

14 September 2026

To the Legal and Constitutional Affairs Legislation Committee,

Re: Inquiry on the *Crimes Amendment (Prohibiting the Strip Searching of Children) Bill 2026*

I write from Community Restorative Centre, a lead non-government organisation supporting people exiting prison in NSW. We urge Parliament to pass the *Crimes Amendment (Prohibiting the Strip Searching of Children) Bill 2026*, and to hold hearings for this inquiry to increase the potential for people with lived experience of incarceration to contribute. While we do not believe children belong in prisons, banning strip searches will reduce harm to children while they are there. In this submission, we outline where and when the strip searching of children still occurs. We highlight that strip searching is ineffective and unnecessary, that it is degrading for children, and out of alignment with international human rights expectations. The practice also disproportionately harms hyperincarcerated children.

The context of strip searching children in Australia

Children are strip searched in youth prisons in several Australian jurisdictions.¹ In NSW, youth justice officers are permitted to conduct partial strip searches – which include requiring the child to remove their clothes from the top or bottom half of their body (but not all at once).² There is also a memorandum of understanding between Corrective Services NSW and Youth Justice, which enables correctional officers to conduct a full strip search of children during a ‘riot or disturbance’ at detention facilities.³ The NSW Ombudsman has recommended that the strip searching of children be legally prohibited in NSW,⁴ but this recommendation has not been implemented by the NSW government.⁵ State

¹ McKay, A. (2023). Preventing torture and other cruel, inhuman or degrading treatment of children in detention in Australia. *Alternative Law Journal*, 48(2), 92.

² *Children (Detention Centres) Regulation 2015* (NSW), sections 11A(2), (4) & (5)(a). <https://legislation.nsw.gov.au/view/html/inforce/current/sl-2015-0474#sec.11A>.

³ Ombudsman NSW. (2022). *Strip searches in youth detention. A follow-up report under section 27 of the Ombudsman Act 1974*. Ombudsman NSW. <https://cmsassets.ombo.nsw.gov.au/assets/Reports/Strip-searches-in-youth-detention.pdf>.

⁴ Ibid.

⁵ McGowan, M. (2022, May). NSW government refuses to close legal loophole allowing prison staff to strip-search children. *The Guardian*. <https://www.theguardian.com/australia-news/2022/may/16/nsw-government-refuses-to-close-legal-loophole-allowing-prison-staff-to-strip-search-children>.

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government inaction is one reason we support the Bill. We also support the prohibition of partial strip searches in the Bill, given there are alternative risk management techniques that can be used in youth prisons to intercept prohibited items, like body scanners and wands when required.⁶

Strip searching is ineffective

We highlight that strip searching is incredibly ineffective at detecting contraband, with items being found in less than 1% of cases in Australian prisons.⁷ The ineffectiveness of strip searching, and the existence of alternatives like body scanners and wands, make the practice unnecessary.

Strip searching can be a barrier to connection

Strip searching can be a barrier for young people to connect with their loved ones via prison visits.⁸ For instance, one young person who was incarcerated at a youth prison in Adelaide, South Australia, shared that they, 'didn't want to be strip searched to have a visit'.⁹

Strip searching is scary and degrading for children

We highlight that children can experience strip searches in prison as terrifying and degrading. A First Nations person shared with the First Nations youth storytelling project Mounty Yarns in NSW that:

'I remember the first time I went to Cobham [a youth prison in NSW], I was so scared... Getting strip searched, it feels like all your dignity gets left there. I never felt more scared and powerless. You never really get over that feeling or get used to it. But it happens a lot'.¹⁰

Less opportunity for harm

Body scanners and wands will cause less harm to children than strip searching, particularly recognising the shame strip searches elicit, and the power differential involved in adult guards conducting strip searches on children. We also believe banning strip searches will

⁶ Human Rights Law Centre & Flat Out. (2026). *Ending strip searching in Australian Prisons*. <https://static1.squarespace.com/static/5f3a46e3dffd8f36701099cf/t/69a7869be12b292cb5ceb4a1/1772586652015/Ending%2BStrip%2BSearching%2BReport%2B2026.pdf>

⁷ Human Rights Law Centre & Flat Out. (2026). *Ending strip searching in Australian Prisons*, 15.

⁸ The South Australian Training Centre Visitor. (2025, October). *From those who know. Mental health and wellbeing in youth detention*. The Office of the Guardian for Children and Young People. https://gcyp.sa.gov.au/wordpress/wp-content/uploads/2025/11/From-Those-Who-Know_Mental-Health-and-Wellbeing-in-Youth-Detention_FINAL.pdf, 12; Human Rights Law Centre & Flat Out. (2026). *Ending strip searching in Australian Prisons*, 20.

⁹ Ibid.

¹⁰ Mounty Yarns. (n.d.). *Mounty Yarns: lived experiences of Aboriginal young people in Mt Druitt*. <https://static1.squarespace.com/static/644e27ff8602074e9b8ef945/t/64fe4341bf2ec6376e5d5db8/1694385003181/Mounty+Yarns.pdf>

provide less opportunity for sexual assault by guards (which has occurred)¹¹ and less conflict between guards and children, given less invasive search methods.

Strip searching is out of alignment with international expectations

We support Senator Lidia Thorpe's assertion in the second reading speech of the Bill that strip searching children is out of alignment with international expectations.¹² This includes the right to privacy and dignity set out in articles 16(1) and 37(C) of the *UN Convention on the Rights of the Child*, in addition to the right to freedom from cruel and degrading treatment in article 7 of the *International Covenant on Civil and Political Rights*.

The disproportionate impact of strip searching on specific cohorts

We stress that strip searching can be particularly impactful for minoritised youth who are disproportionately represented in the youth prison system. For instance, First Nations people are disproportionately subject to strip searching.¹³ Trans and gender diverse people, who are also hyperincarcerated,¹⁴ can face discomfort with their bodies in settings that can fail to provide gender affirming care. Trans and gender diverse children can thus find strip searching particularly challenging and harmful.

Holding hearings for this inquiry

We encourage the Committee to hold hearings as part of this inquiry. People who have been incarcerated may prefer to orally provide evidence directly to legislators, as opposed to participating in the submissions process. Oral hearings enable people to tell their stories in their own words. Oral hearings can also be more accessible to people who have been incarcerated, who face lower rates of literacy and may experience barriers to accessing technology.

For the reasons outlined, we urge Parliament to pass this Bill, and to hold hearings for this inquiry to expand the capacity of people with lived experience of the prison system to contribute.

Kind regards,
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¹¹ Human Rights Law Centre & Flat Out. (2026). *Ending strip searching in Australian Prisons*, 25; *Royal Commission into Institutional Responses to Child Sexual Abuse (Final Report, Volume 15, 2017)*, https://www.childabuseroyalcommission.gov.au/sites/default/files/final_report_-_volume_15_contemporary_detention_environments.pdf, 92-93.

¹² Thorpe, L. (2026, August 18). *Crimes Amendment (Prohibiting the Strip Searching of Children) Bill 2026 Second Reading*. Parliament of Australia. <https://parlinfo.aph.gov.au/parlInfo/search/display/display.w3p;query=Id%3A%22chamber%2Fhansards%2F29233%2F0162%22>

¹³ Human Rights Law Centre & Flat Out. (2026). *Ending strip searching in Australian Prisons*, 22.

¹⁴ Winter, C. (2023). Correctional policies for the management of trans people in Australian prisons. *International Journal of Transgender Health*, 25(2), 131. <https://doi.org/10.1080/26895269.2023.2246953>.