



QUEENSLAND GOVERNMENT

CUSTODIAL OPERATIONS

DEPUTY COMMISSIONER INSTRUCTION

s264(1) *Corrective Services Act 2006*

Number:

01/2017

Effective Date:

20/01/2017

Title

Transgender prisoner management.

Background

Queensland Corrective Services (QCS) is committed to equality, diversity, inclusion and respect for human rights (**Attachment 1**). The following instruction will assist in the management of transgender prisoners.

Instruction

While acknowledging the unique requirements of transgender prisoners, this instruction does not take priority over safety and security considerations. As such, transgender prisoners are subject to all existing QCS prisoner management practices including demonstrating acceptable behaviour and complying with centre rules.

A prisoner who self-identifies as transgender will be accepted as such and treated as their acquired gender, to the extent practicable. Please refer to the terminology sheet for further explanation of appropriate reference terms (**Attachment 2**).

A transgender prisoner is to be referred to by their preferred name and the pronoun consistent with their acquired gender for example, a male to female transgender prisoner is to be referred to using the pronoun 'she or her'. This should occur in all communications with the prisoner, including verbal, written and also communication with third parties.

If a prisoner identifies as transgender, this information should be immediately reported to the relevant manager, who will then implement a process that is approved by the General Manager, to recognise the prisoner as such.

Transgender prisoners are to be managed on an individualised case by case basis, through a multidisciplinary approach. Case conferences should be held by the multidisciplinary team which may include representatives from QCS management, Queensland Health and/ or a specialist health provider, support agencies, psychologist and/or counsellor, a cultural liaison officer (where appropriate), a corrective services case officer and the prisoner (**Attachment 3**). At the discretion of the General Manager, a transgender prisoner is to be provided with specific clothing or other items for functional purposes, including appropriate underwear (for example, sports bras), if that clothing

item is provided to prisoners of the gender with which the prisoner identifies, or if the item is otherwise considered appropriate in the circumstances. Transgender prisoners may also purchase items to reflect their gender identity including, hair dye, hair removal cream and shaving equipment, at the discretion of the General Manager.

Transgender prisoners should not be placed on a safety order, isolated or restricted from association with other prisoners, work or programs, unless this is reasonably necessary to mitigate risk to:

- the prisoner;
- other prisoners;
- staff;
- the security or good order of the correctional centre.

The Deputy Commissioner is to be advised of relevant transgender prisoner management considerations, including placement, transfer or significant events involving the prisoner.

Related Procedures

Custodial Operations Practice Directives –

Admission and Induction

Assessment and Planning

Classification and Placement

Accommodation and Case Management

Prisoner Entitlements

Implementation Process

General Managers must ensure that staff are aware of this requirement.

This instruction will remain effective until such time that the relevant practice directives are amended accordingly. Further advice regarding the amendment will be forwarded at the time of publishing.

Supersedes

Nil

Contact Person

Sandra Langridge, Principal Advisor, Custodial Operations 07 32390527



KERRITH MCDERMOTT

Deputy Commissioner

QUEENSLAND CORRECTIVE SERVICES

17/1/17

Considerations regarding the *Anti-Discrimination Act 1991*

The *Anti-Discrimination Act 1991* (the Act) seeks to promote equality for all persons and protection from unfair discrimination in certain areas of activity, including work, education and accommodation on various attributes including gender identity. Public acts of vilification on the basis of race, religion, sexuality or gender identity are also unlawful under the Act.

Discrimination happens because people have stereotypical or prejudiced ideas or beliefs about other people because they happen to belong to a particular group of people or because they have certain personal characteristics or attributes

The Act prohibits two types of discrimination namely, direct and indirect discrimination.

Direct discrimination occurs when a person treats, or proposes treat, a person with an attribute less favourably than another person without the attribute is or would be treated in circumstances that are the same or not materially different.

Indirect discrimination occurs when a person imposes, or proposes to impose, a term:

(a) with which a person with an attribute does not or is not able to comply;

(b) with which a higher proportion of people without the attribute comply or are able to comply; and

(c) that is not reasonable.

A 'term' includes a condition, requirement or practice, whether or not written.

Any person who is subject to an alleged contravention of the Anti-Discrimination Act may make a complaint to the Anti-Discrimination Commission Queensland. The ADCQ Commissioner may attempt to resolve the matter by conciliation, or if appropriate, refer the matter to the Queensland Civil and Administrative Tribunal for determination.

QCS staff should be aware that they may breach the provisions of the Anti-Discrimination Act where:

- they do not treat a transgender prisoner the same as other prisoners
- they treat a transgender prisoner unfairly or improperly because the prisoner is transgender
- they do not treat any information regarding the gender identity, biological sex, status or name, confidentially.

Further information regarding the provisions of the *Anti-Discrimination Act* may be obtained from the ADCQ's website at <http://www.adcq.qld.gov.au>

Understanding the Transgender Community

Queensland Corrective Services acknowledges the emerging differences of definitions/terms provided for when referring to members of the transgender community.

Transgender - is a term used to describe all those whose gender identity is at odds with their biological sex.

Gender identity – refers to the intrinsic sense of the gender that the person feels they should be, rather than their birth gender. The gender that a person identifies as, regardless of their biological sex.

Acquired gender (Social gender) – is the gender in which a person lives their everyday life.

Gender dysphoria – is a recognised medical condition in transgender people that causes significant dysphoria (distress) with the sex and gender they were assigned at birth, as they feel strongly that they are not the gender they physically appear to be.

Guidelines for Case Conference - Transgender Prisoner

An initial case conference should occur within seven days of a transgender prisoner being received into a corrective services facility or where a prisoner in custody self identifies as being transgender.

Further case conferences should occur on a monthly basis for the first three months and then may be extended to at least one case conference quarterly.

The multi-disciplinary team may include:

- a correctional supervisor/ manager
- a corrective services case office for the prisoner
- a psychologist and / or counsellor
- a cultural liaison officer (where appropriate)
- a representative from Queensland Health and or other specialist health provider for the prisoner
- a representative of a support agency
- the prisoner

The case conference should consider the individual circumstances of the prisoner, including:

- the safety, dignity and privacy of the prisoner (and others where relevant) in terms of the prisoner's accommodation, particularly where the prisoner progresses through changing the social gender in which they live;
- any concerns raised by the prisoner in relation to their treatment/ management within the corrective services facility;
- provision of access to property, clothing and other requests for functional items to assist the prisoner;
- provision of access to support groups for the prisoner;
- the prisoner's access to work and rehabilitation activities;
- requests for transfers/ placement considerations;
- provision of medical treatment to the prisoner, including psychological support
- through-care for prisoners preparing for release from custody

In circumstances where the case conference may not resolve a concern raised by the prisoner, then the issue should be referred by the correctional supervisor or manager to the general manager for consideration.

Any request for transfer by the prisoner to another corrective services facility must be progressed according to the Classification and Placement Practice Directive and the Movements and Transfer Practice Directive.

A summary/ record of the case conference should be case noted in IOMS and outcomes reported to the Deputy Commissioner.

Gender Health Services Stakeholder and Support Group Contacts

	ADDRESS	PHONE	FAX
Australian Transgender Support Association QLD	PO Box 212 New Farm Q 4005	(07) 38435024	
Brisbane Gender Clinic	QLD AIDS Council 30 Helen Street TENERIFFE Q	(07) 3017 1777 1800 177 434	(07) 3852 5200
Cairns Sexual Health Clinic	381 Sheridan Street Cairns North Q 4870	(07) 42264769	(07) 42264771
Rockhampton Sexual Health Clinic	92 Bolsover Street Rockhampton Q 4700	(07) 4932 5440	(07) 4932 5445
Toowoomba Sexual Health Service	Kobi House Pechey Street Toowoomba Q 4350	(07) 4616 6446	(07) 4616 6456
Townsville Sexual Health Clinic	35 Gregory St North Ward TOWNSVILLE Q 4810	(07) 44339600	(07) 44339641
QLD Gender Clinic Lady Cilento Hospital (under 18 years)	Lady Cilento Children's Hospital 501 Stanley Street South Brisbane Q 4101	(07) 30681111	

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QUEENSLAND GOVERNMENT

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02/2016

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5/07/2016

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Supersedes

Nil

Contact Person

Claire Walker, Principal Advisor, Custodial Operations, 07 3238 3956.



KERRITH MCDERMOTT
Deputy Commissioner
QUEENSLAND CORRECTIVE SERVICES

05/07/2016

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