

DECLARED PLACES (MENTALLY IMPAIRED ACCUSED) BILL 2013

Consideration in Detail

Resumed from an earlier stage of the sitting.

Clause 24: Searching people and seizing things —

Debate was interrupted after the clause had been partly considered.

Dr A.D. BUTI: I think we were midway through debating clause 24 when we adjourned for 90-second statements and I was asking the parliamentary secretary about the issue of religious beliefs in regards to headwear and so forth. Even though under clause 24(4) it is indicated that a searcher “may” do things—they not have to—if a searcher does decide that a person seeking to enter the declared place should remove any headwear or other clothing items and there is a religious reason for someone refusing to remove that item and they are refused entry to the declared place, would that potentially violate the Equal Opportunity Act or the equivalent federal act, which of course would have precedence over the legislation before us?

Ms A.R. MITCHELL: I mentioned previously that all the staff involved will be trained to be culturally respectful of all religious beliefs and practices, and that applies throughout this legislation. If someone does not want to comply with that request, the staff would be very respectful of that person’s wishes unless they believe there is some reason that the person should remove their headgear, in which case they would be insistent upon the removal of that headgear, but in general terms I cannot imagine that situation arising.

Dr A.D. BUTI: Although I agree with the parliamentary secretary that it may be a rare occurrence, would she agree that if the searcher demanded that someone remove their headwear, for instance, unless it was against their religious beliefs, and that they were refused entry for not removing the headwear, that would make the Disability Services Commission susceptible to an action under various equal opportunity legislation?

Ms A.R. MITCHELL: I am sure that if there is concern that a person with a headdress does not wish to remove it and there is no alternative way of dealing with that, perhaps a supervised visit can be arranged so that it does not cause a major problem and we can see what options and practices are available to overcome that situation.

Debate interrupted.

[Continued on page 6165.]