

ESTIMATES COMMITTEE

Question Taken on Notice

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Date: 11 June 2026

From: Member for Johnston

To: Hon Gerard Maley MLA

Portfolio: Corrections

Agency: Department of Corrections

Subject: Gender diverse and Intersex Directive

QUESTION:

Please provide a copy of the gender and intersex treatment of prisoners' directive, including the date it was changed

ANSWER:

Attachment A refers. The document was updated on 31 October 2025.

Department of Corrections Directive

2.4.10 MANAGEMENT OF PRISONERS WHO IDENTIFY AS GENDER DIVERSE

TRM Reference	2022/0698/0014	
Directive Approver	Signature	
	Name & Title	Matthew Varley Commissioner
	Date	31.10.25
Principal Directive Owner	Deputy Commissioner Adult Operations	
Directive Responsibility	Custodial Operations	
Implementation Responsibility	Assistant Commissioner Custodial Operations	
Directorates Impacted	Custodial Operations	
Authority (Enabling Act or Regulation) <i>Correctional Services Act 2014</i> <i>Anti-Discrimination Act 1992</i> <i>Sex Discrimination Act 1984 (Cth)</i>		
Associated Documents 2.2.6 Urinalysis 2.2.8 Escorts 2.2.9 Searches 2.14.2 Purchases by Prisoners		

Document Version Control

Version	Effective Date	Reason for Update
V.2	June 2018	Directive Review
V.3	April 2020	Directive Review
V.4	June 2021	Directive Review
V.5	16 October 2024	2024 MOG Update only
V.6	October 2025	Directive Review and rename

Next Review Date	November 2027
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1 Directive

The management and placement of prisoners who identify as gender diverse, will be determined following an assessment carried out by the General Manager of a correctional centre.

While acknowledging the unique requirements of gender diverse prisoners, these do not take priority over safety and security considerations.

Upon assessment, the General Manager provides their recommendation on the management and placement to the Commissioner, through the Deputy Commissioner Adult Operations. The recommendation will include an individual management plan.

It is critical to ensure assessment and periodical case reviews for gender diverse prisoners are documented. Evidence of consideration of strategies and protective factors that cater for the management and treatment of the prisoner, as well as explanation for the chosen course of action, must be recorded.

2 Purpose

The Department of Corrections is committed to the safety and security of all prisoners in custody, and the equitable and respectful treatment of individuals. In the issuance of this Directive, the Commissioner has paramount regard to the safety of all prisoners, especially vulnerable persons, which includes female and gender diverse prisoners.

Gender diverse prisoners are recognised as vulnerable persons in the correctional system, and they are to be treated with respect and dignity and must not be subject to unlawful discrimination. The Department recognises the importance of managing the custody of gender diverse prisoners in a safe and secure manner.

Under section 38 of the *Correctional Services Act 2014* the Commissioner is to determine at which facility a prisoner is to be held.

Correctional centres are designed to accommodate male and female prisoners separately. The placement of prisoners in correctional centres must therefore always be appropriate to maintain the separation of men and women, and the security and good order of correctional services establishments and offenders.

3 Links to Strategic Priorities

Break the cycle.

4 Scope

This Directive applies to all correctional centres.

5 Definitions

Brotherboys means Aboriginal transgender men (registered as female at birth) who identify and live their lives as male.

Gender fluid is a term used to indicate a non-fixed gender identity where a person's gender identity or expression can shift and change over time

Gender diverse is an inclusive umbrella term that includes people who identify as transgender, gender fluid, non-binary or intersex.

Intersex means people who have innate sex characteristics that do not fit medical and social norms for female or male bodies, and that creates risks or experiences of stigma, discrimination and harm.

Non-binary is a term used to describe gender identities that do not coincide with the binary notions of male and/or female. Non-binary people may identify as male and female, neither male nor female, or do not identify as any gender. Some non-binary people refer to their gender as fluid, meaning it can change and fluctuate over time.

Primary health care means the Department of Health business unit responsible for the provision of health services to the Department of Corrections.

Sistergirls means Aboriginal transgender women (registered as male at birth) who identify and live their lives as female.

Transgender means a person who:

- a. with or without hormone treatment, lives socially and self-identifies as a member of a gender which is different to his/her registered birth sex; or
- b. has commenced a series of, or is undergoing, a medical or surgical procedure (or a combination of such procedures) to alter the genitals and other gender characteristics, so the prisoner will be identified as a person of the gender different to the gender identified by the birth certificate.

References to “**Northern Territory Correctional Services**”, “**NTCS**”, “**Northern Territory Department of Correctional Services**” and/or “**NTDCS**” in any associated documents, forms, templates, supporting resources or publications means the Department of Corrections (DoC).

6 Roles and Responsibilities

The relevant Principal Directive Owner is responsible for ensuring the quality and appropriateness of Directives as applicable to their areas of responsibility. This includes coordinating and maintaining the evaluation and review of the Directive.

The person listed under the Implementation Responsibility section is responsible for:

- a) the finalisation of Directives; and
- b) ensuring electronic access is available for staff.

7 Procedures

- 7.1 Prisoners who identify as gender diverse must be treated with the same respect and dignity accorded to any other prisoner and must not be discriminated against or harassed on the grounds of their gender identity, intersex status or related attributes.
- 7.2 A correctional centre is designed to accommodate men or women separately.
- 7.3 The safety risk to others by individual prisoners, particularly if their criminal record and/or custody history indicates a history of sexual and/or physical violence, must also be considered.

7.3 Initial Placement Prior to Assessment

- 7.3.1 A prisoner who identifies as gender diverse when received into a correctional centre, will be assessed by the General Manager to determine the most appropriate placement. This will include consideration of their biological sex at birth.
- 7.3.2 The prisoner's IOMS record will be updated to reflect this.
- 7.3.3 Until the individual gender diverse prisoner assessment is completed (see 7.4), the General Manager will initially:
 - a. accept the prisoner as per the warrant;
 - b. ensure that the prisoner is treated as under protection, 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, or harm to others from, the prisoner;
 - c. provide access to shower and toilet facilities that provide for the privacy and dignity of the prisoner;
 - d. ensure the prisoner is not transported with any other prisoner in the same compartment of a transport vehicle; and
 - e. forward the prisoner's details to Primary Health Care to ensure necessary information can be obtained to inform the assessment.
- 7.3.4 Officers will address gender diverse prisoners:
 - a. with the same respect given to all prisoners; and
 - b. by the name on the warrant committing the prisoner into custody.

7.4 Gender Diverse Prisoner Assessment

- 7.4.1 As soon as practicable, but within seven (7) days after a prisoner identifies as gender diverse, a decision must be made as to the long-term placement and management of the prisoner whilst they are in custody.
- 7.4.2 The assessment process does not seek to determine whether a prisoner is male or female.
- 7.4.3 The assessment by the General Manager must be made in consultation with Primary Health Care.

- 7.4.4 Primary Health Care is responsible for gathering all relevant medical history and information for the gender diverse prisoner.
- 7.4.5 When assessing options for placement and ongoing management, the following factors must be considered:
- a. the nature of offending;
 - b. the prisoner's personal circumstances;
 - c. the risk the prisoner may pose to safety and security;
 - d. the risk to the prisoner (or to other prisoners);
 - e. the views of the prisoner's treating medical practitioner or psychiatrist (if known/available);
 - f. whether the prisoner has lived as a member of the acquired gender in the community and for what length of time;
 - g. whether the prisoner has had hormone treatment at any time or whether the prisoner has undergone, or is undergoing, a medical and/or surgical procedure to alter their genitals and/or other gender characteristics;
 - h. the prisoner's preference to be housed in a male or female accommodation;
 - i. any concerns expressed by employees and the prisoner in relation to the prisoner's safety;
 - j. where the prisoner could be accommodated appropriately; and
 - k. any other factors considered relevant.
- 7.4.6 A recommendation on placement, including details of an individual management plan will be forwarded through the Deputy Commissioner Adult Operations to the Commissioner for a decision.
- 7.4.7 Upon a decision by the Commissioner, the General Manager must develop and approve an appropriate care plan for that individual to be safely housed in the facility. The plan must include consideration and implementation of the individual's housing, treatment, conditions and health care.
- 7.4.8 The plan will be reviewed after 30 days and again quarterly for the entirety of the prisoner's current period of incarceration.
- 7.4.9 A prisoner who identifies as gender diverse will not be housed in general population without an individualised management plan.
- 7.4.10 Should the prisoner not be satisfied with the assessment outcome they may write to the Commissioner seeking a review of the decision.
- 7.4.11 The individual assessment form is contained in Appendix A.

7.5 Searches and Urinalysis

- 7.5.1 Search practices will utilise various methods and available technology, adopting the least intrusive option possible to minimise the negative impact on a person, without compromising the search integrity.
- 7.5.2 Searches requiring the removal of clothing and urinalysis must be performed by correctional officers of the same biological sex of the prisoner, unless determined otherwise by the Commissioner.

- 7.5.3 The sensitivities of individual officers will be considered when allocating responsibility for the unclothed search of a prisoner whose biological sex characteristics have been altered.

7.6 Clothing and Personal Care Items

- 7.6.1 Gender diverse prisoners must observe the dress standards required of prisoners at the correctional centre.
- 7.6.2 At the discretion of the General Manager, a prisoner who identifies as gender diverse may be provided with clothing items, and/or able to purchase personal care items that match their identity. In exercising this discretion, the General Manager is to consider the safety of the prisoner and the security and good order of the correctional centre.

7.7 Rehabilitation, Education and Employment

- 7.7.1 Prisoners will be able to access rehabilitation, work, education and other programs, in line with the individual's management regime, and in consideration of the engagement and safety of the prisoner and other prisoners.

7.8 Hormone Treatment / Gender Affirming Surgery

- 7.8.1 An application by a prisoner to undergo gender affirming treatment in custody must be made to the Commissioner.

7.9 Employee awareness and education

- 7.9.1 All employees will undertake approved learning and development opportunities on gender identity and sexuality. This is to raise awareness and improve their understanding of the challenges, stigma and discrimination facing this cohort.

7.10 Prisoner population – education and awareness

- 7.10.1 The general prisoner population will be offered information and awareness on sexual and gender diversity where appropriate.

8 Directive Evaluation and Review

8.1 Evaluation

The Principal Directive Owner will be responsible for the evaluation of this Directive.

8.2 Review

This Directive comes into effect in November 2025 and its scheduled review should occur on or before November 2027. Unless rescinded earlier or otherwise stated, this Directive continues in full force and effect.

9 Appendices

Assessment of a prisoner identifying as gender diverse - FORM

----- **End of Directive** -----