Adult Custodial Rule 11
Permitted and Prohibited Material

Relevant Instruments:  
*Prisons Act 1981*

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1. Purpose
The purpose of these procedures is to provide staff with procedural information as to the process by which to manage permitted and prohibited material within prisons.

2. Scope
This Rule applies to all public and private prisons and prisoners and staff in all prisons.

3. Definitions

Designated Superintendent: The Superintendent as defined in s36 of the *Prisons Act 1981* and includes any reference to the position responsible for the management of a private prison under Part 111A of the *Prisons Act 1981*.

Material: Books, magazines, photographs, pictures, CDs, DVDs, videos or other similar media.

Nudity: Nudity can consist of frontal or rear below waist visuals, full frontal or full rear visuals for both sexes, or breast nudity for females. The amount of detail is determined not only by the context of the nudity shown, but by other factors including closeness and size of visuals, realism and clarity.

Soft pornography: Photography or film which is intended to be sexually arousing, and typically contains nude and semi-nude performers and sex scenes.

4. Permitted material
4.1 Permitted material means the material described in Appendix 1 as Permitted Material.
4.2 Prisoners may have access to Permitted Material.

4.3 The Superintendent may ban or confiscate any Permitted Material if, in the opinion of the Superintendent, the material constitutes a threat to the security or good order of the prison.

5. Prohibited material

5.1 Prohibited Material means the material described in Appendix 1 as Prohibited Material.

5.2 Prisoners must not access, and must not be permitted to access, Prohibited Material.

5.3 The Designated Superintendent shall, regardless of the classification of the material, prohibit material which, in their opinion, is likely to cause a threat to the good order and security of the prison or the safety of other prisoners, staff or the community. Prohibited items in accordance with this Section include material which contains:

- Pictures or text depicting excessive violence or racial vilification
- Sexually orientated material involving violence, coercion, compulsion, force, bodily harm or threats
- Detailed information on the fabrication of drugs, weapons, or explosives,
- Detailed information on martial arts and fighting techniques or the commission of criminal acts
- The promotion of genocide or hatred or any identifiable group on grounds of colour, race, religion, ethnicity, gender or sexual orientation
- Sexually explicit pictures or text.

5.4 Material produced predominantly for the purpose of soft pornography, including Penthouse and Playboy magazines, shall be prohibited.

6. Display of material

6.1 The Designated Superintendent shall ensure that prisoners or staff do not display or cause the display, in such a way that it can be viewed by others, any material otherwise permitted in accordance with Section 5 which may cause a person (staff or prisoner) to be offended, humiliated and/or intimidated.

6.2 In making the determination, the Designated Superintendent shall apply an objective test as to whether a reasonable person would anticipate that the behaviour (display of the material) would have the effect of offending, humiliating or intimidating.

6.3 Material referred to in Section 6.1 and 6.2 includes that which depicts any form of nudity or images of males or females in any state of undress.

7. Policy review

This policy is to be reviewed on a triennial basis.
8. **Approved**

Rule made pursuant to s 35 of the *Prisons Act 1981* by the Commissioner being the Chief Executive Officer of the Department of Corrective Services with the approval of the Minister.

Commissioner: 

Date: 9 December 2013

Minister: 

Date: 15 January 2014

9. **Policy sponsor**

Deputy Commissioner Adult Custodial

10. **Contact person**

The following person may be approached on a routine basis in relation to this policy:

Assistant Commissioner Custodial Operations

11. **Amendment history**

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<thead>
<tr>
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<tbody>
<tr>
<td>1. First published</td>
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