	5	97	5.2
Non-First Nation	281	6	287	2.1
<i>Female</i>	20	0	20	0
<i>Male</i>	261	6	267	2.3
Unknown/not stated	20	0	20	0
<i>Male</i>	20	0	20	0
Missing data			15	
Total	403	12	430	2.8

**Table 3: Source - ACTCS**

Table 4 (below) provides data on the number of scanning searches undertaken on admission at the AMC in 2024. As discussed above, a scanning search is a search done by electronic or other means (such as a metal detector) that does not require the person to remove the person’s clothing or to be touched by someone else. An X-ray body scanner was installed at the AMC in 2023, coinciding with the Amendment Act.

Scanning searches are referred to as ‘X-ray body scans’ in 2025 HPR. ‘Scanning search’ is used here to avoid confusion with ‘body search’. This data is provided to enable some limited comparisons with strip search data.

There are significant caveats with the data in Table 4. There were 116 separate scan occurrences removed from the total scanning search dataset due to missing data entry (demographics and ID). In some cases, the outcome of the search was missing. It was not clear which of the 116 were scanning searches undertaken on admission. Unlike in Table 2 and Table 3, this data has not been captured in a ‘Missing Data’ row.

This data is consistent with the data published by 2025 HPR, although it is noted that the total number of scanning searches on admission in 2024 (966) is greater than the number of admissions in 2024 (786). The reason for this discrepancy is likely a result of a person being scanned multiple times upon entry (for example, if the first scan appeared to identify something and a subsequent scan was needed for verification).

As with Table 2, the positive detection rate provides some evidence about the utility of undertaking scanning searches, subject to the same caveats expressed about Table 2.

All things being equal, the positive detection rate for scanning searches and strip searches should be the same. Instead, 16.6% of scanning searches detected contraband, which is higher than the positive detection rate for strip searches (2.8%). It is not clear on the evidence available why there is such a difference. HPR 2025 suggests that this might be because a scanning search can detect contraband concealed within a person’s body (strip searches cannot inspect body orifices or cavities). HPR 2025 included data which suggests (noting the 116 records removed) that, when scans are undertaken for purposes other than admission screenings, only 1.7% of scanning searches detect contraband.<sup>21</sup> There is no reason detectable in the data why the positive detection rate for

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<sup>21</sup> ACT Inspector of Correctional Services, Healthy Prison Review of the Alexander Maconochie Centre 2025, 89 (Table 14). 895 searches with data; 15 positive detections (116 records with missing data excluded).

scanning searches on admission are markedly higher than scanning searches done in other contexts and strip searches undertaken on admission.

Although HPR 2025 noted that scanning searches could detect items concealed within a person’s body (unlike a strip search), scanning searches are less effective at detecting some items and HPR 2025 notes some evidence that people are aware of ways to minimise detection when subject to a scanning search: ‘the opioid buprenorphine, which is available in easily dissolved strip that a user places under their tongue, may be cut into small strips and hidden on a person in such a way as to not show up on an x-ray body scan’.<sup>22</sup> Scanning searches are also less effective at being able to identify potential health issues (such as cuts or bruises) that would need referral to a health service.

#### Scanning searches on Admission to AMC for 2024

	Negative	Positive	Total	% Positive
First Nation	279	69	348	19.8
<i>Female</i>	22	4	26	15.4
<i>Male</i>	257	65	322	20.2
Non-First Nation	501	91	592	15.4
<i>Cisgender female</i>	35	7	42	16.7
<i>Cisgender male</i>	454	83	537	15.5
<i>Persons identifying as transgender</i> <sup>23</sup>	12	1	13	7.7
Unknown/not stated	25	1	26	3.9
<i>Female</i>	1	0	1	0
<i>Male</i>	24	1	25	4.0
Total	805	161	966	16.6

**Table 4: Source - ACTCS**

## Findings

Consistent with the findings of Healthy Prison Reviews, the data available makes it difficult to quantitatively analyse the rate of strip searches on admission and to evaluate if (as some stakeholders argue) scanning searches should be preferred. This should improve as CORIS matures, allowing for higher quality longitudinal analyses.

The total number of strip searches in the corrections environment is reducing. This suggests that the Amendment Act did not result in an increase in strip searches, but it is not determinative.

One major reason that it is not determinative is the change in practice at AMC to incorporate an x-ray scanning device. HPR 2025 attributed the reduction in the number of strip searches to the operation of scanning searches.<sup>24</sup> With the data available, it is not possible to model the effect of the uptake in scanning searches on strip searches and therefore establish what effect the Amendment Act had.

<sup>22</sup> ACT Inspector of Correctional Services, Healthy Prison Review of the Alexander Maconochie Centre 2025, 90.

<sup>23</sup> See comment at 38.

<sup>24</sup> ACT Inspector of Correctional Services, Healthy Prison Review of the Alexander Maconochie Centre 2025, 88.

Given that the number of strip searches (580) has reduced to less than the admissions intake (786), the available data is consistent with the view that strip searches are not undertaken as a routine exercise at the AMC on admission. Because disaggregated data was not available, it was not clear from the data what proportion of people admitted through the CTU were strip searched.

2025 HRP has undertaken an analysis of the rates of strip searches undertaken on Aboriginal and Torres Strait Islander people.

In the 2022 Healthy Prison Review of the AMC, the Inspector found that, in 2020-21, Aboriginal and Torres Strait Islander detainees were over-represented in the detainee cohort who were strip searched. The 2022 Healthy Prison Review reported that:

- 30% of strip searches of men in the AMC were of Aboriginal and Torres Strait Islander men; 22% of men in AMC are Aboriginal and Torres Strait Islander men; and
- 58% of strip searches of women in the AMC were of Aboriginal and Torres Strait Islander women; 43% of women in AMC are Aboriginal and Torres Strait Islander women.<sup>25</sup>

The 2025 HPR updated these statistics, reporting that while Aboriginal and Torres Strait Islander women remained overrepresented in the strip search statistics, Aboriginal and Torres Strait Islander men were not:

- 27% of strip searches of men in the AMC were of Aboriginal and Torres Strait Islander men; 27% of men in the AMC are Aboriginal and Torres Strait Islander men;
- 40% of strip searches of women in the AMC were of Aboriginal and Torres Strait Islander women; 34% of women in the AMC are Aboriginal and Torres Strait Islander women.<sup>26</sup>

The available data presents transgender people as a separate category (rather than including them appropriately with the 'male' and 'female' categories). Presenting transgender people as a separate category permits a limited analysis of whether they are overrepresented in the strip search statistics. Three people in Table 2 were counted as transgender and, between those three people, there were six strip searches undertaken at the AMC and no strip searches undertaken at the CTU. Although this is a very small population size, the average (two strip searches per person) is markedly higher than for the total AMC population.

However, due to the lack of disaggregated data, it is unclear to what extent these demographic differences in strip search rates are a result of section 70 or of strip searches under other sections.

In the analysis below, it is recommended that a future statistical review of strip searches be undertaken to provide further evidence about the effect that scanning search technology has on strip search rates.

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<sup>25</sup> ACT Inspector of Correctional Services, Healthy Prison Review of the Alexander Maconochie Centre 2022, 42.

<sup>26</sup> ACT Inspector of Correctional Services, Healthy Prison Review of the Alexander Maconochie Centre 2025, 84.



# Analysis

## Are the amendments operating effectively and as intended?

### Clarity of the Amendment

The primary aim of the amendment to section 70 of the CMA was to correct a drafting error, clarifying the basis for a strip search upon admission to a correctional facility.

No stakeholder expressed the view that there was still ambiguity about the basis for a strip search under section 70.

While the Amendment clarified that sections 113A, 113B, and 113C do not apply to section 70, the Review notes that neither the Corrections Management (Strip Search) Operating Procedure 2022 nor the Corrections Management (Searching) Policy 2023 have been updated since the amendment was made.

According to the Corrections Management (Strip Search) Operating Procedure 2022, a detainee will be strip searched on 'reasonable suspicion or reasonable belief'.<sup>27</sup> However, from the view of a few stakeholders, there has been a lack of guidance provided to corrections officers on appropriate discretion to provide accommodations and exemptions for strip searches on admissions.

Whilst these policies go beyond the scope of the statutory review, which is focused on the legislative amendment, ACT Corrective Services should consider reviewing these policies and procedures in light of the amendment to section 70 to ensure sufficient clarity and direction is provided regarding strip searches on admission.

### Effect of the Amendment

As noted in the data analysis above, there was no evidence to suggest that the Amendment had increased the number of strip searches being undertaken at AMC. It was also noted that the introduction of an x-ray scanning machine at AMC had made it difficult to distinguish the actual effect that the Amendment had on strip search numbers.

Some stakeholders, including the ACT Human Rights Commission, continued to raise concerns that the motivation for the Amendment was administrative efficiency, bypassing the need for an individualised risk assessment to be undertaken prior to authorising a strip search. They argue that a blanket approach is taken to authorising strip searches.

Although the available data does not support this view, it is difficult to assess the claim comprehensively without disaggregated data. For example, it may be that some groups of people may be more likely to be strip searched as part of the admission pathway than others.

The ACT Human Rights Commission noted, in particular, that some people may be strip searched by the CTU and then strip searched again upon reaching AMC. This is possible under the Act (both prior to the Amendment and following it). While it is possible that a person is strip searched under section

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<sup>27</sup> Corrections Management (Strip Search) Operating Procedure 2022 procedure 1.1. Strip searches are conducted in accordance with this procedure and the Searching Policy and the Searching Program.

70 at the CTU and then strip searched for a different reason shortly after admission to the AMC, ACTCS states that this rarely happens in practice. ACT Corrective Services advised that where a person is being admitted through the CTU, they will not typically be strip searched again at the AMC unless there is a need (e.g. the person is suspected to be in possession of contraband following a scanning search).

In 2021, the Inspector released a report of a review of a critical incident, *Use of Force to Conduct a Strip Search at the Alexander Maconohie Centre on 11 January 2021* (the RCI). The RCI found that, despite even some corrections officers believing that strip searches were mandatory upon admission to the Crisis Support Unit within AMC, the available data showed that mandatory searches were not taking place.<sup>28</sup> More broadly than the Crisis Support Unit, the Government agreed to the recommendation that ACTCS 'ensure that human rights are explicitly considered prior to conducting a planned use of force to carry out a strip search, and the reasons for a decision are documented.'<sup>29</sup>

This commitment was also expressed in the Explanatory Memorandum accompanying the Amendment Act: the amendment would not displace any processes and safeguards outlined in the CMA, and that section 70 would continue to 'confer a statutory discretion on corrections officers to strip search a detainee as part of an initial assessment on admission, and will not authorise a routine or blanket approach.'

In the ACT Human Rights Commission's submission, it was noted that recent Supreme Court cases have highlighted a disconnect between legislation, policy, and correctional officer's daily practices and their understanding of their obligations, particularly in the context of human rights. Although the decision in *Williams v Director-General of the Justice and Community Safety Directorate*<sup>30</sup> was delivered in 2025, the facts relate to a strip search that occurred in 2021 in the Crisis Support Unit of the AMC (prior to the Amendment Bill, and which prompted the RCI). This strip search was not conducted under section 70.

ACTCS has advised that training has been updated since 2021 to ensure officers understand the procedural steps of conducting a search and are confident in applying human-rights based decision making, documenting their reasoning, and exercising sound judgement about when a strip search is lawful and justified. ACTCS stated that strip searches on admission to AMC are not conducted routinely; officers are supported by policy and procedure to use discretion and take into account relevant risks.

ACT Policing were in support of the intent of the amendment and considered it to be operating effectively in their capacity. They noted the importance of retaining the discretion to not conduct a strip search on admission to guarantee that it remains proportionate and responsive to individual circumstances. ACT Policing also highlighted their commitment to reducing the occurrence of unnecessary searches and to ensure that they are only conducted where there is a clear safety, security and welfare justification.

As part of considering updating the Corrections Management (Strip Search) Operating Procedure 2022 and the Corrections Management (Searching) Policy 2023, ACTCS should consider articulating clearly how the human rights of detainees are incorporated into decisions to undertake searches generally and strip searches specifically.

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<sup>28</sup> ACT Inspector of Custodial Services, *Use of Force to Conduct a Strip Search at the Alexander Maconohie Centre on 11 January 2021*, 17.

<sup>29</sup> Legislative Assembly for the Australian Capital Territory, *Government Response to the Report of a Review of a Critical Incident by the ACT Inspector of Correctional Services - Use of Force to Conduct a Strip Search at the Alexander Maconohie Centre on 11 January 2021*, 6.

<sup>30</sup> [2025] ACTSC 396.

## Key findings:

1. The Amendment has made it clear that sections 113A, 113B, and 113C do not apply to section 70.
2. There is no available data to suggest that the number of strip searches has increased following the Amendment Act.
3. The available data is consistent with the view that ACTCS is reducing its overall reliance on strip searches, however the review was unable to calculate the rate of strip searches on admission to AMC.
4. Further work needs to be conducted to ensure clarity for officers between the amendment and the operating procedures to ensure consistency. Consideration should be given to ensuring clarity in relation to section 70 in Corrections Management (Strip Search) Operating Procedure 2022 and the Corrections Management (Searching) Policy 2023, including a clear articulation of how the human rights of detainees are incorporated into decisions to undertake searches generally and strip searches specifically.

## Whether strip searching on admission continues to be the least intrusive kind of search that is reasonable or necessary in the circumstances

### Effectiveness of strip searches

Stakeholders were concerned with the limited effectiveness of strip searches on admission at detecting contraband and questioned the tangible impact strip searches have on safety within corrective centres.

Multiple stakeholders referred to national reports to support this view. A 2023 report by the Queensland Human Rights Commission reviewed the past 20 years of literature on strip searches and concluded that all available evidence indicated that strip searches ‘rarely [found] dangerous or prohibited items’ and did not ‘achieve their intended purpose of detecting and confiscating contraband from prisons’.<sup>31</sup> Additionally, the Western Australian Office of the Inspector of Custodial Services found in 2019 that there was no evidence of strip searching having a deterrent effect on individuals bringing prohibited items into a correctional centre.<sup>32</sup>

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<sup>31</sup> *Stripped of Our Dignity: A Human Rights Review of Policies, Procedures and Practices in Relation to Strip Searches of Women in Queensland Prisons*, Queensland Human Rights Commission, pp. 40, 44.

<sup>32</sup> *Strip Searching Practices in Western Australian Prisons*, Office of the Inspector of Custodial Services, Western Australia, pp. 8–9.

Statistics from the Jumbunna Report also suggest that strip searches are not effective in finding contraband at the AMC. In relation to First Nations detainees:

‘During the 7-month period between 1 October 2020 and 30 April 2021, there were 208 strip searches conducted on women in the AMC, of which 58% were conducted on First Nations women. Only three of those searches resulted in finding contraband (one relating to medication and two relating to drug paraphernalia and drugs).’<sup>33</sup>

The National Preventative Mechanism noted that various reviews in other Australian jurisdictions suggested that routine strip searching may lead to misconduct risks. In Victoria, a 2022 *Cultural Review of the Adult Custodial Corrections System* found that there was an increased integrity risks arising when strip searches were conducted routinely and not based on intelligence or reasonable suspicion of contraband.<sup>34</sup> The report noted that strip searches which lack dignity and privacy are more likely to lead to agitation of the person being searched, leading to an altercation. In the report, detainees also alleged that a handful of officers may use strip searching to incite the individual in custody to react aggressively to then justify use of force. Further, a 2019 review by the Western Australian Inspector of Custodial Services found that 15% of respondents of a staff survey observed a strip search being conducted to change a person’s behaviour.

## Non-invasive technologies as an alternative

Stakeholders were supportive of adopting non-invasive technologies as an alternative to strip searching, noting the availability of body scanners at the AMC.

Several stakeholders expressed a view that body scanning technology installed at the AMC has resulted in a decrease in strip searching, discussed above.

Submissions also raised opportunities for technology implementation in other stages of the admission process. ACT Policing noted that the adoption of body scanner technology at the ACT Watch House may further reduce unnecessary searches. With a body scanner, police would be able to provide ACT Corrective Services with additional information to support assessments undertaken on admission and negate the need for an intrusive search. The insertion of a body scanner in the ACT Watch House has been recommended by the Standing Committee on Social Policy, Inquiry into Annual and Financial Reports 2023-2024.<sup>35</sup>

The 2025-26 ACT Budget provided \$350,000 for a body scanner at the CTU.<sup>36</sup> It is anticipated that this will further reduce the number of strip searches conducted as part of the admission process to the AMC.

## Effectiveness of alternatives

As noted above, the purpose of a strip search under section 70 is an initial assessment under section 67. Under section 67, the director-general must ensure that each detainee admitted to a correctional centre is assessed as soon as practicable to identify any immediate physical or mental health, or safety or security, risks and needs; and any risks and needs identified by the assessment are addressed.

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<sup>33</sup> *Final Report: Independent Review into the Over-Representation of First Nations People in the ACT Criminal Justice System*, Jumbunna Institute for Indigenous Education and Research, University of Technology Sydney, p. 304.

<sup>34</sup> Victorian Government, Final report: Cultural Review of the Adult Custodial Corrections System – Safer Prisons, Safer People, Safer Communities (2022), 375.

<sup>35</sup> See Recommendation 37 of the Standing Committee on Social Policy, Inquiry into Annual and Financial Reports 2023-2024.

<sup>36</sup> [2025-26 Budget Statements D](#), bringing the total number of scanners to three, with two already being in place at AMC.

ACT Corrective Services advised that a scanning search cannot replace the role a strip search has in assisting with a health assessment under section 67 of the CMA. In their view, a strip search increases the capacity to determine if a newly detained person is suffering any injuries that need treatment, or which could later erroneously be attributed to the injury occurring following being taken into the custody.

As noted above, scanning searches are less effective at detecting some items, and the 2025 HPR noted there was evidence that people were aware of methods to reduce the effectiveness of a scanning search (such as cutting items into smaller pieces).

Further, strip searches would still be required in a variety of circumstances, including when a detained person refuses to be scanned or when the body scanner detects a concealed item and the detainee refuses to declare it.

It is recommended that a further statistical review be undertaken in 2028 to assess the effect that scanning searches had on the rate of strip searches.

### **Key findings:**

5. The review found that body scanning technology significantly reduces the need to undertake a strip search.
6. The review found that the imminent introduction of body scanning technology in the CTU should further reduce the number of strip searches being undertaken on admission and increase the interception of contraband.
7. The review notes the ongoing need for a legislative mechanism to allow strip searches on admission in some circumstances, including to undertake a health assessment and for contraband that may not be detected with a scanning search.
8. The review recommends improved data collection of strip searches on admission through all pathways and that a further statistical review be undertaken in 2028 to assess the effect that scanning searches had on the rate of strip searches.

## **General feedback on the use of strip searches**

Many stakeholders raised general concerns on the use of strip searches beyond the scope of the legislative review. Given the scope of the review was specifically about the amendment to section 70 relating to strip searches on admission, these concerns are noted and included below for information, but no findings have arisen from this feedback.

### **Harmful impacts of strip searching**

In most submissions, stakeholders raised concerns over the harmful impacts of strip searching on people deprived of liberty. Multiple stakeholders did not believe that strip searches were a trauma-informed practice and that they compounded existing trauma.

In the ACT, the 2022 Healthy Prison Review found that 70% of respondents believed strip searches were conducted with due sensitivity and respect ‘most of the time’ or ‘all of the time’. This dropped to 63% in 2025, but was still higher than the 54% recorded in 2019.<sup>37</sup>

In 2019, a review by the Western Australian Inspector of Custodial Services found that 15% of respondents of a staff survey observed a strip search being conducted to change a person’s behaviour.

Stakeholders were also concerned about the adverse impacts strip searching has on vulnerable groups, particularly Aboriginal and Torres Strait Islander people, women, and victim-survivors of domestic, family, and sexual violence.

## Aboriginal and Torres Strait Islander detainees

Stakeholders raised concerns with the disproportionate use of routine strip searching on Aboriginal and Torres Strait Islander detainees, discussed above.

Stakeholders raised the following ideas to address the disproportionate effects of strip searching on Aboriginal and Torres Strait Islander detainees:

- introducing a presumption against strip searching Aboriginal and Torres Strait Islander detainees
- independent oversight and reporting of strip searches
- a cultural liaison officer or Aboriginal support worker being notified and, where appropriate, present and consulted before a strip search is conducted
- ensuring informed consent through clear and culturally appropriate explanations, and providing interpreters or support persons where needed
- assessment of the cultural acceptability of alternatives to strip searches.

## Women and victim-survivors

Multiple submissions also acknowledged that strip searches can be retraumatising for women who are victim-survivors of domestic, family and sexual violence. One stakeholder referenced a 2017 report by the Human Rights Law Centre, where women at Victorian prisons reported they experienced ‘long-term mental health impacts and consequential physical health issues’ after being subjected to strip searches in prison.<sup>38</sup>

In a 2014 investigation of the Townsville Women’s Correction Centre by the Queensland Ombudsman, it was 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.’ A NSW inquiry in 2024 also heard allegations of staff at the Dillwynia Correctional Centre making inappropriate comments when strip searching women.<sup>39</sup>

In 2017, the Victorian Ombudsman reviewed conditions at the Dame Phillip Frost Centre, a women’s maximum-security prison. Out of 179 women surveyed, 42% said officers were respectful during strip searches only sometimes or rarely. Another 26% felt they were strip searched as punishment.

ACT Corrective Services data presented Aboriginal and Torres Strait Islander female detainees were strip searched on admission in 42.3% of admissions through the Court Transport Unit, and 47.6% of

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<sup>37</sup> ACT Inspector of Correctional Services, Healthy Prison Review of the Alexander Maconochie Centre 2025, 83.

<sup>38</sup> *Total Control: Ending the Routine Strip Searching of Women in Victoria’s Prisons*, Human Rights Law Centre, p. 13.

<sup>39</sup> *Final Report: Special Commission of Inquiry into Offending by Former Corrections Officer Wayne Astill at Dillwynia Correctional Centre*, NSW Government, p. 362.

admissions for non-Aboriginal and Torres Strait Islander detainees through the Court Transport Unit. As above, these statistics do not cover the total number of strip searches undertaken on female detainees at AMC.

### Harm to correction officers

Some also acknowledged the harm caused to corrective services officers, both in terms of physical risk and mental well-being. According to a 2023 report by the Queensland Human Rights Commission, strip searching risked the physical safety of staff, vicarious trauma, and eroding rapport between detainees and staff.<sup>40</sup> In the report, staff consistently expressed their dislike of strip searching, considering the practice to be 'one of the worst aspects on their job' and one of the most high-risk tasks they perform.<sup>41</sup> Further, a review by the WA Inspector of Custodial Services found that 1 in 10 staff that responded reported they had been assaulted during a strip search (staff survey receiving 523 responses).<sup>42</sup>

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<sup>40</sup> Queensland Human Rights Commission, *Stripped of our dignity: A human rights review of policies, procedures, and practices relating to strip searches of women in Queensland prisons*, 115.

<sup>41</sup> Queensland Human Rights Commission, *Stripped of our dignity: A human rights review of policies, procedures, and practices relating to strip searches of women in Queensland prisons*, 115.

<sup>42</sup> Western Australia Inspector of Custodial Services, *Strip searching practices in Western Australian prisons*, 3, 36.

# Conclusions and Findings

The aim of the statutory review was to examine the operation of section 70 of the CMA and to determine:

- Whether the amendments are operating effectively and as intended,
- If there are any issues with the process facilitated by the amendments, and
- Whether strip searching on admission continues to be the least intrusive kind of search that is reasonable or necessary in the circumstances.

The review made the following findings:

1. The Amendment has made it clear that sections 113A, 113B, and 113C do not apply to section 70.
2. There is no available data to suggest that the number of strip searches has increased following the Amendment Act.
3. The available data is consistent with the view that ACTCS is reducing its overall reliance on strip searches, however the review was unable to calculate the rate of strip searches on admission to AMC.
4. Further work needs to be conducted to ensure clarity for officers between the amendment and the operating procedures to ensure consistency. Consideration should be given to updating the Corrections Management (Strip Search) Operating Procedure 2022 and the Corrections Management (Searching) Policy 2023, and ACTCS should consider articulating clearly how the human rights of detainees are incorporated into decisions to undertake searches generally and strip searches specifically.
5. The review found that body scanning technology significantly reduces the need to undertake a strip search,
6. The review found that the increasing use of body scanning technology in the CTU may reduce the number of strip searches being undertaken on admission.
7. The review notes the ongoing need for strip searches on admission in some circumstances, including to undertake a health assessment and for contraband that may not be detected with a scanning search.
8. The review recommends improved data collection of strip searches on admission through all pathways and that a further statistical review be undertaken in 2028 to assess the effect that scanning searches had on the rate of strip searches.

# Appendix A: List of Stakeholders

The following stakeholders were invited to provide a written submission for this review:

- Aboriginal Legal Service ACT/NSW
- Aboriginal and Torres Strait Islander Elected Body
- ACT Bar Association
- ACT Council of Social Service Inc (ACTCOSS)
- ACT Corrective Services (ACTCS)
- ACT Custodial Inspector
- ACT Human Rights Commission
- ACT Law Society
- ACT Policing
- Community and Public Sector Union
- JACS First Nations Justice Branch
- JACS Human Rights and Social Policy
- Justice Caucus
- Justice Reform Initiative
- Legal Aid ACT
- National Preventive Mechanism
- Prisoners Aid ACT
- Winnunga Nimmityjah Aboriginal Health Services

# Appendix B: Legislation

The Amendment Act modified Section 70 of the Amendment Act to exclude the consideration of ss 113A, 113B and 113C when conducting a strip search. These provisions are set out below

## **70 Strip search on admission**

- (1) For an assessment under section 67, the director-general may direct the detainee, orally or in writing, to submit to a strip search.
- (2) The following provisions apply in relation to the direction and any strip search conducted under the direction:
  - part 9.4 (Searches), other than section 113A, section 113B and section 113C;
  - part 9.5 (Seizing property).

## **113A Strip searches—when may be conducted**

- (1) A detainee may be strip searched only if the director-general gives a direction in accordance with section 113B or section 113C.

*Note 1* Section 126 provides for the use of force to carry out searches under this part.

*Note 2* This section does not apply to a strip search conducted on a detainee on their admission to a correctional centre (see s 70 (2)).

- (2) To remove any doubt, a strip search of a detainee may be conducted immediately after any scanning search, frisk search or ordinary search of the detainee.

## **113B Strip searches—on suspicion**

The director-general may direct a corrections officer to strip search a detainee if the director-general suspects on reasonable grounds that the detainee has a seizeable item concealed on the detainee.

## **113C Strip searches—where prudent**

- (1) The director-general may direct a corrections officer to strip search a detainee at a correctional centre if—
  - (a) the director-general believes on reasonable grounds that it is prudent to search the detainee for a seizeable item that may be concealed on or in the detainee because the detainee—
    - i. has recently not been under the control or immediate supervision of a corrections officer for a period; and
    - ii. during the period, may have had an opportunity to obtain a seizeable item; and
  - (b) a scanning search may assist in detecting the item but—
    - i. the means of conducting the search is not available at the correctional centre; or
    - ii. if the means of conducting the search is available—the scanning search is not likely to detect more than a limited range of seizeable items; or
    - iii. the search could only be carried out using force that would be likely to make it ineffectual; and
  - (c) a frisk search or ordinary search is not likely to detect more than a limited range of seizeable items.

### **Example—par (a) (ii)**

the detainee has had a personal contact visit by someone who is not an accredited person

### **Example—par (b) (ii)**

a metal detector

- (2) Without limiting section 14 (Corrections policies and operating procedures), the director-general must make a corrections policy or operating procedure in relation to strip searches under this section.