COPP 4.6 Trans, Gender Diverse and Intersex Prisoners

Prison

|  |
| --- |
| PrinciplesAs referenced in the [Guiding Principles for Corrections in Australia, 2018](https://dojwa.sharepoint.com/sites/intranet/department/standards/Pages/ops-standards.aspx):1.1.4 Management systems, policies and procedures are evidence based and are informed by human rights principles and operational practice.1.3.1 Effective systems provide prisoners/offenders with opportunities to make requests or complaints and access appropriate information.2.1.1 Custodial environments provide safe and humane containment of prisoners, commensurate with the assessed risk, recognising that the deprivation of liberty is deemed as punishment2.1.2 Prisoners are accommodated in a safe, clean and liveable environment which considers both risk and individual needs, particularly the needs of those who are most vulnerable2.4.2 Staff model prosocial behaviour by treating all persons with decency, respect and fairness3.1.3 Prisoners/offenders, visitors and staff, particularly those most vulnerable or at-risk, are safe from bullying, intimidation and victimisation (including verbal, mental or physical abuse, damage or property theft).4.1.4 Prisoners are provided a standard of health care equal to services available in the community that meet their individual physical health, mental health and social care needs fostering continuity of care between custody and the community. |

Contents

[1 Scope 3](#_Toc81315484)

[2 Policy 3](#_Toc81315485)

[3 Reception 4](#_Toc81315486)

[3.1 General process 4](#_Toc81315487)

[3.2 Identity 4](#_Toc81315488)

[3.3 Searches 5](#_Toc81315489)

[4 First Night in Custody 6](#_Toc81315490)

[5 Property 6](#_Toc81315491)

[6 Placement 7](#_Toc81315492)

[6.1 General considerations 7](#_Toc81315493)

[6.2 Initial placement 7](#_Toc81315494)

[6.3 Long term placement 7](#_Toc81315495)

[7 Orientation 8](#_Toc81315496)

[8 Access to Support 8](#_Toc81315497)

[9 Visits from friends and family 8](#_Toc81315498)

[10 Access to Prison Health Services 8](#_Toc81315499)

[11 Escorts 8](#_Toc81315500)

[12 Access to Programs 9](#_Toc81315501)

[13 Prisoner Management Plan 9](#_Toc81315502)

[14 Requests to Transfer to Another Prison 9](#_Toc81315503)

[14.1 General guidance 9](#_Toc81315504)

[14.2 Stage one assessment process 10](#_Toc81315505)

[14.3 Stage two assessment process 11](#_Toc81315506)

[15 Reviews 12](#_Toc81315507)

[16 Transfer and Management 12](#_Toc81315508)

[17 Prisoners Self-identifying Post Admission 12](#_Toc81315509)

[18 Standing Orders 12](#_Toc81315510)

[19 Annexures 13](#_Toc81315511)

[19.1 Related COPPs and documents 13](#_Toc81315512)

[19.2 Definitions and acronyms 13](#_Toc81315513)

[19.3 Related legislation 15](#_Toc81315514)

[20 Assurance 16](#_Toc81315515)

[Appendix A: Request for Transfer Application Process 17](#_Toc81315516)

# Scope

This Commissioner’s Operating Policy and Procedure (COPP) applies to all prisons administered by or on behalf of the Department of Justice (the Department).

# Policy

This COPP has been developed to provide a standardised approach to the management of trans, gender diverse or intersex prisoners in Western Australia (WA) Prisons.

This COPP was developed to reflect the Department’s recognition of these vulnerable prisoners and incorporates feedback from local, internal and external stakeholders.

Some people may identify with a gender different to the one they were assigned at birth. Trans and gender diverse people may identify as male, female, non-binary (that is, neither male nor female), or in another way which reflects their gender identity.

Intersex is a term used for people who are born with sexual anatomy, reproductive organs and/or chromosomes that are inconsistent with the typical definitions of male and female. Intersex variation is quite separate to their gender identity. People with an intersex variation identify as either male or female, however, there are some who identify as neither.

It is unlawful to discriminate against a person based on their gender identity or intersex status[[1]](#footnote-1).Trans, gender diverse or intersex prisoners shall be treated with the same dignity and respect given to any other prisoner and shall not be discriminated against on the grounds of their gender identity or intersex status[[2]](#footnote-2).

[LGBTIQ+ Health Australia](https://www.lgbtiqhealth.org.au/) provides that trans, gender diverse and intersex people are more likely to experience poor mental health including depression, anxiety and self-harm due to social exclusion and discrimination.

Challenges may be exacerbated for prisoners who have other distinct identities or experiences. This includes prisoners who are Aboriginal, from culturally and linguistic diverse backgrounds, have a disability, are from a religious faith or from regional or remote locations.

Accommodating the needs of prisoners who identify as trans, gender diverse or intersex will be met through individualised support that seeks to preserve their dignity, safety and privacy, access to programs, medical and psychological services and appropriate care from staff, balanced against risks to security and the good order of the prison.

Prisoners who self- identify as trans, gender diverse or intersex shall be provided with gender specific clothing, personal hygiene and other items that enable them to maintain their self-identified gender.

The management of prisoners who are trans, gender diverse or intersex in a custodial setting must seek to protect both the welfare and rights of the prisoner and the welfare and rights of others (e.g. staff, other prisoners).

Prison Officers need to be aware of different terminology distinctions amongst trans and all gender diverse prisoners and be respectful of the prisoners own, individual language.

# Reception

## General process

### Assumptions about a prisoner being trans, gender diverse or intersex should not be made by any staff. Each prisoner should have the right and ability to express their gender identity and have access to the support required for day to day practical arrangements such as clothing and toiletries.

### For many prisoners, prison reception is the first opportunity to disclose their gender identity.

### Reception should provide a safe space for prisoners to disclose their gender identity.

### Where a prisoner self identifies as trans, gender diverse or intersex, the Reception Officer shall ask the prisoner their preferred placement (either male or women’s prison) and document the response in TOMS.

### Reception Officers shall explain to the prisoner they will be initially allocated to a prison according to their legally documented gender.

### Reception Officers shall also advise the prisoner they can apply to be assessed for placement in a prison that is different to their legally documented or other instrument authorising imprisonment.

### Reception staff should be aware that a prisoner who self identifies as trans, gender diverse or intersex may require additional support particularly during the first night in custody.

### Reception processes shall be in accordance with [COPP 2.1 – Reception](https://dojwa.sharepoint.com/sites/intranet/prison-operations/Pages/prison-copps.aspx).

## Identity

### Disclosing of a prisoner’s gender should be conducted sensitively and appropriately.

### The dignity, sensitivity and privacy of any prisoner who identifies as trans, gender diverse or intersex shall be respected.

### Where a prisoner self identifies as trans, gender diverse or intersex, the Reception Officer shall ask the prisoner what their self-identified gender is.

### Where a prisoner self identifies as trans, gender diverse or intersex the Reception Officer shall ask the prisoner what their preferred name is.

### The Reception Officer shall note the prisoner’s preferred name and self-identified gender, in the Total Offender Management Solution (TOMS).

### Particular care shall be taken with the usage of gender specific terms. Prison Officers shall ask the prisoner what their preferred pronouns are (e.g. she, he or they etc).

### The Reception Officer shall record the preferred prisoner’s pronouns in the prisoner’s TOMS record.

### The Reception Officer shall also inform prisoners that it is possible to alter pronouns at a later date.

### The Reception Officer shall ask the prisoner their preferred gender of the Prison Officers conducting their search and document their preference in TOMS.

### The Reception Officer shall inform the Superintendent or Officer in Charge (OIC) or relevant authorised officer if a prisoner self identifies as trans, gender diverse or intersex.

### The Superintendent or OIC shall then inform the relevant business area:

### Adult Male Prisons: CS-AMP-Operations@justice.wa.gov.au

1. Women and Young People: wyp@justice.wa.gov.au

### Prison staff must address the prisoner in the prisoner’s preferred name and pronoun.

## Searches

### Searches must be performed in a respectful manner and afford prisoners who self-identify as trans, gender diverse or intersex with dignity and respect throughout the search.

### Prior to being searched, prisoners who self-identify as trans, gender diverse or intersex shall be asked their preferred gender of the Prison Officer to conduct the search.

### Officers shall ensure the prisoner’s response is recorded on TOMS.

### Where the prisoner either refuses to identify a preferred gender for searches or indicates that they have no preference, they shall be searched by an Officer as the prisoner’s identified gender.

### Where a prisoner identifies as trans, gender diverse or intersex the prisoner may also request Prison Officers of differing genders complete top/bottom searches (dual search).

### Prison Officers conducting the search of a prisoner who has self-identified as trans, gender diverse or intersex shall check TOMS for the preferred gender of the Prison Officer to conduct the search.

### Where a Prison Officer declines to search the prisoner they shall request via the Senior Officer, another Prison Officer, of the prisoner’s preferred gender, to conduct the search.

### Prison Officers shall conduct searches in accordance with [COPP 11.2 – Searching](https://dojwa.sharepoint.com/sites/intranet/prison-operations/Pages/prison-copps.aspx).

# First Night in Custody

### Prisoners shall be received into an environment where they feel safe and supported.

### Prisoners who self-identify as trans, gender diverse or intersex may feel particularly vulnerable on their first night in custody. Prison Officers shall, where possible, ensure that the prisoner’s individual needs and anxieties are addressed before being secured for the night.

### Essential reception and first night procedures and entitlements shall be explained to the prisoner. Prison Officers shall ensure prisoners are informed of what will occur over the following days and the help available including support and counselling services.

### Prisoners who self-identify as trans, gender diverse or intersex shall be provided with decent and appropriate clothing including underwear appropriate to the prisoner’s self-identified gender.

### Prisoners shall be made aware of prison routines and how to access available services.

# Property

### The Superintendent shall consider providing the prisoner with clothing and personal effects (e.g. cosmetics) appropriate for their self- identified gender and individual requirements in accordance with [COPP 3.1 – Managing Prisoner Property](https://dojwa.sharepoint.com/sites/intranet/prison-operations/Pages/prison-copps.aspx).

### In particular, Superintendents shall provide and accommodate requests for underwear and toiletries based on the self- identified gender of the prisoner.

### The Superintendent must always consider any risks and safety issues when issuing property.

# Placement

## General considerations

### Placement of trans, gender diverse or intersex shall include consideration for the prisoner’s safety, dignity and welfare, as well as the safety of other prisoners and staff.

### Prisoners who self- identify as trans, gender diverse or intersex shall be given access to shower, toilet and laundry facilities which seek to maximise their safety and dignity.

### The prisoner shall be given the opportunity to provide input to the placement (either male or women’s prison) to which they will be placed for their sentence.

## Initial placement

### The Reception Officer shall communicate the prisoner’s preferred placement to the Superintendent.

### The Superintendent or OIC, shall offer the prisoner a single cell and the ability to access a separate shower and toilet facility.

### The Superintendent or OIC shall then inform the relevant business area:

### Adult Male Prisons: CS-AMP-Operations@justice.wa.gov.au

1. Women and Young People: wyp@justice.wa.gov.au

### The prisoner shall be managed in a manner that responds to their particular risk until a placement decision is made.

### Placements shall also be made in accordance with [COPP 2.3 – Assessments and Sentence Management](https://dojwa.sharepoint.com/sites/intranet/prison-operations/Pages/prison-copps.aspx).

### The Superintendent or Deputy Superintendent shall convene a meeting as soon as possible to discuss and devise a prisoner management plan, but no later than 7 days after reception.

## Long term placement

### Superintendents shall carefully consider the placement of a long-term prisoner who self-identifies as trans, gender diverse or intersex to ensure they are able to socialise with other prisoners.

### The Superintendent shall manage the prisoner in an appropriate supportive environment.

# Orientation

### The orientation process should ensure the prisoner has access to relevant information including, health and well-being and ongoing support.

### Orientation shall be managed in accordance with [COPP 2.2 – Orientation.](https://dojwa.sharepoint.com/sites/intranet/prison-operations/Pages/prison-copps.aspx)

# Access to Support

### Staff shall ask the trans, gender diverse or intersex if they have any community-based support services. The prisoner shall be connected with these community-based support services where appropriate.

### Where a prisoner is unable to recommend any support services, staff may contact additional support services and/or advocacy agencies.

# Visits from friends and family

### Prisoners shall be given access to contact visits in accordance with [COPP 7.2 – Social Visits](https://dojwa.sharepoint.com/sites/intranet/prison-operations/Pages/prison-copps.aspx).

### Where appropriate, Superintendents shall provide trans, gender diverse or intersex prisoners with the opportunity to change clothing for visits in a manner that affords privacy, dignity and safety.

# Access to Prison Health Services

### Trans, gender diverse or intersex shall be assessed and clinically managed in accordance with their clinical needs and in accordance with [Health Services (HS) policies](https://dojwa.sharepoint.com/sites/health-services/Policy%20and%20Procedure%20Documents/PM01%20Admission%20and%20Risk%20Assessment.pdf).

# Escorts

### The officer in charge of movements or other delegated position shall ensure trans, gender diverse or intersex prisoners are escorted in accordance with [COPP 12.2 – Coordination of Escorts](https://dojwa.sharepoint.com/sites/intranet/prison-operations/Pages/prison-copps.aspx), [COPP 12.3 – Conducting Escorts](https://dojwa.sharepoint.com/sites/intranet/prison-operations/Pages/prison-copps.aspx) and [COPP 12.4 – Prisoner Transfers](https://dojwa.sharepoint.com/sites/intranet/prison-operations/Pages/prison-copps.aspx).

### Escorting Officers shall ensure that the trans, gender diverse or intersex prisoner is not transported with other prisoners in the same pod.

### Departmental contractors shall be notified by the relevant Senior Officer (SO) at the time of escort of the trans, gender diverse or intersex prisoner’s requirements including the requirements of searching.

# Access to Programs

### The Superintendent shall consider and aim to provide equal access for prisoners who self-identify as trans, gender diverse or intersex to programs, purposeful activities and services consistent with the prisoner’s self-identified gender.

# Prisoner Management Plan

### All prisoners who self-identify as trans, gender diverse or intersex shall have a prisoner management plan.

### All prisoners may present with a variety of risks and needs, with no two prisoners alike, each prisoner shall be assessed according to individual needs.

### A prisoner must be permitted to express the gender with which they self-identify regardless of the prison location.

### The Superintendent shall convene a meeting to develop a [Prisoner Management Plan](https://dojwa.sharepoint.com/sites/intranet/prison-operations/Pages/copp-forms.aspx) for all trans, gender diverse or intersex. The development of the [Prisoner Management Plan](https://dojwa.sharepoint.com/sites/intranet/prison-operations/Pages/copp-forms.aspx) shall include the following personnel but not limited to:

1. Superintendent or delegate
2. Medical Practitioner
3. Psychological Health Service
4. Independent expert (where possible) from a gender identity supporting agency
5. Where required, external support services and/or advocacy agencies.

### The Superintendent shall ensure a [Prisoner Management Plan](https://dojwa.sharepoint.com/sites/intranet/prison-operations/Pages/copp-forms.aspx) is completed and approved following the meeting and communicated to the relevant staff.

### The [Prisoner Management Plan](https://dojwa.sharepoint.com/sites/intranet/prison-operations/Pages/copp-forms.aspx) shall be reviewed at least every 3 months and when:

1. the prisoner is transferred to a new prison
2. requested by the prisoner
3. an officer or staff member identifies the need for a significant change to an existing plan.

# Requests to Transfer to Another Prison

## General guidance

### A prisoner who identifies as trans, gender diverse or intersex may be considered for placement in a prison which is different to their biological sex or the legally documented gender or other instrument authorising imprisonment.

### There is a two-stage assessment process to ensure applications are considered in a timely and efficient manner. The purpose of each stage is:

1. Stage one: Assessment of the application by the relevant Assistant Commissioner in consultation with a multi-disciplinary team (MDT) to whether the prisoner is suitable for placement in a prison that is different to their biological sex.
2. Stage two: Determine if there is a suitable prison to accommodate the prisoner.

### The relevant Assistant Commissioner is determined as followed:

1. Biological male prisoner requesting transfer to a women’s prison: Assistant Commissioner Women and Young People
2. Biological female prisoner requesting transfer to a male prison: Assistant Commissioner Custodial Operations.

### Where a prisoner does not request to be placed in a prison that is different to their biological sex, the Superintendent or Deputy Superintendent shall convene a meeting as soon as possible to develop the [Prisoner Management Plan](https://dojwa.sharepoint.com/sites/intranet/prison-operations/Pages/copp-forms.aspx), ongoing management and appropriate placement of the prisoner (refer to section 6.3).

### The request for transfer to another prison process is detailed within [Appendix A: Request for Transfer Application Process](#_Appendix_A:_Application).

## Stage one assessment process

### The prisoner shall be supplied with a copy of the [Application for Transfer](https://dojwa.sharepoint.com/sites/intranet/prison-operations/Pages/copp-forms.aspx) form and complete Section A.

### The Director Women’s Operations or prison-based equivalent person shall assist the prisoner with completion of their application as required.

### The prisoner shall submit the [Application for Transfer](https://dojwa.sharepoint.com/sites/intranet/prison-operations/Pages/copp-forms.aspx) form to their Superintendent.

### The prisoner’s current Superintendent shall review the prisoner’s application and coordinate the required information to complete Section B within the [Application for Transfer](https://dojwa.sharepoint.com/sites/intranet/prison-operations/Pages/copp-forms.aspx) form.

### The Superintendent shall submit the application to the relevant Assistant Commissioner.

### The relevant Assistant Commissioner shall assess the prisoner’s application within one month of receipt from the Superintendent to determine if:

1. the application shall progress for a final assessment; or
2. the application is not supported.

### The relevant Assistant Commissioner shall convene a multi-disciplinary team (MDT) meeting to assist with their assessment of the application.

### The MDT shall include but not limited to:

1. Relevant Assistant Commissioner (Chair)
2. Director Women’s Operations
3. Superintendent Administration
4. Superintendent or delegate of current prison
5. Security Manager
6. Medical Practitioner
7. Mental Health Practitioner
8. Psychological Health Service

### The MDT shall assess the following but not limited to:

1. the [Prisoner Management Plan](https://dojwa.sharepoint.com/sites/intranet/prison-operations/Pages/copp-forms.aspx)
2. security rating
3. the nature of the prisoner’s current offence and criminal history
4. previous custodial history, including previous behaviours and incidents which have impacted on the safety and security of the prison
5. perceived risks to the safety of the prisoner and/or other prisoners
6. associations with other prisoners
7. association with other persons (e.g. visitors, residential children)
8. medical access
9. clinical care requirements
10. at risk assessment in accordance with [COPP 4.9 – At-Risk Prisoners](https://dojwa.sharepoint.com/sites/intranet/prison-operations/Pages/prison-copps.aspx).

### Following the MDT meeting, the relevant Assistant Commissioner shall document their decision about the application within Section C of the [Application for Transfer](https://dojwa.sharepoint.com/sites/intranet/prison-operations/Pages/copp-forms.aspx) form. The Assistant Commissioner will then either:

1. progress the application for a final assessment; or
2. respond to the Superintendent, who shall provide the response to the prisoner if the MDT declines the application.

## Stage two assessment process

### The relevant Assistant Commissioner shall identify, in consultation with the MDT, which prisons can accommodate the prisoner.

### The relevant Assistant Commissioner shall coordinate contact with the potential receiving Superintendent(s) to determine if their prison can accommodate the prisoner.

### The relevant Assistant Commissioner shall ensure the receiving Superintendent(s) is provided with the current [Prisoner Management Plan](https://dojwa.sharepoint.com/sites/intranet/prison-operations/Pages/copp-forms.aspx) and [Application for Transfer](http://justus/intranet/prison-operations/Pages/copp-forms.aspx) form.

### The receiving Superintendent shall update Section D of the [Application for Transfer](https://dojwa.sharepoint.com/sites/intranet/prison-operations/Pages/copp-forms.aspx) form and submit to the relevant Assistant Commissioner.

### The relevant Assistant Commissioner shall document their final decision about the application within Section E of the [Application for Transfer](https://dojwa.sharepoint.com/sites/intranet/prison-operations/Pages/copp-forms.aspx) form.

### The Assistant Commissioner shall advise the relevant Superintendent(s) of their decision who shall advise the prisoner of the final decision.

# Reviews

### Where placement in a prison which is different to the prisoner’s biological sex is denied, the prisoner shall be allowed to request a review of the decision.

### The prisoner shall request a review, in writing, to the relevant Deputy Commissioner within 21 days.

### The relevant Deputy Commissioner shall review the request and communicate the outcome to the relevant Superintendents.

### The Superintendent at the prison where the prisoner is accommodated shall ensure the prisoner is informed of the outcome.

# Transfer and Management

### Transfers shall be managed in accordance [with COPP 12.4 – Prisoner Transfers](https://dojwa.sharepoint.com/sites/intranet/prison-operations/Pages/prison-copps.aspx).

### The Superintendent at the receiving prison shall convene a meeting to review the [Prisoner Management Plan](https://dojwa.sharepoint.com/sites/intranet/prison-operations/Pages/copp-forms.aspx) within 1 week of transfer.

### The Superintendent shall monitor the prisoner’s transition into the prison.

# Prisoners Self-identifying Post Admission

### A prisoner who identifies as trans, gender diverse or intersex post admission shall be managed in accordance with this COPP.

### The Superintendent shall be responsible for ensuring documentation of the prisoner’s preferred gender, name, pronouns, searching and placement requirements is completed in TOMS.

# Standing Orders

### Superintendents may develop Standing Orders compliant with this COPP as operationally required.

### For prisons requiring a standing order this shall be compliant [with COPP 1.3 – Standing Orders](https://dojwa.sharepoint.com/sites/intranet/prison-operations/Pages/prison-copps.aspx) and the Department’s [Operational Policy and Procedure Framework](https://dojwa.sharepoint.com/sites/intranet/department/standards/Documents/opp-framework-prisons.docx).

# Annexures

## Related COPPs and documents

* [COPP 1.3 – Standing Orders](https://dojwa.sharepoint.com/sites/intranet/prison-operations/Pages/prison-copps.aspx)
* [COPP 2.1 – Reception](https://dojwa.sharepoint.com/sites/intranet/prison-operations/Pages/prison-copps.aspx)
* [COPP 2.2 – Orientation](https://dojwa.sharepoint.com/sites/intranet/prison-operations/Pages/prison-copps.aspx)
* [COPP 2.3 – Assessments and Sentence Management](https://dojwa.sharepoint.com/sites/intranet/prison-operations/Pages/prison-copps.aspx)
* [COPP 3.1 – Managing Prisoner Property](https://dojwa.sharepoint.com/sites/intranet/prison-operations/Pages/prison-copps.aspx)
* [COPP 4.9 – At-Risk Prisoners](https://dojwa.sharepoint.com/sites/intranet/prison-operations/Pages/prison-copps.aspx)
* [COPP 6.5 – Prisoner Hygiene and Laundry](https://dojwa.sharepoint.com/sites/intranet/prison-operations/Pages/prison-copps.aspx)
* [COPP 11.2 – Searching](https://dojwa.sharepoint.com/sites/intranet/prison-operations/Pages/prison-copps.aspx)
* [COPP 12.2 – Coordination of Escorts](https://dojwa.sharepoint.com/sites/intranet/prison-operations/Pages/prison-copps.aspx)
* [COPP 12.3 – Conducting Escorts](https://dojwa.sharepoint.com/sites/intranet/prison-operations/Pages/prison-copps.aspx)
* [COPP 12.4 – Prisoner Transfers](https://dojwa.sharepoint.com/sites/intranet/prison-operations/Pages/prison-copps.aspx)
* [Guiding Principles for Corrections in Australia](http://justus/intranet/department/standards/Pages/ops-standards.aspx)

## Definitions and acronyms

| Term | Definition  |
| --- | --- |
| Commissioner’s Operating Policy and Procedure (COPP) | Operational Instruments that provide instructions to staff how the relevant legislative requirements are implemented. |
| Gender | Gender refers to how a person identifies, the ways they express their personal and social identity and the way they are recognised within a community. A person’s gender may be reflected in outward social markers, including their name, outward appearance, mannerisms and dress.  |
| Gender Diverse | An umbrella term that is used to describe gender identities that demonstrate a diversity of expression beyond the binary framework. |
| Gender Identity | The way a person defines their internal sense of gender. |
| Guiding Principles for Corrections in Australia, 2018 | The guidelines and the accompanying principles constitute outcomes or goals to be achieved, rather than a set of absolute standards or laws to be enforced. They represent a statement of intent that each Australian State and Territory can use to develop their own range of relevant legislative policy and performance standards to reflect best practice and community demands. |
| Intersex person | A person born with genetic, hormonal or other sex characteristics that are not typically male or female.Intersex people have a diversity of bodies and gender identities and may identify as male or female or neither. |
| Lesbian, Gay, Bisexual, Trans and Intersex (LGBTI) | Refers collectively to people who are lesbian, gay, bisexual, trans and/or intersex and is used to refer to people who have a diverse gender or sexual orientation, or who are intersex. |
| Officers and Employees of Particular Classes | The following descriptions of classes of officers and employees are prescribed for the purpose of s 11(1a)(b) of the *Young Offenders Act 1994*, in r 49(2) of the *Young Offender Regulations 1995*:(a) Medical staff persons who have undergone medical, nursing or health training and hold qualifications indicating successful completion of that training.(b) Teaching staff persons who provide recreation or sports supervision, teachers, vocational trainers and social trainers.©Program support staff counsellors, program facilitators and librarians.(d) Centre support staff cleaning staff, laundry staff, gardening staff, vehicle driving staff, maintenance staff and hairdressers. |
| Prison Officer | A person engaged or deemed to have been engaged to be a prison officer under section13 of the [*Prisons Act 1981*](http://www.slp.wa.gov.au/legislation/statutes.nsf/main_mrtitle_751_homepage.html)or deemed to have been appointed under s 6 to an office designated. |
| Prisoner | Any person in as defined in s.3 of the *Prisons Act 1981*; also includes a person not yet in the custody of a prison, but in the custody of a Contractor under the *Court Security and Custodial Services Act 1999*. |
| Public Service Officer | An officer employed in the State Government Public Service, subject to Part 3 of the *Public Sector Management Act 1994* and includes such officers and other persons as are necessary to implement or administer this Act. |
| Senior Officer (SO) | A prison officer under Section 13 of the [*Prisons Act 1981*](http://www.slp.wa.gov.au/legislation/statutes.nsf/main_mrtitle_751_homepage.html) and a person appointed or deemed to have been appointed under Section 6 [*Prisons Act 1981*](http://www.slp.wa.gov.au/legislation/statutes.nsf/main_mrtitle_751_homepage.html) to an office designated by rules for the purposes only of this definition, who has successfully completed the ELTP and the Department’s Senior Officer promotional process. |
| Sex | For the purposes of this COPP, a person’s sex refers to the chromosomal, gonadal and anatomical characteristics associated with biological sex. |
| Staff | Any person in the paid or unpaid employment of the Department of Justice, Corrective Services, including contractors, subcontractors and volunteers. |
| Superintendent | The Superintendent as defined in Section 36 of the [*Prisons Act 1981*](http://www.slp.wa.gov.au/legislation/statutes.nsf/main_mrtitle_751_homepage.html) includes any reference to the position responsible for the management of a private prison under Part IIIA of the [*Prisons Act 1981*](http://www.slp.wa.gov.au/legislation/statutes.nsf/main_mrtitle_751_homepage.html). This does not extend to the Officer in Charge of the prison. |
| Total Offender Management Solution (TOMS) | An electronic database used by the Department of Corrective Services to record and manage comprehensive information relating to prisoners and detainees. |
| Trans and Gender Diverse | Umbrella term used to describe all people whose gender identity is different to the sex they were assigned at birth. Trans and gender diverse people may identify as male, female, non-binary (that is, neither male nor female), or in another way which reflects their gender identity. |
| Women | An adult female human being.  |
| WA | Western Australia |

## Related legislation

* *Commonwealth Sex Discrimination Act 1984*
* *Prisons Act 1981*
* *Prisons Regulations 1982*
* *Young Offenders Act 1994*
* *Western Australia (WA) Equal Opportunity Act 1984*

# Assurance

It is expected that:

* Prisons will undertake local compliance in accordance with the [Compliance Manual](https://dojwa.sharepoint.com/sites/intranet/department/standards/Pages/monitoring.aspx).
* The relevant Deputy Commissioner within Head Office will undertake management oversight as required.
* Operational Compliance Branch will undertake checks in accordance with the [Operational Compliance Framework](https://dojwa.sharepoint.com/sites/intranet/department/standards/Pages/monitoring.aspx).
* Independent oversight will be undertaken as required.

Document version history

| Version no | Primary author(s) | Description of version | Date completed | Effective Date |
| --- | --- | --- | --- | --- |
| 0.1 | Operational Policy  | Initial draft | 13 November 2019 | N/A |
| 0.2 | Operational Policy  | Updated following consultation | 13 March 2020 | N/A |
| 0.3  | Operational Policy  | Tabled for approval with the Project Steering Committee | 17 March 2020 | N/A |
| 0.4 | Operational Policy  | Approved by the Project Steering Committee | 17 April 2020 | N/A |
| 0.5 | Operational Policy | Updated following consultation | 22 October 2020 | N/A |
| 1.0 | Operational Policy | Approved out of session by the Project Steering Committee | 28 October 2020 | 23 November 2020 |
| 1.1 | Operational Policy | Updated following further consultation and feedback | 10 August 2021 | N/A |
| 2.0 | Operational Policy | Approved by the Commissioner | 7 September 2021 | 23 September 2021 |
| 2.1 | Operational Policy | Female changed to woman | 25 February 2022 | N/A |
| 3.0 | Operational Policy | Approved by the A/Director Operational Projects, Policy, Compliance and Contracts  | 02 March 2022 | 03 March 2022 |
| 4.0 | Operational Policy | Approved by the A/Director Operational Projects, Policy, Compliance and Contracts | 6 April 2022 | 7 April 2022 |
| 5.0 | Operational Policy | Approved by the Assistant Director Operational PolicyCM Ref: D24/479366Feedback Ref: 118 | 08 May 2024 | 15 May 2024 |

# Appendix A: Request for Transfer Application Process



1. *Commonwealth Sex Discrimination Act 1984* [↑](#footnote-ref-1)
2. *Equal Opportunity Act 1984* [↑](#footnote-ref-2)