



14 September 2026

Legal and Constitutional Affairs Legislation Committee

Department of the Senate
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Dear Committee Secretary,

CALL FOR SUBMISSIONS: Inquiry into the Crimes Amendment (Prohibiting the Strip Searching of Children) Bill 2026

The National Justice Project thanks the Legal and Constitutional Affairs Legislation Committee for the opportunity to put forward a submission to the Inquiry into the *Crimes Amendment (Prohibiting the Strip Searching of Children) Bill 2026*.

The National Justice Project (NJP) is a not-for-profit human rights legal service delivering strategic legal action, social justice education, advocacy, and collaborative projects on issues related to First Nations justice, health justice, policing and prison reform, and disability justice. Our mission is to fight for justice, fairness, and inclusivity by eradicating systemic discrimination.

Our work includes [Call It Out](#), Australia's first Indigenous-led national register for reporting racism and discrimination against First Nations people, developed in partnership with the Jumbunna Institute for Indigenous Education and Research at the University of Technology Sydney (UTS). We also lead the [Alternative First Responders](#) campaign, a national coalition of more than 36 organisations calling for community-led responses to health and social crises in place of default police attendance.

We strongly support this Bill. Through our legal work, advocacy and partnerships with communities across Australia, we have seen how coercive practices can cause significant harm to children and are too often imposed on those already bearing the impacts of discrimination, exclusion and institutional injustice.

Our position

We support the Bill in full and reject any characterisation of strip-searching children as a routine security measure. Requiring a child to remove their clothing before an adult in a position of authority, absent medical necessity or the child's free and informed consent, is an inherently invasive and harmful act. It constitutes a profound violation of a child's dignity, bodily integrity and autonomy.

The legal or institutional setting in which it occurs does not alter its nature or impact. If an adult outside a custodial or justice setting subjected a child to the same conduct, it would be recognised as serious abuse and treated accordingly. The fact that it occurs in a police station, prison or youth detention centre does not make it less harmful. Rather, it reflects the State's exercise of power over children in circumstances where they are least able to refuse, resist or protect themselves. Institutional authority and process cannot legitimise what would otherwise be recognised as an unacceptable violation of a child's rights.

The practice breaches Australia's obligations under the Convention on the Rights of the Child

Australia ratified the United Nations *Convention on the Rights of the Child* (CRC) in 1990. That commitment is not symbolic; it imposes clear obligations on governments and public authorities, including within places of detention and across all interactions between the State and children.

Article 3 requires that the best interests of the child be a primary consideration in all actions concerning children, including those undertaken by justice and detention authorities. Strip-searching a child cannot be reconciled with this obligation. The evidence demonstrates that the practice rarely achieves any legitimate security objective, while the risk of psychological harm to the child is severe. No assessment of a child's best interests could rationally authorise this practice.

Article 19 requires Australia to protect children from all forms of physical or mental violence, injury, abuse, neglect, maltreatment or exploitation while in the care of those responsible for them, including custodial and law enforcement authorities. Article 34 requires protection from all forms of sexual exploitation and sexual abuse. Article 37 prohibits torture and other cruel, inhuman or degrading treatment or punishment and requires that every child deprived of liberty be treated with humanity and respect for their inherent dignity. Article 16 further protects children from arbitrary or unlawful interference with their privacy.

The strip-searching of children is fundamentally inconsistent with these protections. It involves the compelled exposure of a child's body to adults exercising state authority, in circumstances that the evidence shows are almost never justified by any genuine safety need. This practice goes to the heart of the harms these provisions were designed to prevent.

Why this Bill is necessary

The evidence on strip searching does not support its continued use. Reporting indicates that approximately 900,000 strip searches were conducted in Western Australian prisons between 2014 and 2019, yet contraband was detected in just 0.28 per cent of searches and dangerous items were almost never found.¹ In New South Wales, in April 2022, 127 strip searches were conducted on children across two youth detention centres in one month alone,² with only three searches resulting in the discovery of any item. These figures reveal a practice that overwhelmingly fails to achieve its stated purpose of safety and security, while exposing children to serious harm.

That harm falls disproportionately on First Nations children. Data from September 2024 showed that 45 per cent of the 1,532 children aged 11 to 17 strip searched by NSW Police between 2017 and 2023 were First Nations children.³ This pattern is consistent with what the Call It Out racism register documents more broadly: First Nations people, including children, are disproportionately subjected to coercive, harmful and discriminatory practices across the justice system. For children who have already experienced trauma, including sexual abuse, strip searches carry a significant risk of re-traumatisation regardless of the outcome of the search. For a child with that history, the practice does not merely resemble abuse; it can replicate its harms.

Our Alternative First Responders campaign has similarly identified the extent to which police and custodial responses remain the default approach to situations they are neither best placed nor appropriately equipped to address, including children experiencing distress. The use of strip searches reflects this same overreliance on coercion, control and surveillance in circumstances where care, support and protection should be the priority.

¹ Office of the Inspector of Custodial Services (WA), *Strip Searching Practices in Western Australian Prisons* (Review, April 2019): <https://www.oics.wa.gov.au/wp-content/uploads/2019/04/Strip-Searches-Review.pdf>.

² Human Rights Law Centre, *Strip Searching in Australia: The Case for Reform* (2026): <https://www.hrlc.org.au/app/uploads/2026/03/Strip-searching-report.pdf>.

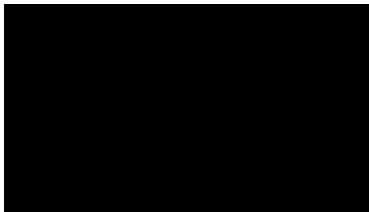
³ National Indigenous Times, 'First Nations Children, Some as Young as 11, Disproportionately Strip Searched by NSW Police, New Data Dashboard Reveals' (online, 25 September 2024): <https://nit.com.au/25-09-2024/13921/first-nations-children-disproportionately-strip-searched-by-nsw-police-new-data-dashboard-reveals>.

Recommendation

We recommend that the Committee support the Bill without amendment, ensuring that strip searches of anyone under the age of 18 are prohibited in all circumstances, with no discretion to authorise them on welfare, security or any other grounds. A practice that would constitute sexual abuse in any other setting cannot continue to be authorised by law simply because a child is in custody. Nor can a practice that is fundamentally inconsistent with the rights enshrined in the *Convention on the Rights of the Child* continue to be treated as a routine feature of detention and law enforcement.

We welcome the opportunity to provide evidence to the Committee, including evidence drawn from Call It Out reporting and our broader legal casework and advocacy with children and young people affected by the justice system.

Yours sincerely,



George Newhouse | CEO

