

Police Powers and Responsibilities and Other Legislation Amendment Bill 2024

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Committee Secretary
Community Support and Services
Committee
Parliament House
George Street
Brisbane Qld 4000



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BY E-MAIL: cssc@parliament.qld.gov.au

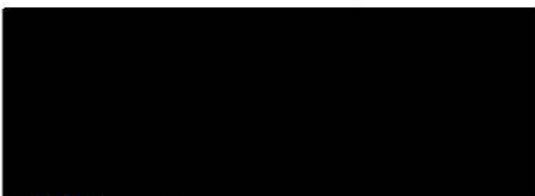
Dear Committee Secretary,

The Australian Christian Lobby (ACL) is grateful for the opportunity to submit the *Police Powers and Responsibilities and Other Legislation Amendment Bill 2024*

We would appreciate an opportunity to meet with you to discuss our submission.

Thank you for your careful consideration of the following submission.

Yours Sincerely,



Rob Norman

ACL Queensland State Director

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SUBMISSION:

Police Powers and Responsibilities and Other Legislation Amendment Bill 2024

AUSTRALIAN CHRISTIAN LOBBY

About Australian Christian Lobby

The vision of the Australian Christian Lobby (ACL) is to see Christian principles and ethics influencing the way we are governed, do business, and relate to each other as a community. ACL seeks to see a compassionate, just and moral society through having the public contributions of the Christian faith reflected in the political life of the nation.

With around 250,000 supporters, ACL facilitates professional engagement and dialogue between the Christian constituency and government, allowing the Voice of Christians to be heard in the public square. ACL is neither party-partisan nor denominationally aligned. ACL representatives bring a Christian perspective to policy makers in Federal, State and Territory Parliaments.

acl.org.au

Introduction

The Australian Christian Lobby (ACL) is a grassroots political movement with a nationwide support base of over 250,000 individuals, approximately 45,000 of whom reside in Queensland.

The ***Police Powers and Responsibilities and Other Legislation Amendment Bill 2024*** reflects a concerning trend within the Queensland government to compromise the safety and integrity of women by enacting legislation that would enable natal males to intrude upon females' privacy, observe them while dressing and expose female police officers to inappropriate situations.

This raises serious legal, ethical, and human rights concerns, particularly regarding women's rights, freedom of religion, and conscience. The Queensland government must thoroughly evaluate the ramifications of extending rights to individuals who identify differently from their biological sex, particularly when such actions could potentially impinge upon the rights and safety of women.

Under the provisions of the Bill:

- Male police officers identifying as female may be permitted to conduct strip searches on women, irrespective of their objections grounded in past trauma, religious beliefs, and cultural values.
- Male individuals involved in criminal activities are likely to exploit gender identity claims to demand a female officer for a strip search, disregarding their objections.
- Substantive protections for cultural and religious beliefs are lacking, granting discretion to the officer in charge to determine the reasonableness of a woman's request without clear guidelines or safeguards.
- Gender-based requests will be allowed even in high-risk situations, including scenarios involving suspected terrorists, thereby exacerbating significant security risks.
- Existing trauma of female prisoners with a history of physical or sexual violence will be exasperated.

The Bill

The Bill implements a series of measures aimed at eliminating gendered language by adopting gender-neutral terminology across multiple statutes, including:

- the *Child Protection (Offender Reporting and Offender Prohibition Order) Act 2004*;
- the *Crime and Corruption Act 2001*;
- the *Mental Health Act 2016*;
- the *Police Powers and Responsibilities Act 2000*;
- the *Public Health Act 2005*;
- the Summary Offences Act 2005; and
- the *Terrorism (Preventative Detention) Act 2005*.

The proposed changes affect multiple bills, resulting in similar outcomes and consequences. This submission will provide one example to illustrate the negative impacts of the ***Police Powers and Responsibilities and Other Legislation Amendment Bill 2024***.

Review Findings on Strip Searches in Queensland Female Prisons

In 2023, the Queensland Human Rights Commission released a review on strip searches in the state's female prisons. The review revealed significant concerns regarding dignity, humiliation, and the ineffectiveness of strip searches in enhancing prison safety. Key findings of the review include:¹

- Strip searches did not improve prison safety, with a minimal contraband detection rate ranging from 0.01% to 0.015%.
- These searches were traumatic for prisoners, especially those with a history of physical or sexual violence, impacting about 89% of women in Queensland prisons who have experienced such violence.
- The practice of strip searches impedes rehabilitation efforts due to the degradation experienced by prisoners and its adverse effect on the relationship between prisoners and staff.
- Furthermore, strip searches were identified as unreasonably limiting the human rights of both prisoners and staff members.

Despite these findings, the Queensland government's proposed amendments under the ***Police Powers and Responsibilities and Other Legislation Amendment Bill 2024*** would permit individuals who 'identify' as women but are biologically male to conduct strip searches on women in prisons.

¹ [QHRC StrippedOfOurDignity FullReport.pdf](#)

Under **Clause 22** of the legislation:

(3) The person conducting the search must, if reasonably practicable, belong to the same gender as the person being searched.

(4) The individual to be searched must receive:

(a) an explanation of the search process; and

(b) a reasonable opportunity to express a preference regarding the gender of the search conductor.

(5) Preferences can be expressed regarding different individuals searching specific body areas (upper body, lower body, or head).

(6) Preferences must be accommodated unless:

(a) there are reasonable grounds to believe the preference is expressed for an improper purpose; or

(b) it is not reasonably practicable to accommodate the preference.

The vague language of this provision allows for the determination of whether there are reasonable grounds for a woman, against whom powers are exercised, to reject a biological male 'identifying' as a female conducting a strip search to be left to the discretion of the police. This discretion will be fettered by the provisions of the **Anti-Discrimination Act 1991** and is likely to lead to failures in ensuring the cultural and religious beliefs of women are respected. They will exacerbate the trauma experienced by women with a history of physical or sexual violence.

Concurrently, this Bill also lacks safeguards for female police officers who object to strip-searching males. The proposed legislation allows a male criminal to 'identify' as female and requests a female officer to conduct a strip search as they bend over for inspection.

Gender Identity and Legal Challenges in other Jurisdictions

Some issues that are likely to occur may be seen from examples in similar jurisdictions, such as the United Kingdom.

- In 2019, transgender woman Katie Dolatowski, aged 18, forcibly seized a child's face, coerced her into a cubicle, and demanded she remove her trousers. A similar

incident occurred just weeks prior, on February 8, in an Asda store in Halbeath, where Dolatowski used a mobile phone to spy on another young girl over the partition wall.²

- Samantha Norris, undergoing a transition to female, was accused of deliberately exposing indecently to two 11-year-old girls and taking pleasure in his nudity as they passed by his residence in July 2023. Norris asserted during court proceedings that he practices naturism and remains unclothed within his residence, arguing that his nudity would have been visible only if the girls had been observing him, suggesting provocative behaviour on their part. While being cleared of exposing himself to two 11-year-old girls, Norris has now been jailed for possessing extreme child abuse images.³
- In 2023, Andrew Miller, also known as Amy George, pleaded guilty to multiple charges, including abduction, sexual assault, watching pornography in the presence of a child under 13, and possessing indecent images of children. Miller approached a child in February that year, offering her a lift but instead taking her to his home on the Scottish Borders, where he subjected her to acts of sexual assault over 27 hours. During this time, Miller dressed as a woman, wearing female undergarments. The child managed to escape and inform the authorities.⁴
- Isla Bryson, previously known as Adam Graham, was remanded to Cornton Vale women's prison in Stirling after being convicted of rapes committed as a man. Bryson transitioned from male to female while awaiting trial. Subsequently, due to political pressure, Bryson was relocated to a correctional facility designated for males.⁵
- Karen White, a 52-year-old individual currently undergoing gender transition, was recently convicted and sentenced for two counts of rape, two sexual assaults, and one wounding offence against female inmates within a women's prison. These attacks occurred while White was under remand following an arrest on suspicion of multiple stabbings of a neighbour. White's criminal record includes prior convictions

²https://www.bing.com/search?pglt=2083&q=Katie+Dolatowski&cvid=64ce68483fb64a4683bafbbb6ca3914c&gs_lcrp=EgZiaHJvbWUqBggAEEUYOzIGCAAQRrg7MgYIARAAGEAyBggCEAAyQDIGCAMQABhAMgYIBBAAGEAyBggFEAAyQDIGCAYQA BhAMgYIBxAAGEAyBwgIEEUY FXSAQcyNjNqMGoxqAllsAIB&FORM=ANNAB1&PC=DCTS

³https://www.bing.com/search?pglt=2083&q=%E2%80%A2+Samantha+Norris&cvid=85220ecd48274930986212f844851130&gs_lcrp=EgZiaHJvbWUyBggAEEUYOTIICAEQ6QcY8ocyCAgCEOkHGPIHMgsIAxDpBxi2Bxi6VTILCAQQ6QcY9qcY-IUyBwgFEEUY FXSAQcyNDBqMGoxqAllsAIB&FORM=ANNAB1&PC=DCTS

⁴<https://www.bbc.co.uk/news/uk-scotland-south-scotland-68157938>

⁵<https://www.bbc.co.uk/news/uk-scotland-south-scotland-68157938>

for offences such as indecent assault, indecent exposure, gross indecency involving children, animal cruelty, and acts of dishonesty. The Ministry of Justice issued an apology for relocating White to the women's prison without adequately considering the risks.⁶

The situation is similar in Australia.

In August 2022, the Herald Sun reported that a man convicted of serious sexual offences against women and children, who now identifies as transgender, is being housed in the Dame Phyllis Frost Correctional Centre for women.⁷ Research suggests this sort of incarceration is widespread.⁸

The Bill will only exacerbate a flawed and dangerous situation.

Recommendations

- **Clear Definition of Sex:** The proposed legislation should establish precise and impartial criteria for determining sex in contexts involving sensitive procedures such as strip searches.
- **Safeguards for Females' Safety:** The Bill should include provisions aimed at safeguarding the safety, privacy, and cultural and religious convictions of women, especially in situations where their privacy might be compromised by individuals whose sex identity differs from their biological sex.
- **Guidelines for Strip Searches:** Comprehensive guidelines regulating the procedure of strip searches in diverse settings, including correctional institutions and law enforcement activities, are essential. These guidelines should emphasize the preservation of human dignity, the reduction of trauma, and the establishment of clear procedures for addressing preferences regarding the sex of search personnel. This becomes particularly critical when dealing with vulnerable populations such as female inmates.

⁶ <https://www.theguardian.com/uk-news/2018/oct/11/transgender-prisoner-who-sexually-assaulted-inmates-jailed-for-life>
⁷ <https://www.heraldsun.com.au/t RUECRIMEAUSTRALIA/police-courts-victoria/prisoners-fight-to-remove-transgender-inmate-with-history-of-sex-offences/news-story/f5bff0dc73ae0ce3af945c04eb38d7b7>

⁸ [Transgender inmates \(aic.gov.au\)](https://www.aic.gov.au/transgender-inmates)