

12 April 2023

Inquiry Secretary  
Legislative Council Select Committee  
Parliament House  
Hobart TAS 7000  
attn: Secretary

via email: [csjs@parliament.tas.gov.au](mailto:csjs@parliament.tas.gov.au)

To Simon Scott,

**Re: Inquiry into Tasmanian Adult Imprisonment and Youth Detention Matters**

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My daughter Martin 'Marjorie' Harwood died by suicide on or around 1 July 2018.

Marjorie was a transgender female who had been in and out of Risdon Prison for many years.

Marjorie was 38 when she passed away.

In my opinion, Marjorie died by suicide because she was assaulted and raped by a group of inmates. As a result, she lost her will to live.

I strongly believe that if Marjorie had been housed in the Mary Hutchinson Women's Prison she would still be alive today.

## **BACKGROUND**

My daughter was born Martin Luke Harwood on 8 December 1979.

Martin was assigned male at birth but identified as female and preferred to be called Marjorie for much of her adult life.

In 2017 Marjorie was serving a 5-month custodial sentence in Risdon Prison. Marjorie was housed in the men's population for the duration of that sentence.

Marjorie was assaulted and raped by a group of inmates, during which she suffered significant injuries from the assault, and was hospitalised as a result.

She required extensive medical treatment including being fitted with a colostomy bag.

Marjorie was still receiving treatment for her injuries upon the expiration of her 2017 custodial sentence.

Marjorie had a pre-existing kidney condition and in 2018 her condition deteriorated, requiring her to undergo regular dialysis.

In April 2018 Marjorie received a summons to appear in the Magistrates Court on 25 July 2018 for several minor offences allegedly committed in late 2017.

Given her prior convictions Marjorie was anticipating being sentenced to a custodial sentence for these offences and was deeply afraid that she would once again be housed in the male population for this sentence.

Consequently, Marjorie refused medical treatment to effect suicide. Marjorie died of renal failure on 1 July 2018.

## **REFORM**

Although the Tasmanian Prison Service has a *Transgender, Transsexual and Intersex Prisoners Policy* ('the policy') it is my understanding that it was only introduced after Marjorie served her last sentence in Risdon Prison. According to the Tasmanian Prison Service website, the policy was 'amended' in May 2018<sup>1</sup> whilst Marjorie was released from prison on or around November 2017.

The policy provides:

### ***Identification of Transgender, Transsexual and Intersex Prisoners***

*9.1. Upon reception into custody, Correctional Officers (Reception Prison) must provide prisoners with the opportunity to self-identify as transgender, transsexual or intersex prior to the commencement of a strip search.*

*9.2. In instances where a prisoner presents with an anatomical sex that differs from his or her gender (as recorded in Court or Tasmania Police documentation), Correctional Officers (Reception Prison) must clarify the gender identity or intersex status of the prisoner.*

*9.3. Self-identification as a member of a sex other than a person's gender or birth is the only criterion for recognition as transgender or transsexual.*

*9.4. Correctional Officers (Reception Prison) must work with CPHS and Therapeutic Services staff during the reception process to assess transgender, transsexual and intersex prisoners, and to ensure they are accommodated appropriately. A further or extended period for assessment should be provided where practical.*

*9.5. Following the Tier 1 Assessment process, Correctional Officers (Reception Prison) must record the prisoners' identified sex (according to their preferred gender identity) in CIS. A 'Gender Alert' must also be recorded in CIS, with the subcategory of 'Transgender', 'Transsexual' or 'Intersex' selected (when known), along with a case note identifying the prisoner as transgender, transsexual or intersex.*

### ***10. Accommodation Placement***

#### ***10.1. Initial placement***

*10.1.1. Transgender, transsexual and intersex prisoners are highly vulnerable in a corrections environment, and in every case, their initial placement must be viewed as a matter of urgency and identified as high risk by Correctional Officers (Reception Prison).*

*10.1.2. With regards to prisoner safety, until a decision is made regarding the ongoing placement and management of a transgender, transsexual or intersex prisoner, the prisoner must be:*

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<sup>1</sup> Tasmanian Prison Service Directors Standing Orders, Transgender, Transsexual and Intersex Prisoners DSO – 2.15. As found at [https://www.justice.tas.gov.au/\\_data/assets/pdf\\_file/0020/562016/2-15-Transgender-Prisoners-DSO\\_VER-2.pdf](https://www.justice.tas.gov.au/_data/assets/pdf_file/0020/562016/2-15-Transgender-Prisoners-DSO_VER-2.pdf) (Accessed 12 April 2023).

- accommodated in a single cell and in a way that ensures appropriate management of any risks posed in relation to the prisoner, including risk of harm to the prisoner (including self-harm);
- given access to separate toilet and shower facilities; and
- transported in accordance with the protection transport category during escorts (in accordance with Director's Standing Order 1.20 (External Escorts)).

10.1.3. If it is deemed the prisoner requires protection from the general prison population, until a decision is made regarding their ongoing placement and management, they must be placed in administrative segregation in accordance with Director's Standing Order 1.24 (Separate Confinement of Prisoners).

10.1.4. Particular attention must be given to ongoing assessment of self-harm risks, particularly if the transgender, transsexual or intersex prisoner is isolated from other prisoners.

10.1.5. CPHS and Therapeutic Services staff must be involved with decisions made in relation to the initial placement of transgender, transsexual or intersex prisoners within the prison system.

My concern with the policy is that it was not acted on with Marjorie. Despite the Prison being aware that she was a transgender woman, she was placed in the male prison. It was because she was placed in the male prison that she was assaulted and raped.

I strongly believe that what happened to my daughter should not be allowed to happen again.

As it stands, the policy 'encourages' staff to develop an understanding of LGBTI prisoners. The policy also states that it will 'consider' LGBTI training for TPS staff:

#### **8. LGBTI Training for TPS Staff**

8.1. TPS staff are encouraged to develop an understanding of the needs of LGBTI prisoners. This will assist in managing these prisoners in a manner responsive to their needs.

8.2. The inclusion of relevant LGBTI training will be considered as part of the TPS learning and development framework.

I strongly believe that training of all Tasmanian Prison Service staff in LGBTIQA+ training should be compulsory. It should form part of all induction training. And all staff currently employed, should be required to undertake training as well as a regular refresher.

I would appreciate the opportunity to discuss this issue with the Inquiry members.

Yours sincerely,



Rosemary Harwood

