



# Prisoner Entitlements Activities

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## Custodial Operations Practice Directive

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<b>Performance Standard:</b> Prisoners are provided with access to basic privileges including activities with consideration given to the safety and security of the corrective services facility.	
<b>Outcomes:</b>	
	<ul style="list-style-type: none"> <li>To provide for meaningful activity participation by prisoners, contribution for sale to benefit nominated charities, display and/or disposal of art/craft work produced by prisoners and to prohibit business involvement by prisoners.</li> </ul>
<b>Accountability:</b>	
Chief Superintendent, General Manager / Superintendent, Deputy General Manager  Corrective Services Facility	<ul style="list-style-type: none"> <li>Ensures necessary processes are in place for the day to day management of prisoners that provides a structure in which prisoners can be positively engaged in their imprisonment.</li> </ul>
Corrective Services Officer	<ul style="list-style-type: none"> <li>Writes case notes for the purposes of monitoring a prisoner's progress including compliance with a structure routine and activities.</li> <li>Promotes the safety, security and good order of a corrective services facility through effective prisoner management.</li> </ul>
<b>Process Owner:</b> Custodial Operations maintain ownership and responsibility for review and amendment of the Practice Directive.	

### Human Rights

To ensure Corrective Services officers act or make decisions in a way that is compatible with human rights, officers must give proper consideration to human rights relevant to the decision including but not limited to:

- recognition and equality before the law, including the right to equal and effective protection against discrimination;
- freedom from forced work;
- freedom of thought, conscience, religion and belief;
- freedom of expression;
- peaceful assembly and freedom of association;
- property rights;
- cultural rights – generally and for Aboriginal peoples and Torres Strait Island peoples; and
- the right to humane treatment when deprived of liberty.





### Limitation of human rights

Human rights can be limited if certain conditions are present:

- the limit must be provided under law;
- the limit must be reasonable; and
- any imposition on the human rights must be demonstrably justified in a free and democratic society based on human dignity, equality and freedom.

A person's human rights should only be limited to the extent that is reasonably and demonstrably justified.

### Meaningful Activities for Prisoners

The Chief Superintendent, General Manager of a corrective services facility must provide prisoners access to meaningful activities which promote the positive use of a prisoner's leisure time.

A meaningful activity is an approved activity undertaken by a prisoner which may not be included in the prisoner's Offender Rehabilitation Plan (ORP). The activity should engage the prisoner in a pro-social manner and promote a healthy lifestyle.

*For example, a unit manager organises a table tennis tournament within the unit with the intention to constructively engage prisoners to interact with each other and supervising corrective services officers; or an activities officer schedules a regular supervised hobbies session in the gymnasium.*

### Approval of a Meaningful Activity

When determining whether to approve a meaningful activity, the following must be considered:

- the activity should be capable of being recorded/accountable;
- the activity can be individual or group participation;
- the activity should contribute to a prisoner's personal development;
- the activity should involve the acquisition of knowledge and skills;
- the activity should be socially appropriate and/or recreational; and
- the activity should encourage social responsibility,

### Risk Assessment – Recreational and General Equipment

All recreational or general equipment available to prisoners must have a risk assessment completed and documented.





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For secure accommodation areas, refer Recreational Equipment for Prisoners in Secure Accommodation Areas Appendix PE10.

Recreational and general equipment to satisfy legitimate needs is to be maintained and supplemented as required from the offender amenities account.

No free/loose weights are to be permitted in a corrective services facility.

Prisoners may access equipment and supplies for any approved hobbies. Hobby tools, implements and materials are to be accessed by prisoners in a controlled manner and in a controlled environment.

Timeframe	Prior to prisoner issue including equipment provided in accommodation areas.
Responsible Officer	Corrective Services Officer.
Approval and Review	Chief Superintendent, General Manager of a corrective services facility.

### Structured Plan

A structured plan of meaningful activities must be developed to provide for the delivery of recreational activities, approved hobbies and education aimed at encouraging prisoners to exercise and participate in a healthy lifestyle.

The plan should provide for all prisoners to have an opportunity to participate in at least one hour of meaningful activity per day, including group activities.

Supervision of prisoners by corrective services officers in secure facilities is to be provided for all sporting activities, inclusive of participation in gymnasium and oval.

Additional Considerations – Priority Groups	<p>Prisoners from identified priority groups should be given all reasonable opportunities to fully participate in prison activities suitable to their needs.</p> <p>Priority groups include:</p> <ul style="list-style-type: none"> <li>• high risk prisoners;</li> <li>• prisoners with a disability (including cognitive impairment and mental illness);</li> <li>• youthful prisoners;</li> <li>• Aboriginal and/or Torres Strait Islander prisoners; and</li> <li>• women prisoners.</li> </ul> <p>Meaningful activity is particularly important for prisoners with cognitive impairment whose level of functioning may prevent them from actively participating in intervention programs, education and/or employment.</p>
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Additional Considerations – Prisoner Advisory Committees	To engage prisoners and provide a process for them to have input into the corrective services facility's functioning and to promote positive communication between facility management and prisoners, a facility should have a Prisoner Advisory Committee. Refer Prisoner Advisory Committees Appendix PE12.
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Timeframe	At the commencement of each calendar year.
Responsible Officer	Manager, Offender Development.
Approval and Review	Chief Superintendent, General Manager of a corrective services facility.

### Prisoner Participation

A record of prisoner participation in meaningful activities must be maintained in secure corrective services facilities. The record will include:

- types of activity participated in during session;
- number of prisoners attending/participating in the activity; and
- hours of participation.

Refer Meaningful Activities Register Administrative Form 43.

Timeframe	To be completed on a daily basis.
Responsible Officer	Corrective Services Officer.

### Art and Craft Program

The Art and Craft Program for Offenders (ACPO) refers to the program by which Queensland Corrective Services (QCS) assists prisoners in the display of the art/craft work they have produced. Refer Art/Craft Work Licence Agreement Administrative Form 44.

### Roles and Responsibilities

ACPO is managed by the Chief Superintendent, General Manager of the corrective services facility.





The Activities Officer at the corrective services facility is responsible for developing, managing and delivering cultural and recreational art, craft and hobby activities to prisoners.

Art and craft work documentation must be completed at the relevant corrective services facility in consultation and negotiation with the artist, the Activities Officer, Manager Offender Development and the Chief Superintendent, General Manager of the corrective services facility.

### **Dealing with Prisoner Art and Craft Work**

While held in custody in a corrective services facility the prisoner must not sell, give, give possession of, or otherwise dispose of art and craft work unless approved by the Chief Executive or delegate (CSA s28A). Refer Instrument of Delegation of Chief Executive Powers – Queensland Corrective Services.

### **Prisoner's Estate Managed by the Public Trustee**

If the Public Trustee manages a prisoner's estate, prior written consent must be obtained before the prisoner can provide their art and craft work for display or otherwise part with its possession.

### **Copyright**

The copyright and intellectual property rights of art and craft work created by prisoners remain with the prisoner unless released by them through agreement.

Art/craft work is automatically protected by copyright when put in 'material form' i.e. in a form where it could be reproduced by making a craft item, painting a picture, taking a picture or making an artwork in a digital form.

Copyright does not protect ideas, information, styles or techniques.

### **Moral Rights**

Moral rights relate to personal rights belonging to the creator of copyright works and cannot be transferred, assigned or sold.

The creator has the right to be attributed for their work, not to have their work falsely attributed and not to have their work treated in a derogatory way.





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Any issues in relation to copyright, intellectual property and moral rights must be resolved prior to the art and craft work being subject to the ACPO.

### Art and Craft Work Retained by Prisoners

When a prisoner completes art and craft work, details of the art and craft work must be recorded. A prisoner may choose to retain their art and craft work. Refer to Practice Directive Property: Management of Prisoner Property.

If approved by the Chief Superintendent, General Manager of the corrective services facility, prisoners may retain their completed art and craft work in their cell. Refer Acknowledgement of Responsibility for Property Administrative Form 4.

Responsible Officer	Activities Officer or other nominated officer.
Approval and Review	Chief Superintendent, General Manager of a corrective services facility.

### Prizes

If the Public Trustee does not manage a prisoner’s estate or if prior written consent has been obtained by the Public Trustee and a prisoner exhibits art and craft work in a registered competition and is awarded a prize, the prisoner may receive the full benefit of that prize, provided it does not constitute a prohibited thing.

Refer Prohibited Things - Corrective Services Regulation 2017 s19.

If the prize is not monetary (for example, art materials) the Chief Superintendent, General Manager of the corrective services facility must determine whether the prize is suitable for entry to the corrective services facility.

In the circumstances where a prisoner is awarded a prize they may elect to:

- donate the proceeds of the prize to the purchase of art materials (subject to the approval of the Chief Superintendent, General Manager of the corrective services facility);
- handout the proceeds of the prize to a nominated recipient at the discretion of the Chief Superintendent, General Manager of the corrective services facility, refer to Practice Directive Property: Management of Prisoner Property; or
- request a monetary prize be deposited into their trust account.

Where a prisoner’s estate is being managed by the Public Trustee and if the prize is considered ‘property’ for the purposes of the PTA, then the Public Trustee should determine how the prize shall be managed. The Public Trustee may provide consent for the prisoner to otherwise deal with the prize.







### Display of Art and Craft Work

#### Promotion of Prisoner Art and Craft Work

Art and craft work may only be displayed if the prisoner has completed the Agreement between the Prisoner Artist and Queensland Corrective Services Administrative Form 45. This applies to all forms of exhibitions including those within a corrective services facility.

When organising an exhibition refer to Appendix PE11 – Guidelines for the Organisation of an Exhibition.

It is the responsibility of the Chief Superintendent, General Manager of the corrective services facility to ensure that art and craft work submitted for display does not contain material that:

- is offensive;
- is of a provocative nature, for example, racist;
- is sexually explicit; and/or
- depicts violent or threatening images.

At the conclusion of the exhibition/display the art/craft work will be returned to the prisoner unless the prisoner makes alternative arrangements as provided for in this Practice Directive.

#### Centre-based Arrangements for Display at a Corrective Services Facility

The Chief Superintendent, General Manager of the corrective services facility may authorise the display of prisoner art and craft work within public or general access areas of the facility using Request for Approval for Local Exhibition/Project/Initiative Administrative Form 46.

The following applies to displayed art and craft work:

- all displayed art/craft work must be recorded in the prisoner's property;
- the corrective services facility must accept responsibility for safekeeping and liability for any damage or loss;
- upon transfer to another corrective services facility or discharge of a prisoner, all attempts must be taken to ensure the art/craft work follows the prisoner; and
- the prisoner may terminate the agreement at any time for any reason by completing the Agreement between the Offender Artist and Queensland Corrective Services Administrative Form 47.

Timeframe	Prior to the event/exhibition.
Responsible Officer	Activities Officer or other nominated officer.





Approval and  
Review

Chief Superintendent, General Manager of the corrective services facility.

### External Exhibition/Display of Art and Craft Work through the ACPO

A request for exhibition of art and craft work including participation in local community displays and exhibitions must be made to the Chief Superintendent, General Manager of the corrective services facility using Request for Approval for Local Exhibition/Project/Initiative Administrative Form 46.

Exhibitions must be organised and coordinated through the Manager Offender Development in consultation with the Chief Superintendent, General Manager of the corrective services facility.

### Government Departments and other Agencies

The display of art and craft work in the offices of other State Government departments and agencies is conditional upon the completion of an assessment as to the suitability of the proposed display area and terms for the safekeeping of art/craft work by ORMS, Specialist Operations.

ORMS, Specialist Operations must arrange for the Agreement between Agencies for Displaying Prisoner Artwork/Craft Work Administrative Form 47 to be signed by the other agency.

In the event of loss or damage and/or at the conclusion of the display period an assessment must be conducted to determine the extent of any damage or loss. Arrangements would need to be made for the prisoner to be compensated accordingly. These funds should be recovered by QCS from the displayer.

<p>Additional Considerations – Limitation of Liability</p>	<p>For art and craft work valued at greater than \$500 and handled for display and exhibition by QCS under the ACPO, the State of Queensland (through Queensland Corrective Services) provides a maximum liability of \$500 in circumstances where accidental damage and/or loss is sustained.</p> <p>For art and craft work valued at less than \$500 the liability is limited to the value of the repair.</p>
<p>Timeframe</p>	<p>The suitability of the proposed display area is to be assessed prior to the display of the art and/or craft work and the extent of any damage or loss is to be assessed at the conclusion of the display period.</p>
<p>Responsible Officer</p>	<p>Activities Officer or other nominated officer at the corrective services facility through the Manager Offender Development.</p>







Approval and  
Review

Chief Superintendent, General Manager of the corrective services facility.

### Sale of Art and Craft Works to Employees and Engaged Service Providers

- An employee of QCS or an engaged service provider may only buy contributed prisoner art and craft work through an exhibition or display co-ordinated by the Chief Superintendent, General Manager of the corrective services facility.

Any failure to comply with the procedure may constitute a breach of the Code of Conduct for the Queensland Public Service. Refer to the agency procedure – Conflict/Declaration of Interest.

### Prisoners Dealing with Art and Craft Work

A prisoner may with the approval of the Chief Executive or delegate:

- hand out their art/craft work to another person for safekeeping; and/or
- make a gift of their art/craft work to another person.

Refer CSA s28B, 28C and 28D.

The purpose of handing out the art and craft work is for the recipient to store the art and craft work until the prisoner is released.

The prisoner must apply in writing by submitting the Art and Craft Work Handout Application and Receipt Administrative Form 48.

Before approving the handing out of the art and craft work the contact details of the recipient must be confirmed.

In deciding whether or not to approve the application, the Chief Executive or delegate must have regard to the prisoner's human rights, including (but not limited to) property rights and freedom of expression.

If the application is approved, art and craft work may be collected by the approved recipient or sent to the approved recipient at the prisoner artist's expense.

Upon receipt of the art and craft work item the recipient must also complete and return part D of the Art and Craft Work Handout Application and Receipt Administrative Form 48.

If the recipient no longer wishes to store the art and craft work they may advise the prisoner who is responsible for arranging the collection of the art and craft work. The Chief Superintendent, General Manager of the corrective services facility may make arrangements for the collection of the art and





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craft work at the prisoner's request. The cost of collecting the art and craft work will be deducted from the prisoner's trust account.

### Gift of Artwork

A prisoner may, with the approval of the Chief Executive or delegate, give an item of art and craft work to a person as a gift (refer CSA s28B) by completing the Request to Gift Art and Craft Work Administrative Form 50.

In deciding whether to approve for a gift the Chief Superintendent, General Manager of the corrective services facility must consider the factors set out in section 28B(2) of the CSA.

In deciding whether or not to approve the artwork as a gift, the Chief Executive or delegate must have regard to the prisoner's human rights, including (but not limited to) property rights, freedom of expression and any cultural rights, where relevant.

The Chief Superintendent, General Manager of a corrective services facility may not approve a gift from a prisoner to:

- an employee of QCS;
- an employee of an engaged service provider;
- an employee of any organisation or agency providing a service to the corrective services facility;
- an official visitor;
- a person who volunteers his or her services at the corrective services facility; or
- a prisoner at the same corrective services facility or different corrective services facility.

### Disposal of Art and Craft Work

Prior to disposal of art and craft work all reasonable efforts must be made by ORMS, Specialist Operations to determine the whereabouts of a discharged prisoner (or a nominated beneficiary).

Unclaimed art and craft work must be securely stored until they are disposed of through the Public Trustee.

Timeframe	A reconciliation of the art/craft work held in the database shall be undertaken at least annually.
Responsible Officer	ORMS, Specialist Operations.
Approval and Review	Chief Executive or delegate.

