



**Redfern
Legal
Centre**

Submission

Inquiry into the Crimes Amendment (Prohibiting the Strip Searching of Children) Bill 2026

11 September 2026

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11 September 2026

Committee Secretary
Senate Legal and Constitutional Affairs Committee
PO Box 6100
Parliament House
Canberra ACT 2600

By email: legcon.sen@aph.gov.au

Dear Committee Secretary

Please find enclosed Redfern Legal Centre's Submission to the Senate Legal and Constitutional Affairs Committee, Inquiry into the Crimes Amendment (Prohibiting the Strip Searching of Children) Bill 2026.

We welcome the opportunity to meet with the Committee to discuss our submission.

If you have any questions about the submission, please contact Rian Terrell at rian@rlc.org.au.

Yours faithfully,

Rian Terrell
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About Redfern Legal Centre

Redfern Legal Centre (**RLC**) is a non-profit community legal centre that provides access to justice. Established in 1977, RLC was the first community legal centre in NSW and the second in Australia. We provide free legal advice, legal services and education to people experiencing disadvantage in our local area and statewide. We work to create positive change through policy and law reform work to address inequalities in the legal system, policies and social practices that cause disadvantage.

We provide effective and integrated free legal services that are client-focused, collaborative, non-discriminatory and responsive to changing community needs – to our local community as well as statewide. Our specialist legal services focus on tenancy, credit, debt and consumer law, financial abuse, employment law, international students, First Nations justice, police accountability, and we provide outreach services including through our health justice partnership.

Acknowledgement of Country

We acknowledge that RLC is located on the land of the Gadigal people of the Eora Nation and that sovereignty was never ceded. We pay our respects to Elders past and present, and to all the First Nations people, organisations and communities that we work in solidarity with. Always was, always will be.

Executive Summary

RLC supports the policy objectives of the Crimes Amendment (Prohibiting the Strip Searching of Children) **Bill** 2026. RLC's casework, as well as data we have obtained through freedom of information requests, demonstrates that children in NSW continue to be subjected to strip searches. Strip searching is an invasive and harmful police practice that is frequently ineffective or unnecessary, and often unlawful. Children should not be exposed to a police power that is so traumatic and prone to misuse. However, this Bill may not be the most appropriate way to prohibit strip searching of children in Australia, as it may exceed Commonwealth legislative power. If that is so, RLC recommends that the Commonwealth work with the States and Territories to review and consider prohibition of the strip searching of children in each State and Territory.

This submission draws upon the work of RLC in NSW on strip searches and so reflects the fact that our experience is predominantly in NSW.

Recommendations

Recommendation 1: The Commonwealth should work with state and territory leaders through the Police Ministers Council and the Standing Council of Attorneys-General to review state and territory laws relating to the strip searching of children to achieve a nationally consistent prohibition of the strip searching of children by police.

Recommendation 2: If strip searches against children are not prohibited, child-protection principles should be included in police powers legislation, including specific safeguards for strip searching children.

Recommendation 3: The *Crimes Act 1914* (Cth) should be amended to provide greater protection for children who are subjected to strip searches pursuant to Commonwealth legislation.

Previous Submissions on Strip Searches

In 2024, RLC made a submission which addressed the effects of strip searches to a Parliamentary Inquiry into the challenges and opportunities within the Australian live music industry.¹

¹ Redfern Legal Centre, Submission No 65 to House Standing Committee on Communications and the Arts, Parliament of Australia, *Inquiry into the challenges and opportunities within the Australian live music industry* (30 April 2024) <<https://rlc.org.au/sites/default/files/2024-10/Sub%2065%20-%20Redfern%20Legal%20Centre.pdf>>.

1. Prohibiting strip searches of children

RLC supports the objectives of the Crimes Amendment (Prohibiting the Strip Searching of Children) **Bill** 2026. RLC's research and casework over the past decade demonstrate that children continue to be subjected to strip searches that are invasive, harmful, frequently unnecessary and often unlawful. Strip searching is inherently humiliating and degrading,² particularly for children. Children in Australia should not be exposed to a law enforcement power that is so ineffective, invasive, traumatic and prone to misuse.

When it comes to strip searches involving children, such searches should only be permitted in emergencies or exceptional circumstances (for instance, when there is an imminent risk to life or safety) and should be supported by clear, objective evidence.

RLC acknowledges that there may be practical and constitutional challenges concerning the Bill, particularly as it seeks to prohibit strip searches conducted by State police and places a burden on State policing that may exceed the Commonwealth's legislative power.

Even if this Bill does not pass, RLC believes that the Commonwealth should take the initiative on this critical issue, which negatively impacts children. The Commonwealth should commence a coordinated national reform process with State and Territory governments to review and amend strip search laws, considering the substantial evidence that supports prohibiting the strip searching of children across Australia.

The following section summarises evidence regarding the ineffectiveness, harms and ongoing concerns about the number of strip searches in NSW.

In each jurisdiction in Australia, different legislation and considerations apply depending on whether a strip search of a child occurs in public, or 'in the field', after arrest in police custody, or in prison or a youth detention facility.

RLC's work has focused on strip searches of children by NSW Police in public, or in the field. However, many of the same considerations apply when a child is in police custody or in a youth detention centre.

² *R v Golden* [2001] 3 SCR 679, 681.

Strip searches are ineffective

Over the last decade, RLC has conducted research and advocacy regarding NSW's strip search laws. This includes:

- The **attached** 2019 report commissioned by RLC and prepared by Dr Michael Grewcock and Dr Vicki Sentas of UNSW (**Attachment 1**).³ This landmark report documented the dramatic growth in strip searches by the NSW Police Force. The report found that strip searches increased from 277 in 2006 to 5,483 by 2018, representing an almost twenty-fold increase over that timeframe. Police suspicion of drug possession accounted for 91% of recorded reasons for conducting strip searches. Only 30% of field strip searches resulted in any criminal charge. Less than 16.5% of charges arising from strip searches related to drug supply, while approximately 82% related only to personal possession. Children and First Nations peoples were disproportionately targeted by strip searches.
- A 2024 report by RLC focused on the strip searching of children aged 10 to 17 in NSW.⁴ NSW Police strip searched 1,546 children between 2016 and 2023, averaging around 220 children per year. The report identified significant overrepresentation of First Nations children, who comprised nearly 45% of all children searched despite representing a much smaller proportion of the youth population. It documented searches of very young children, including 10-year-olds, and noted that many searches produced no prohibited items, particularly among younger children. Strip searches were reported to have lasting effects leading to trauma, shame, embarrassment and a fear of police.
- A 2025 report by RLC report, based on data published by the NSW Government via freedom of information and parliamentary questions, found that:⁵

³ Michael Grewcock and Vicki Sentas, *Rethinking Strip Searches by NSW Police* (Report, UNSW Law and Redfern Legal Centre, August 2019) <<https://apo.org.au/node/254776>>.

⁴ Samantha Lee and Joshua Raj, *The Need for Reform: Strip Searches of Children by NSW Police: For the Period 2016–2023* (Report, Redfern Legal Centre, 18 March 2024) ('*The Need for Reform*') <https://rlc.org.au/sites/default/files/2024-03/Strip%20Searches%20of%20Children%20by%20NSW%20Police_1.pdf>.

⁵ Gino Vumbaca, Samantha Lee and Josh Raj, *The Use of Strip Searches and Drug Dogs in NSW: A Report on 10 Years of Police Data (2014–2023)* (Report, Redfern Legal Centre and Harm Reduction Australia, July 2025) ('*The Use of Strip Searches and Drug Dogs in NSW*')

- Between 2014 and 2023, NSW Police reported conducting 82,471 strip searches. Illicit substances were found in only 11,136 (13.5%) cases with 71,335 (86.5%) strip searches finding nothing.
- 6,716 or 8.14% of these searches were conducted because of a positive indication from a drug dog. However, of these individuals strip searched, only 2,713 (40.4%) were found to have any illicit substances, with the vast majority being minor drug possession.
- Strip searches are conducted at significantly higher rates on First Nations peoples. First Nations peoples were disproportionately targeted by police with drug dogs and strip searches. Data obtained by RLC revealed that the proportion of Aboriginal and Torres Strait Islander people being strip searched was 9% (2020–21) and 11% (2021–24/5/22) which was around 3 times the population proportion of Aboriginal and Torres Strait Islander peoples in NSW (3.4%). These searches are also more frequently carried out in or near First Nations communities, with some regional areas and specific train stations showing a notably higher rate.

Although RLC's work is limited to strip searches in NSW, other organisations in Australia have also criticised the practice of strip searches in their jurisdictions. In 2023, the Queensland Human Rights Commission released a review into strip searches in prisons.⁶ The Commissioner, in her summary, noted that strip searches:

...are ineffective in making prisons safer, with a contraband detection rate of just 0.01% to 0.015%; are traumatic for prisoners, despite most staff working to reduce the harm of strip searches, and are particularly traumatic for those with a history of physical or sexual violence – 89% of women in Queensland prisons have experienced physical violence, domestic violence or child sexual abuse, and two thirds have experienced all three; impede rehabilitation, due to the degradation prisoners experience and the associated

<<https://rlc.org.au/sites/default/files/2025-07/The%20Use%20of%20Strip%20Searches%20and%20Drug%20Dogs%20in%20NSW.pdf>>.

⁶ Queensland Human Rights Commission, *Stripped of Our Dignity: A Human Rights Review of Policies, Procedures and Practices in Relation to Strip Searches of Women in Queensland Prisons* (Report, September 2023) <https://www.qhrc.qld.gov.au/_media/documents/reports/major-reviews/human-rights-review-strip-searching-of-women-in-prisons/QHRC_StrippedOfOurDignity_FullReport.pdf>.

impact on the relationship between prisoners and staff; and unreasonably limit the human rights of prisoners and staff.⁷

The Commissioner also observed that:

Strip searches are unnecessarily traumatic and humiliating for prisoners, but they are also completely ineffective. They have an absurdly low rate of contraband detection and have negative impacts on prison operations. They need to be replaced by modern technological alternatives in drug and contraband detection.⁸

Strip searches are harmful

There is a substantial evidence base in social science and psychological literature that strip searches produce substantial harm with limited benefit.⁹ Strip searching children can cause lasting harm and trauma. The abovementioned report about strip searches by the NSW Police Force stated:

Strip searches carry foreseeable risks of harm to those searched. Risks of harm are particularly heightened in relation to children, women and vulnerable people including First Nations peoples and people with mental and cognitive disability. Strip searching has been found to trigger prior experiences of trauma and abuse and can generate harmful psychological conditions including PTSD. For young people and those who have suffered trauma, the long-term impacts of strip searching on identity formation and wellbeing can be significant.¹⁰

The Law Enforcement Conduct Commission's 2020 report, *Inquiry into NSW Police Force Strip Search Practices*,¹¹ included the opinion of psychologist Dr Susan Pulman, who

⁷ Queensland Human Rights Commission, "Ineffective, inhumane, and an impediment to rehabilitation": Human Rights Commission report supports ending strip searches of women in prison' (Media Release, 20 September 2023) <<https://www.qhrc.qld.gov.au/our-work/media/2023/ineffective,-inhumane,-and-an-impediment-to-rehabilitation-human-rights-commission-report-supports-ending-strip-searches-of-women-in-prison>>.

⁸ Ibid.

⁹ See, eg, Peta Malins, 'Drug Dog Affects: Accounting for the Broad Social, Emotional and Health Impacts of General Drug Detection Dog Operations in Australia' (2019) 67(May) *International Journal of Drug Policy* 63; Christopher Eassey et al, 'A Systematic Review of Interventions that Impact Alcohol and Other Drug-Related Harms in Licensed Entertainment Settings and Outdoor Music Festivals' (2024) 21(1) *Harm Reduction Journal* 47.

¹⁰ Grewcock and Sentas, *Rethinking Strip Searches by NSW Police* (n 3) 16.

¹¹ Law Enforcement Conduct Commission, *Inquiry into NSW Police Force Strip Search Practices* (Report,

noted (p 103):

The experience of being strip searched can be humiliating and distressing and has the potential to re-traumatise children and young people who have been sexually abused. Children and young people subjected to these searches may suffer trauma, anxiety, fear, shame, guilt, powerlessness and stress.

RLC clients who have undergone strip searches report feeling embarrassed because others can see them or observe their silhouettes, and they can hear commands to remove their clothing. This lack of privacy contributes to feelings of punishment and humiliation. When strip searches take place at a police station, additional concerns arise since these searches often occur in open spaces within custody management, usually with only police personnel present. In such situations, the child feels isolated, highly vulnerable and faces a significant power imbalance. RLC clients have also reported instances where male police officers were present or walked by during strip searches of female children.

RLC clients further report that undergoing a strip search has caused significant pain and distress. They express a reluctance to contact police, even in a situation of danger, due to the distrust and fear stemming from the strip search. Additionally, clients say encountering police after a search induces a fear response, including heightened heart rates and shaking.

The NSW Deputy State Coroner, Harriet Grahame, in her report into the deaths of six young people at music festivals in 2019, found that widespread strip searches foster distrust and fear of the police.¹² Her Honour concluded that the use of drug dogs and strip searches by the NSW Police Force was exacerbating panic drug consumption and posing risks to children.

Previous RLC reports have found that children would experience strip searches as acts of punishment and intimidation and report that police officers often display aggression and hostility from the outset of the search and do not believe them when they would say

December 2020)

<<https://www.parliament.nsw.gov.au/fileapi/parlfiles/getartifact?serverRelativeUrl=/tp/files/78897/LECC%20-%20Inquiry%20into%20NSW%20Police%20Force%20strip%20search%20practices.pdf>>.

¹² *Inquest into the Death of Six Patrons of NSW Music Festivals* (Findings, Deputy State Coroner Harriet Grahame, NSW State Coroner's Court, 8 November 2019)

<<https://coroners.nsw.gov.au/documents/findings/2019/Redacted%20findings%20in%20the%20joint%20inquest%20into%20deaths%20arising%20at%20music%20festivals%20including%20annexures%20-%208%20November%202019.pdf>>.

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that they did not possess any drugs.¹³ According to many clients, police officers conducting strip searches begin the search with the assumption that the individual has committed wrongdoing and is not telling the truth.¹⁴

A client assisted by RLC, who has publicly shared her story, was sexually assaulted a year before she was subjected to a strip search by the NSW Police Force. She described the strip search as re-traumatising, making her feel ‘completely helpless’ and ‘scared’. During the search, she was taken directly from a concert line to a cubicle, where she was directed to strip naked and face the wall. No illegal items were found; however, her concert ticket was confiscated, and she was instructed to leave the festival.¹⁵

After strip searches are conducted, many children report feeling shocked, trembling, and crying uncontrollably. Following the search, police often release them without providing any support or means of transportation home.¹⁶

Strip search powers are often misused

The NSW Law Enforcement Conduct Commission (‘LECC’) investigated strip search practices by the NSW Police Force in seven investigations conducted between 2018 and 2020. It summarises its findings in its 2020 report,¹⁷ which followed public hearings conducted under Operations Brugge and Gennaker. In those investigations, the LECC found that strip searches of children in 2018 and 2019 that had occurred at music festivals had been conducted unlawfully.

In a follow-up report by the LECC in 2023,¹⁸ the LECC found that training was not being provided to police officers about strip searches and that only 30% of records relating to strip searches showed that legal requirements had been met when conducting strip

¹³ See, Lee and Raj, *The Need for Reform* (n 4) 6; Vumbaca, Lee and Raj, *The Use of Strip Searches and Drug Dogs in NSW* (n 5).

¹⁴ Lee and Raj, *The Need for Reform* (n 4) 6.

¹⁵ Ibid 7.

¹⁶ Ibid.

¹⁷ Law Enforcement Conduct Commission, *Inquiry into NSW Police Force Strip Search Practices* (Report, 15 December 2020) <<https://www.lecc.nsw.gov.au/publications/publications/final-report-an-inquiry-into-nsw-police-force-strip-search-practices-15-december-2020.pdf>>.

¹⁸ Law Enforcement Conduct Commission, *Review of a Sample of NSW Police Force Strip Search Practices 2021-2022* (Report, 25 September 2023) 6 <<https://www.lecc.nsw.gov.au/publications/publications/review-of-a-sample-of-nswpf-strip-search-records-2021-2022.pdf>>.

searches. Similarly, the LECC also found that there had not been compliance with legislative safeguards, including that police did not document in their records that the legal threshold for authorising a strip search had been met.

The State of NSW is also defending a class action proceeding brought by Slater and Gordon and RLC relating to strip searches conducted by the NSW Police Force. NSW Police Force officers were found to have unlawfully strip searched the lead plaintiff in *Meredith v State of New South Wales (No 5)* [2025] NSWSC 1133. Although the class action is ongoing and aspects of this judgment are subject to appeal, this judgment indicates that the NSW Police Force has not been complying with the law when conducting strip searches.

Case study: *Meredith v State of New South Wales (No 5)* [2025] NSWSC 1133

In Raya Meredith's case, she had attended a music festival and was found by Yehia J to have been subjected to a humiliating strip search. She was searched at the event. She was directed to remove her clothing, lift her breasts, bend over, and remove a tampon while naked. She was required to expose all parts of her body while a male constable was present. The only basis for the strip search was that a drug detection dog had indicated that she had drugs in her possession. She had no drugs on her. The State of NSW ultimately admitted that NSW Police had acted unlawfully during the search of Ms Meredith. Although Ms Meredith was an adult when she was searched by the NSW Police Force, her case demonstrates that strip search powers are misused, the consequences of which are likely to be serious for children.

Strip searches continue to be used against children in NSW

RLC is particularly concerned that children continue to be strip searched by the NSW Police Force. Statistics published by the NSW Bureau of Crime Statistics and Research show that:

- 43 children were strip searched from April 2025 to March 2026, including 11 First Nations children;
- 46 children were strip searched from April 2024 to March 2025, including 12 First Nations children;

- 50 children were strip searched from April 2023 to March 2024, including 16 First Nations children; and
- 61 children were strip searched from April 2022 to March 2023, including 17 First Nations children.

RLC obtained data through the *Government Information (Public Access) Act 2009* (NSW) indicates that First Nations children are strip searched at a younger age and at a greater rate between the ages of 11 and 15 compared to non-First Nations children:

- Between 2017 and 2023, police conducted 448 strip searches of 16 and 17-year-old First Nations children, compared to 674 non-First Nations children in the same age group.
- Two 11-year-old First Nations children were the youngest people to be strip searched between 2017 and 2023.
- Between 1 July 2023 and 30 June 2025, NSW Police officers strip searched 167 children under the age of 18.

RLC has published this data published on its Police Accountability Dashboard.¹⁹

Recommendation 1: The Commonwealth should work with state and territory leaders through the Police Ministers Council and the Standing Council of Attorneys-General to review state and territory laws relating to the strip searching of children to achieve a nationally consistent prohibition of the strip searching of children by police.

2. Children require additional protections against strip searches

Strip searches infringe the fundamental rights of children because they require a child to remove clothing and expose intimate body parts to an adult police officer, while being

¹⁹ 'Police Accountability Dashboard, Redfern Legal Centre (Web Page)
<https://datastudio.google.com/reporting/58480e70-31d3-4019-ae3d-445ab2f0fd56/page/p_ir45w2r8kd>.

deprived of their liberty. Australian police powers legislation affecting children should incorporate child-protection principles and contain greater safeguards for the conduct of strip searches than are currently present.

The availability and quality of safeguards for children who undergo strip searches differ across each State and Territory. The lack of uniform child protection principles at the national level means that children experience varying levels of protection, depending on their location or their interactions with police.

In NSW, the *Law Enforcement (Powers and Responsibilities) Act 2002* ('**LEPRA**') permits police officers to conduct strip searches on children aged between 10 and 17 years. Unlike a general search, a full body strip search requires the child to remove all their clothing. The legal standards for conducting a strip search are the same for both children and adults.

LEPRA also requires that a support person accompany a child during a strip search. But police can bypass this requirement if police suspect on reasonable grounds that delaying the search will result in evidence being concealed or destroyed, if an immediate search is necessary to protect the safety of a person, or if it is not reasonably practicable to obtain a support person.²⁰

The rights of children

Australia is a signatory to the United Nations Convention on the Rights of the Child. The Australian Government and its agencies have therefore committed to upholding the rights of children recognised in the Convention and its protocols. Article 16 provides that no child shall be subjected to arbitrary or unlawful interference with their privacy.²¹

Similarly, the United Nations Declaration of the Rights of the Child also recognises that a 'child, because of his physical and mental immaturity, needs special safeguards and care, including appropriate legal protection'.²²

²⁰ LEPRA s 33(3A).

²¹ *Convention on the Rights of the Child*, GA Res 44/25, UN GAOR, 44th sess, 61st mtg, Supp No 49, UN Doc A/RES/44/25 (19 September 1989, adopted 20 November 1989) 168 <<https://digitallibrary.un.org/record/80135>>.

²² *Declaration of the Rights of the Child*, GA Res 1386(XIV), UN GAOR, 14th sess, 841st plen mtg, Supp

Children have rights to privacy, bodily integrity and special protection. Strip searching undermines those rights.

Commonwealth law is more restrictive than the laws of the State and Territory

Commonwealth legislation currently provides greater protection to children from strip searches than State and Territory legislation. Unlike all State and Territory laws, a constable may only strip search a child if the person has been arrested and charged or if a magistrate orders that it be conducted: s 3ZI(1)(f) of the *Crimes Act 1914 (Cth)*. There is no equivalent requirement under State and Territory legislation to require that a child first be arrested and charged or that police obtain a court order before conducting a strip search.

Where police have made an application to the court to strip search children aged between 10 and 18, when deciding whether to grant an order that a strip search be conducted, the magistrate must have regard to (s 3ZI(2)):

- the seriousness of the offence;
- the age or any disability of the person; and
- any other matters the magistrate thinks fit.

Requiring State and Territory police to first arrest and charge a child, or to obtain a court order, before conducting a strip search would significantly decrease the number of unnecessary and unlawful strip searches. This legislative reform would ensure that police must have an independent legal basis to arrest and charge a child, or to secure a court order, before proceeding with such searches.

Additional safeguards should be implemented

If strip searching of children is not prohibited, we recommend that relevant legislation include the following safeguards:

No 16, UN Doc A/RES/1386/XIV (28 September 1959, adopted 20 November 1959) Preamble para 3 <<https://digitallibrary.un.org/record/195831>>.

- Police should make a record of the reasons why a child was strip searched.
- Strip searches should only be permitted after obtaining a court order or after arresting and charging the child with an offence, similar to s 3ZI of the *Crimes Act 1914* (Cth), and in narrowly defined circumstances that are prescribed by law (for example, imminent risk to safety or life). The child should have the right to oppose the application for a court order and should be legally represented.
- It should be mandatory for a parent, guardian or appropriate adult, independent of police or other government agencies, to be present during the search.
- Any laws, policy and procedures that allow for the strip searching of a child between 10 and 17 years old must be subject to the National Principles for Child Safe Organisations.²³

Recommendation 2: If strip searching of children is not prohibited, child-protection principles should be included in relevant legislation, including specific safeguards for strip searching children.

3. Additional safeguards need to be implemented in the *Crimes Act 1914* (Cth)

RLC supports the aspects of this Bill which would amend the *Crimes Act 1914* (Cth) to prohibit the strip searching of children by federal police, except for narrowly defined circumstances that are prescribed by law.

If strip searches of children are to continue under the *Crimes Act 1914* (Cth), RLC supports strengthening protections for children who may be subjected to strip searches under Commonwealth law. Although the Commonwealth regime is more restrictive than State and Territory frameworks because it requires a child to have been arrested and charged or for a magistrate to authorise the search, it is still inadequate because it lacks some of the more detailed safeguards listed above. RLC submits that additional child-

²³ National Office for Child Safety, Australian Government, *National Principles for Child Safe Organisations* (2026) <<https://www.childsafety.gov.au/system/files/2026-07/national-principles-for-child-safe-organisations.pdf>>.

specific safeguards are still required to ensure that any such search is exceptional, independently justified and consistent with children's rights.

The Commonwealth should introduce amendments to the *Crimes Act 1914* (Cth) consistent with the above safeguards, including that:

- Police should make a record of the reasons why a child was strip searched.
- Section 3ZI should be amended to provide that strip searches should only be permitted after obtaining a court order or after arresting and charging the child with an offence and in narrowly defined circumstances that are prescribed by law (for example, imminent risk to safety or life). The child should have the right to oppose the application for a court order and should be legally represented.
- Any laws, policy and procedures that allow for the strip searching of a child between 10 and 18 years old must be subject to the National Principles for Child Safe Organisations.

Recommendation 3: The *Crimes Act 1914* (Cth) should be amended to provide greater protection for children who are subjected to strip searches under Commonwealth legislation.