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By email

Department for Correctional Services  
Attn: Strategic Policy, Projects & Partnerships  
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Adelaide SA 5001

Email: [dcssp@sa.gov.au](mailto:dcssp@sa.gov.au)

**RE: CORRECTIONAL SERVICES SUICIDE PREVENTION ACTION PLAN 2025-2028**

Dear Department for Correctional Services

Thank you for the opportunity to provide feedback on the Correctional Services Suicide Prevention Action Plan 2025-2028.

SA Rainbow Advocacy Alliance is the peak body representing LGBTIQ+ South Australians and the sector that supports us.

LGBTIQ+ people continue to face high rates of discrimination and harassment, contributing to higher rates of suicide and poorer mental health outcomes than the general population.

Recent data on LGBTIQ+ suicidality in South Australia showed that the vast majority of LGBTIQ+ adults (76.7%) and young people (83%) have reported a lifetime suicidal ideation. Recent suicide attempts were reported by 4.5% of LGBTIQ+ adults and 10.6% of young people, compared to 0.3% of the general population.<sup>1</sup>

We appreciate the Department's acknowledgment that contact with the correctional system is a significant risk factor for suicide, and this risk is amplified for LGBTIQ+ people.

However, despite identifying LGBTIQ+ people as a priority population, we are disappointed that only 1 of the 43 actions outlined in the Plan specifically addresses measures for LGBTIQ+ people.

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<sup>1</sup> Hinton, J. D. X, Lim, G., Amos, N., Anderson, J., & Bourne, A. (2024). LGBTQ+ mental health and suicidality: South Australia Briefing Paper. Melbourne, Australia: Australian Research Centre in Sex, Health and Society, La Trobe University

Further, we are concerned that combining a single action to address the needs of both LGBTIQ+ staff and those in contact with the correctional system fails to consider the distinct and complex needs of these different groups. This approach may lead the community to perceive the inclusion of LGBTIQ+ communities as tokenistic.

We provide the following feedback to support the Department in strengthening the Plan's ability to address the distinct needs of LGBTIQ+ staff and those in contact with the correctional system.

### **Aboriginal deaths in custody**

Reducing the vast and unacceptable overrepresentation of Aboriginal people in South Australia's correctional system and the increased risk of suicide for Aboriginal people must be the foremost priority of the Plan.

We recognise that Aboriginal LGBTIQ+ people face additional layers of discrimination, stigma and systemic disadvantage that impact their safety and wellbeing.

We urge DCS to implement feedback on the Plan provided by Aboriginal people who are experts in the needs of their communities. This includes relevant recommendations from the Advisory Commission into the Incarceration Rates of Aboriginal Peoples in South Australia,<sup>2</sup> and submissions made by Aboriginal community leaders including South Australia's First Nations Voice to Parliament, the Commissioner for Aboriginal Children and Young People, the Aboriginal Health Council of South Australia (AHCSA) and Aboriginal Community Controlled Organisations, and the Aboriginal Legal Rights Movement (ALRM).

### **LGBTIQ+ people in contact with correctional services**

The marginalisation, harassment and mistreatment experienced by LGBTIQ+ people in society are compounded within the correctional system, including community corrections, prisons and rehabilitation. These experiences take their most extreme and intensified forms in custodial settings.

A growing body of research<sup>3</sup> highlights that the main challenges experienced by LGBTIQ+ people in contact with correctional services include:

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<sup>2</sup> Government of South Australia, February 2023, Advisory Commission into the Incarceration Rates of Aboriginal Peoples in South Australia, available at <https://www.agd.sa.gov.au/law-and-justice/advisory-commission>.

<sup>3</sup> Walters, R., Antojado, D., Maycock, M., & Bartels, L. (2024). LGBT people in prison in Australia and human rights: A critical reflection. *Alternative Law Journal*, 49(1), 40-46.

- a disproportionately high risk of violence and sexual assault while in custody, at the hands of other incarcerated people and corrections staff
- discrimination and harassment in the form of verbal abuse
- social isolation, exacerbated by the use of solitary confinement while in custody
- higher rates of self-harm and suicide, as well as an increased prevalence of mental health issues
- structural discrimination that fails to address the specific needs of LGBTIQ+ people.

We recommend DCS include an action in the Plan to improve LGBTIQ+ inclusive practice across all correctional services, including by:

- using the free [Rainbow Tick initial assessment tool](#) to identify opportunities to improve LGBTIQ+ inclusive practice across DCS
- completing LGBTIQ+ inclusion training and implementing associated learnings, for example SHINE SA's HOW2 LGBTIQ Inclusion Training
- promoting DCS staff completion of the SA Public Sector [LGBTIQ+ Inclusive Communities Benefit Everyone online awareness program](#)
- improving data collection on the experiences of LGBTIQ+ people in contact with the correctional system
- engaging with LGBTIQ+ communities with lived experience of contact with the correctional system on how to better address their needs.

### **Trans and gender diverse people in custody**

There is a need for an overhaul of correctional service policies to reduce the risk of suicide among incarcerated trans and gender diverse people.

Trans and gender diverse people in custody are vulnerable to higher rates of violence, assault, self-harm and suicide.<sup>4</sup>

Currently South Australia's correctional service policies and practices fail to meet the unique needs of incarcerated trans people, increasing the risk of severe harm and suicide for our community.<sup>5</sup>

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<sup>4</sup> Graycar, A. (2000). Transgender inmates. Australian Institute of Criminology: Trends & issues in crime and criminal justice.

<sup>5</sup> Winter, C. (2023). Correctional policies for the management of trans people in Australian prisons. *International Journal of Transgender Health*, 25(2), 130–148. Available at <https://doi.org/10.1080/26895269.2023.2246953>.

We are concerned about DCS practices in relation to the following issues for incarcerated trans people:

- practices relating to identity-affirmation such as use of correct names and pronouns, and the ability to change one's legal name or gender identity
- provisions around placement
- provisions around the use of solitary confinement and/pr administrative segregation
- access to medical care and gender-affirming treatment
- provisions for inmate searches
- access to gender affirming clothing and belongings, for example clothing, wigs and chest binders.

DCS policy and practice regarding incarcerated trans people have been criticised as highly discretionary and the least consistent nationally with human rights standards.<sup>6</sup>

This has resulted in harm for women in two recent known instances:<sup>7</sup>

- **Krista Richards** was classified by DCS according to her sex at birth rather than her gender identity as a trans woman, in contradiction with their policy of self-identification. This had implications for the name DCS staff used and decisions regarding her placement, resulting in harm and a finding of discrimination by Ombudsman SA.<sup>8</sup>
- In 2019 an **intersex woman** was remanded in a men's prison, despite a magistrate noting she should have been taken to a women's prison. She reported experiencing "ridicule and cruel and degrading treatment".<sup>9</sup>

In both cases it was alleged that the women were denied access to the continuation of hormone therapy regimes and, in the case of the intersex woman, her depression medication.

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<sup>6</sup> Dalzell LG, Pang SC, Brömdal A. Gender affirmation and mental health in prison: A critical review of current corrections policy for trans people in Australia and New Zealand. *Aust N Z J Psychiatry*. 2024 Jan;58(1):21-36. doi: 10.1177/00048674231195285. Epub 2023 Aug 28. PMID: 37638610; PMCID: PMC10756016.

<sup>7</sup> Winter, C. (2023). Correctional policies for the management of trans people in Australian prisons. *International Journal of Transgender Health*, 25(2), 130–148. Available at <https://doi.org/10.1080/26895269.2023.2246953>.

<sup>8</sup> Ombudsman SA, 5 July 2018, Department for Correctional Services' actions relating to the treatment of a transgender prisoner. Available at <https://www.ombudsman.sa.gov.au/relevant-court-decisions/news/departament-for-correctional-services-actions-relating-to-the-treatment-of-a-transgender-prisoner>

<sup>9</sup> ABC News, 4 July 2022, Intersex woman lodges complaint after being taken to Yatala Labour Prison for men, available at <https://amp.abc.net.au/article/101206190>.

These high-profile cases are not isolated incidents. We have received correspondence from community members seeking SARAA's support to advocate for addressing inequality in South Australia's prison system, with one member recently telling us:

*"I am a trans masc person who spent 3 months in Adelaide Women's Prison; where I was denied medical treatment, medical equipment (such as binder), was deadnamed (despite a legal name change prior to), and general distress that would be considered higher than a typical cisgender experience.*

*I know this is not a sole case, as there were other gender diverse people at AWP during my short stay.*

*I hope that we can collectively ... [address] the negative impacts currently happening within the prison system, and bring them in line with a cisgender experience."*

We urge DCS to include an action in the Plan to review and enhance practices for trans and gender diverse prisoners. As the peak body for LGBTIQ+ South Australians, SARAA would welcome the opportunity to support DCS to improve practice in this area, for example by providing expert advice on the issues that impact us, connecting you to organisations working on this matter nationally and providing opportunities for consultation and engagement with trans and gender diverse communities.

We encourage DCS to reach out to colleagues in the NSW Department of Communities and Justice (DCJ) who have recently undertaken a program of work on this issue, including forming an advisory council and reviewing departmental policy.<sup>10</sup>

We also understand that the Australian Government recently awarded a health and medical research Medical Research Future Fund (MRFF) grant for a 4-year project to develop a 'whole-of-setting' model of care for trans and gender diverse people in prison. The project description states:

*The model will assist with implementing prison health and custodial policy reforms aimed at bringing more incarcerated trans people into integrated, culturally responsive care, thereby improving their health, wellbeing, and physical safety.*

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<sup>10</sup> Department of Communities and Justice (DCJ) (NSW), 2021, *Briefing paper on protecting the human rights of trans people in NSW prisons*. Available at <https://static1.squarespace.com/static/5d8c2136980d9708b9ba5cd3/t/62ba538b61678e018092107f/1656378254015/Briefing+Paper+and+Policy+Trans+People+in+NSW+Custody.pdf>.

The project is led by Dr Paul Simpson (UNSW) and the project team includes Ms Shani Prosser and Dr Katerina Lagios of Justice Health NSW Health, and Ms Kelly-Anne Stewart of Corrective Services NSW. We encourage DCS to connect with the research team and implement their findings.

### **LGBTIQA+ Workforce Inclusion**

The SA Public Sector 2024 People Matter Employee Survey<sup>11</sup> showed that 4.9% (1,978 people) of the workforce identify as LGBTIQA+ and 0.7% (283 people) of the workforce describe their gender as non-binary or a term other than male or female.

Further, 7% (2,828 people) of the workforce reported that they had experienced discrimination in the workplace, with sexual orientation and gender identity in the top 10 types of discrimination experienced.

Similar results are reflected in the DCS Highlights Report which shows:

- 3.8% of DCS respondents identified as LGBTIQA+
- 21% of DCS respondents experienced discrimination, with sexual orientation and gender identity in the top 10 types of discrimination experienced.

This highlights the need for all public sector agencies, including DCS to implement strategies to cultivate an inclusive, respectful and safe workplace for all employees, regardless of their sexual orientation or gender identity.

Accordingly, the SA Public Sector Diversity, Equity and Inclusion Strategy 2023 – 2026<sup>12</sup> commits to enhancing LGBTIQA+ inclusion within the South Australian public sector.

We therefore recommend that DCS include an action in the Plan to improve inclusion of LGBTIQA+ staff in the workplace, at a minimum by:

- joining the existing SA Public Sector LGBTIQA+ Community of Practice
- accessing training, consulting and advice from an expert body for LGBTIQA+ workplace inclusion, for example becoming a member of Pride in Diversity
- reviewing DCS processes for supporting trans and gender diverse employees who during transition, with reference to existing policies and guidelines from OCPSE.

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<sup>11</sup> Office of the Commissioner for Public Sector Employment, *2024 People Matter Employee Survey*, available at <https://www.publicsector.sa.gov.au/about/Resources-and-Publications/employee-engagement>.

<sup>12</sup> SA Government, 2023, *Diversity, Equity and Inclusion Strategy 2023-2026*. Available at [https://www.publicsector.sa.gov.au/\\_data/assets/pdf\\_file/0004/966433/OCPSE-DEI-Strategy-2023-2026.pdf](https://www.publicsector.sa.gov.au/_data/assets/pdf_file/0004/966433/OCPSE-DEI-Strategy-2023-2026.pdf).



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Resources to support DCS to build LGBTIQ+ inclusion in the workforce have been compiled by both the Office of the Commissioner for Public Sector Employment<sup>13</sup> and Department of Human Services.<sup>14</sup>

## Conclusion

Thank you again for the opportunity to provide feedback on this important matter.

We look forward to collaboratively working with Department for Correctional Services to prevent suicide and improve mental health outcomes for LGBTIQ+ South Australians in contact with the correctional system.

If you wish to discuss these matters further, please contact me at [varo@saraa.org.au](mailto:varo@saraa.org.au) or on 0490 290 259.

We will also make this submission publicly available on our website to ensure our members are aware of our position.

Kind regards,

### **Varo they/them**

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<sup>13</sup> Office of the Commissioner for Public Sector Employment, 2024, *Supporting LGBTIQ+ in the SA public sector* webpage, available at <https://www.publicsector.sa.gov.au/Employment/diversity/supporting-lgbtiga-in-the-sa-public-sector>.

<sup>14</sup> Department of Human Services SA, 2024, LGBTIQ+ Inclusive Workplaces webpage, available at <https://dhs.sa.gov.au/how-we-help/lgbtiga/lgbtiga-inclusive-workplaces>.