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| **M.03.05.Form.01 Information for transgender and intersex prisoners** | DOC Logo_RGB_Blue on white |
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| You have been placed in this prison as that was determined to be the appropriate placement for you. You can be relocated to a prison accommodating persons of the opposite sex if you provide a birth certificate that records that sex, or you have had your placement successfully reviewed. | |
| **Providing a birth certificate** | |
| If you have a birth certificate with your sex recorded as male or female you are entitled, at any time, to be accommodated in a prison catering for prisoners of the same sex as that on your birth certificate. You simply need to produce your birth certificate to prison staff. You will then be accommodated according to the sex on your birth certificate.  If you have a birth certificate that records your sex as indeterminate or does not record a sex, you can still produce this to prison staff, and that will automatically result in the National Commissioner of the Department of Corrections reviewing your placement. In this circumstance, you can say where you would prefer to be placed and supply the National Commissioner with relevant information. If you are then unhappy with the National Commissioner’s decision, you can apply to the Chief Executive of the Department of Corrections to have the matter reconsidered. | |
| **Can I apply to be relocated to a prison catering for persons of the opposite sex without producing a birth certificate?** | |
| Any person in custody in a prison whether sentenced or not has the right to advise any prison staff member at any time that, because of your gender identity, you would like to be considered for placement in a prison catering for the opposite sex to the one you are currently accommodated in.  If you are unhappy with your placement, you can apply to the Chief Executive of the Department of Corrections for a review of the decision by filling in an “Application for review of prisoner’s placement”, unless:   * You are serving a sentence of imprisonment for a serious sexual offence against a person of your nominated sex; or * You are remanded in custody charged with or awaiting sentence for a serious sexual offence against a person of your nominated sex; or * You have served a sentence of imprisonment for a serious sexual offence against a person of your nominated sex, and your sentence ended 7 or less years ago.   A serious sexual offence is one that is punishable by a period of imprisonment of 7 years or more, but does not have to have resulted in a sentence of imprisonment of 7 years or more.  If you are unsure about whether you can apply to the Chief Executive of the Department of Corrections against the placement decision made, you should discuss your situation with any prison staff member or your lawyer and they will be able to advise you. | |
| **Obtaining information to support your application** | |
| Confirming your nominated gender identity is essential to establish appropriate accommodation for you. In order to consider your application, staff in the prison may need to gather additional relevant information. This information will then be forwarded to the Chief Executive of the Department of Corrections to assist in making a decision.  This may mean that staff will have to talk to other people such as your general practitioner, other health professionals, your partner or other family members.  By signing the application and completing the supporting information, you are confirming that you agree to us contacting people who you have named and who can provide essential information about your nominated sex.  You can be assured that any such contact will be made by appropriate and qualified staff members, and the enquiries will be conducted with respect for your situation and your privacy. | |
| **Help with completing this application and the supporting information and your Support Plan** | |
| Any prison staff member or your lawyer can help you with completing this application and the supporting information. A Principal Corrections Officer (PCO) will also complete a Support Plan with you within three days of your reception into custody or if and when your circumstances warrant it. If you need help please ask. | |