



Housing Crisis

Trans and Gender Diverse Placement in
Australian Prisons since the 1960s

(Adrien McCrory, PhD Candidate, Australian Catholic University)

Outline:

Cooma Gaol (the “homosexual prison”)

Transgender legal status in the 1980s

Long Bay Gaol

The turn of the Millennium (TGD prison issues in the 1990s & 2000s)

The 2010s – present (where are we now?)

The old prisoners exercise yard in the old Gaol at Cooma N.S.W. [picture]. (193

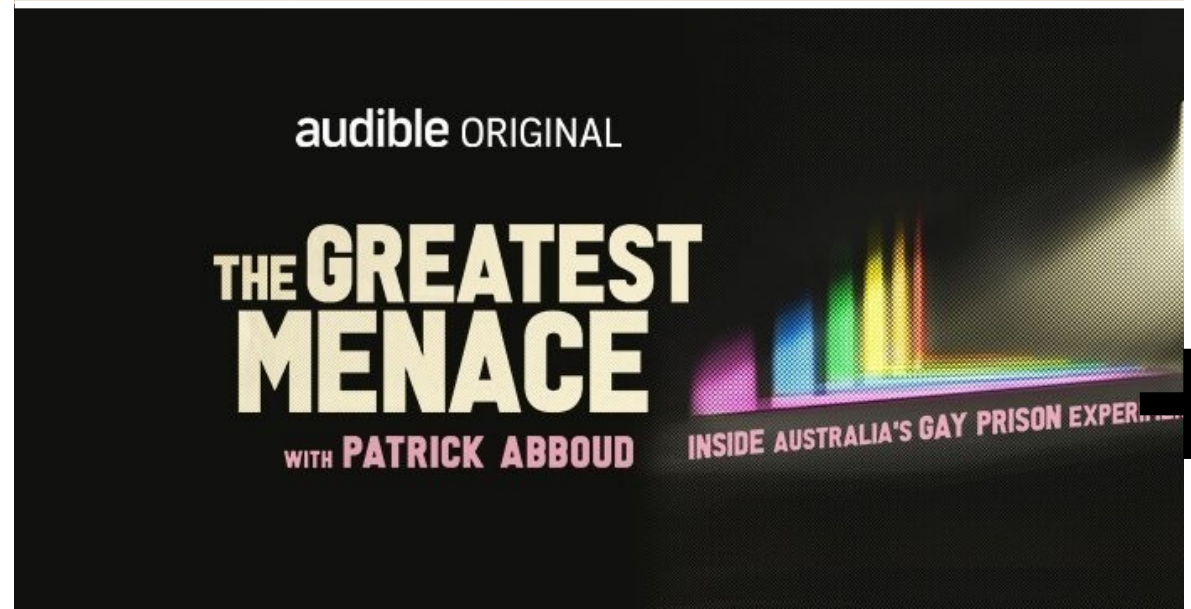
Cooma Gaol

- Established as a “homosexual prison” in the 1950s
- Unclear how many TGD people were incarcerated there, but some were

Check out Patrick Abboud and Simon Cunich’s podcast

The Greatest Menace

<https://www.thegreatestmenace.com/>



"Transsexuals are men: Court ruling," Telegraph (Sydney), 25 September 1982, John Hewson Collection, A

Telegraph 25 SEP 1982 Sydney, N.S.W.
DAILY TELEGRAPH, Saturday, September 25, 1982

TRANSSEXUALS ARE MEN: COURT RULING

Harris and McGuinness

Landmark court case on legal status of transgender people in Australia (1982 - 1988)



Vicki Harris and Phillis McGuinness outside the court yesterday. Picture: BOB MARTIN.

By JOHN FREER and MIKE HUDSON

Nature and the law have crushed a bid by two transsexuals to prove they are women.

Vicki Lee Harris and Phillis McGuinness are adamant they are females but the Chief Stipendiary Magistrate, Mr C.R. Briese, ruled yesterday they were men.

Mr Briese said: "My view is that the law of NSW regards both persons as males despite their own belief to the contrary."

'There are only two categories of sex'

Harris, 29, of Kings Cross, and McGuinness, 23, of Paddington, were liable to the legal penalties imposed on men, Mr Briese said.

He based his decision on medical opinions from three doctors. "It is clear both defendants are persons with male bodies

who live as females and want to be accepted as females," he said.

"The law recognises only two categories of sex and does not consider a third.

"For the law to treat such a person as a female it would require legislation to that effect."

Panel rules sex of 'woman'

A prison board in South Australia has classified a 27-year-old transsexual as a woman and ruled that she should serve a year's jail sentence in a women's prison.

Samantha Anne Mason was jailed on August 27 for larceny.

Her counsel asked for Mason, formerly a man, to be allowed to serve the sentence among women.

The court ordered a medical,

psychological and psychiatric assessment to be made of Mason, who appeared in court dressed as a woman with long blond hair.

The assessment panel ruled that Mason should be detained in a women's section, although she had never undergone a full sex-change operation.

The question arose at the Castlereagh St Court when Harris and McGuinness were charged with being male persons attempting to procure another male person.

Mr Briese sentenced them to imprisonment until the rising of the court, which then rose.

Their counsel, Bruce Miles, said would take the matter to the Supreme Court. Harris underwent sex-change operation 14.



Long Bay Jail

- Debate over whether to open a specific transgender prison
- Political scandals in the 1980s around supposed allowances for transgender prisoners (including lingerie and makeup)



Six of the 13 prisoners who have undertaken sex change therapy, pictured in a yard at Long Bay Jail. One of the six was released from prison last year.

Turn of the Millennium

Trans and Gender Diverse
people in prison in the 1990s
and 2000s



What about now?

2010s and 2020s so far have seen amendments around Australia to policy, legislation and prison procedures to broaden categories of who is considered TGD

... But what has changed in practice?



Final thoughts