



Art Produced by Prisoners – Procedures

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1. Definitions

Commissioned work	Work produced following a request for Prison art in return for payment.
Designated Superintendent	The Superintendent as defined in s 36 of the Prisons Act 1981 , and includes any reference to the position responsible for the management of a privately operated prison under Part 111A of the Prisons Act 1981 . Does not extend to the Officer in Charge of a prison.
Superintendent	The Designated Superintendent, Deputy Superintendent, Assistant Superintendent or other Prison Officer (or in the case of a privately operated prison, any person) who is at the relevant time in charge of a prison.
Prison art	Broadly includes visual arts (drawings, paintings, carvings, and sculpture), performing arts (plays, music, dance, choreography) and literature (poetry, books, and drama scripts).
Staff	All Departmental employees, contracted staff, volunteers or other engaged service providers.

2. Ownership of prison art

- 2.1** All articles produced, whether in recreation time or during art classes, having used materials supplied by an Arts Class, will be considered the property of the Department of Corrective Services and shall be managed in accordance with Section 3. The quantity of articles produced by any prisoner remains at the discretion of the Designated Superintendent.
- 2.2** The Department of Corrective Services recognises the intellectual property held by the prisoner artist in respect to their produced work and agrees not to reproduce

said work without express written permission from the artist who produced the work. The term 'reproduce' shall include the display of Prison art by electronic means on an intranet/internet site for the purpose of promoting exhibitions.

- 2.3** Arts activities conducted by prisoners as a recreational activity, using materials they have purchased, will be owned by the prisoner concerned, and shall be managed in accordance with [Section 4](#).
- 2.4** Articles which are not purchased by prisoners which subsequently remain the property of the Department (in accordance with [Section 3](#)) or are purchased by the Department in accordance with [Section 9](#) must be recorded on the [Appendix 4 - Arts Asset Register](#). An Arts Asset Register is to be forwarded to the Arts Coordinator when any additions have been made to a prison's collection.

3. Prisoners purchasing Prison art where they have not purchased the materials

- 3.1** Subject to the discretion of the Designated Superintendent, prisoners may choose to purchase Prison art produced by them in accordance with [Section 2.1](#) above, subject to the following guidelines:
- Prisoners applying to own Prison art shall pay for all materials at cost.
 - Prisoners may only purchase their own artworks.
 - Prisoners are not permitted to sign over artwork that they own to other prisoners.
- 3.2** Monies received from prisoners who have been approved to purchase their own work will be transferred and reimbursed into the relevant art materials budget. All Prison art not purchased by prisoners remain the Department's property. Prison art may be disposed of or recycled at the discretion of the Designated Superintendent. If Prison art are to be kept by the prison, [Appendix 4 - Arts Asset Register](#) is to be completed and forwarded to the Arts Coordinator.

4. Artwork owned by a prisoner

- 4.1** Prison art may be stored, signed out or destroyed in line with Prisons Regulations 1982, rr 36B, 36C, and 36D and [Policy Directive 42 – Prisoner Property](#).
- 4.2** The Designated Superintendent shall take into consideration the circumstances of the prisoner when determining the amount of artwork stored in accordance with [Policy Directive 42 – Prisoner Property](#).
- 4.3** Once artwork has been completed and prior to it being stored or signed out in accordance with Section 4.1 above, the prisoner shall be provided with [Appendix 1 – Request to store or sign out prison arts owned by a prisoner](#). This form is to be completed and attached to the article that they wish to store. The purpose of the form is to provide written verification that the article has been produced by the prisoner and to record the cost of materials in the event that the artwork is lost or damaged.
- 4.4** In accordance with Policy Directive 42 – Prisoner Property, Prison Art shall be recorded on TOMS with a photograph of the item.
- 4.5** Prison art may be signed out to a visitor in accordance with [Policy Directive 42 – Prisoner Property](#). A limit on the number of pieces of artwork permitted to be

signed out may be determined on a case by case basis at the discretion of the Designated Superintendent.

- 4.6 Prison art may only be sold in accordance with [Section 5](#), [Section 6](#) and [Section 7](#).

5. Exhibitions

- 5.1 Subject to the Designated Superintendent's approval, articles owned by prisoners (refer [Section 2](#)) may be entered in exhibitions in consultation with the Arts Coordinator, in accordance with this Section.
- 5.1.1 Prisoners may exhibit samples of their artwork in the following group exhibitions:
- Prison art exhibition organised by the Arts Coordinator or the Educational and Vocational Training Unit.
 - TAFE or other higher educational institution exhibitions, necessary as part of diploma, certified courses or degree requirements.
 - Other public exhibitions where the Assistant Commissioner Custodial Services has granted prior approval.
- 5.1.2 One-person exhibitions are not permitted except where it is required to complete a TAFE, university, or other higher educational institution course of study. Approval from the relevant Designated Superintendent is to be obtained prior to the exhibition.
- 5.1.3 An [Appendix 2 - Prisoner Exhibition Entry Form](#) must be completed by each prisoner wishing to exhibit artwork in Departmental exhibitions. The form is to be witnessed by a relevant education or recreational staff member who is familiar with the artist's work to verify the ownership of the submitted work. Other forms may be required to be completed by prisoners when submitting work in exhibitions not managed by the Department. Further information can be sought from the Arts Coordinator.
- 5.1.4 Subject to [Section 4](#), Prisoners may offer their own Prison Art for sale in any of the above exhibitions. Prisoners may exhibit unpurchased Prison Art in exhibitions but not offer the works for sale. Such unpurchased Prison Art may include that which is produced for an educational course, or where the materials for the Prison Art have not been purchased by the prisoner.
- 5.1.5 Each prisoner may exhibit a maximum of ten (10) items of Prison art per year.
- 5.1.6 A 10% administration charge will be deducted from the proceeds of any sale of prisoners' artwork or from any cash prizes won by prisoners for their artwork. This charge, administered on all transactions, will be paid into the Prisoners Art Exhibition account. In the event of an outside gallery taking a commission the Department of Corrective Services will waive its 10% administration charge.
- 5.1.7 Subject to the cost deductions outlined in Section 5.1.6 of these procedures, each prisoner will receive the proceeds from the sale of their artwork. The money will be paid into the Prisoner's Private Cash Account (PPCA), or other account nominated by the prisoner if they have been released by the time of payment. Permission to hold monies over the limit set in accordance with [Policy Directive 69 – Management of Prisoner Money](#) will be at the Designated Superintendent's discretion.

- 5.1.8 Exhibited artworks will not be removed from the exhibition area unless sold. On completion of the exhibition, unsold items will be returned to the prison from which they were sent. Superintendents may direct the prisoner to have surplus items signed out, where ongoing storage is impractical.
- 5.1.9 In the event of the prisoner/artist being released from prison prior to the end of the exhibition, it is the prisoner's responsibility to arrange collection of unsold artworks with the exhibition Coordinator.

6. Purchase of prison art by staff

- 6.1 Prison based staff may only purchase artwork by prisoners for personal possession in accordance with this policy (ie through an approved exhibition/gallery process or approved commissioned work) and not otherwise.
- 6.2 In all cases, the approval of the Designated Superintendent of the prison at which the prisoner resides is required prior to the sale proceeding. The Designated Superintendent may consult with the Arts Coordinator, Officer in Charge of the prison's Education and Vocational Training Unit, or the Manager, Justice Intelligence Service regarding the sale price or any other matter to minimise the potential for misconduct associated with the sale.
- 6.3 In the event of a Designated Superintendent or other member (non-prison based) of the Department wishing to purchase Prison Art, permission of the staff member's line manager must be sought. That line manager may consult in accordance with Section 6.2 above.
- 6.4 An officer who acquires prison art may have their conduct scrutinised for conflict of interest.

7. Commissioned work

Prisoners may only accept commissioned work with the express approval of the Designated Superintendent in consultation with the Arts Coordinator. All approved commissioned work shall be facilitated by the Arts Coordinator.

8. Donation of prison art

- 8.1 Prison art owned by prisoners may be donated to external agencies such as charities or similar organisations where the Assistant Commissioner Custodial Services has granted prior approval.
- 8.2 Prison art owned by the Department may be donated to external agencies such as charities or similar organisations at the discretion of the Designated Superintendent in consultation with the Arts Coordinator.
- 8.3 [Appendix 3 - Donation Consent Form](#) must be completed for all prisoner owned Prison art donated.

9. Prison art produced for the Department

Prison Art produced for sale or other use by the Department by a prison industry shall be managed in accordance with [Policy Directive 56 - Production and Sales of Goods, Products and Services from Prison Industries](#).

10. Respect for cultural significance of artwork

It is acknowledged that Prison art may have cultural, personal or religious significance. In accordance with [Policy Directive 7 - Religious and Spiritual Activities](#), when carrying out duties, officers shall behave in a manner which reflects respect and sensitivity towards religious, cultural or spiritual beliefs, practices, objects and symbols.

11. Approved

Commissioner or delegated authority
in accordance with PD46:



Date:

6 March 2014

12. Policy sponsor

Assistant Commissioner Custodial Services

13. Contact person

Principal Operational Policy Officer

14. Amendment history

Version	Approved	Effective from
1. First published as PD46	17 February 2004	Not available
2. Amended	7 March 2007	Not available
3. Amended	9 March 2008	Not available
4. Amended	10 October 2008	Not available
5. Amended – Policy and Procedures separated, reviewed	6 March 2014	4 April 2014