

14 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)

Dear Committee

Re: Inquiry into Tasmanian Adult Imprisonment and Youth Detention Matters

This submission is written in conjunction with Rosemary Harwood's submission dated 12 April 2023.

Rosemary writes of her transgender daughter Marjorie's experience of serving a 5 month sentence in 2017 and housed with the male population despite it being known to prison authorities that she identified as a trans woman. During her sentence she was assaulted and raped by a group of male prisoners resulting in significant injuries (included being fitted with a colostomy bag) and being hospitalised for a month.

Marjorie had been in and out of prison multiple times for short periods prior to her 2017 sentencing.

Marjorie had a pre-existing renal condition which deteriorated in 2018 requiring her to undergo regular and ongoing dialysis. In April 2018 she received a summons to appear in court for several minor offences allegedly committed in late 2017. Marjorie was sure she would be sentenced to prison and was extremely fearful of the prospect of being raped again. She disclosed to her mother that the assault that occurred in 2017 was not the first time she had been sexually assaulted in prison.

Her fear of going back to prison was such that she refused dialysis knowing it would lead to her death. Marjorie spoke openly to her mother of her wish to die rather than endure going back to prison.

In this case, the consequence of incorrectly housing Marjorie with male prisoners in 2017 had a grim outcome when Marjorie passed away on 1 July 2018.

Rosemary, Martine Delaney and myself have recently been consulted on the review of the Director's Standing Order 2.15 *Transgender and Gender Diverse Prisoners*. While the review of the DSO is welcomed and has addressed some of our concerns the cultural success of the DSO (and the policy accompanying it) rests on the addressing certain issues.

In my experience as a sociologist with a crime and criminal background, and as a previous professional officer working in a prison environment, I recognise the specific needs of transgender prisoners and the disproportionate disadvantages they face.

In my opinion, the following should be considered when housing and managing transgender prisoners. This includes understanding that:

- research asserts that a general level of ignorance, misinformation, prejudice, stigmatisation and discrimination exists within correctional systems (at both an individual and institutional

level) particularly regarding transgender people around their human rights, recognising and managing their vulnerability, managing duty of care provisions, and providing a safe prison environment

- transgender people who come into the system often experience their gender identity being misgendered
- a lack of knowledge, understanding and training of transgender issues particularly around safety within a prison environment exist
- a lack of knowledge, education and training of how to work with transgender prisoners often results in insensitive, discriminatory and at times damaging practices and 'bad' experiences for transgender prisoners
- transgender prisoners are significantly more at risk of violence but trans women are especially at risk of anti-trans sexual violence
- research reports that transgender prisoners experience daily occurrences of sexual coercion and psychological distress
- transgender prisoners are at higher risks of self-harm and suicide
- transgender (and other gender diverse) prisoners are less likely to disclose being subjected to violence for fear of not being believed, reprisals, treated with hostility or having moral judgements made against them
- transgender prisoners are more likely to experience transphobic abuse from other prisoners and correctional staff
- the numbers of transgender prisoners may not be accurately recorded due to failure in recording processes, prejudice, discrimination, bias and moral judgements by correctional staff at reception
- if gender identity was acknowledged, identified and considered during sentencing this may prevent a transgender prisoner being housed inappropriately.

The implementation of reviewed and updated transgender policies within the Tasmanian Prison System is admirable.

However, if:

- the policies and DSO is not thoroughly understood and consistently applied
- the transgender prisoner who self-identifies as transgender at reception is not accepted
- the potential risk of incorrectly placing transgender prisoners is not recognised when they first arrive in the prison system
- training is not comprehensive and regularly refreshed
- training fails to focus on understanding, responding appropriately and sensitively to the specific needs of transgender prisoners
- all prison staff at all levels are not trained in:
  - unconscious bias, social stigmatisation, discrimination etc.
  - the dismantling of myths and misconceptions of transgender people and their lifestyle
  - understanding gender diversity
  - the specific needs and vulnerabilities of transgender prisoners
  - recognition of risk indicators and potential consequences for incorrect placement
  - the recognition of the higher than normal risk for violence, sexual violence, coercion, self-harm, suicide etc.
  - the development of empathy toward transgender prisoners
  - ethics and professionalism
  - the equitable and consistent application of the policy and DSO
- managers are not appropriately equipped with the skills to proactively address policy and/or DSO breaches, inappropriate responses and/or lack of adherence to the policy and DSO

- prison leadership do not commit to foster, integrate and embed the policy and DSO into correctional culture
- correctional leadership does not always role model appropriate attitudes, behaviours and adherence to policy and DSO's
- correctional staff do not have access to transgender persons and their experiences through the human library system (or similar);

then, in my opinion the review of policy and DSO are unlikely to be successfully integrated, embedded, consistently and professionally applied resulting in further risk to sentenced transgender prisoners like Marjorie Harwood.

Thank you for reading this submission. I would appreciate the opportunity to discuss this issue with the Inquiry committee.

Yours sincerely,

Caroline Dean

Workplace bullying and conflict trainer, coach and consultant

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