

## Custodial Operations Policy and Procedures

### 8.13 Art, craft, hobbies, materials and sales

#### Policy summary

Corrective Services NSW (CSNSW) encourages inmate participation in art and craft programs and aims to develop inmates' creative, artistic and vocational skills for their successful return to the community.

CSNSW recognises and aims to accommodate the diverse range of art and craft programs and outlets within correctional centres.

All art and craft programs are to be operated in a manner that is mindful of security considerations.

#### Management of Public Correctional Centres Service Specifications

Service specification	Professionalism and accountability Rehabilitation and reintegration
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## Scope

This section applies to all correctional centres and other facilities administered by or on behalf of CSNSW and all CSNSW employees.

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# 1 Art, craft, hobbies materials and sales

## 1.1 Policy

The development of an inmate's creative skills through the safe conduct of art and craft programs should be fostered by the provision of relevant instruction in art and craft skills.

Wherever possible, Governors are to encourage the establishment of, and inmate participation in art and craft programs.

The provision of art and craft programs is to be in accordance with Work Health and Safety (WHS) requirements. Further details are available from [www.safework.nsw.gov.au](http://www.safework.nsw.gov.au)

## 1.2 Supply of materials

Where an inmate is engaged in an art and craft as part of an educational program, CSNSW will supply the materials. The cost of materials should be deducted from the inmate's percentage of sales if the art or craft item is sold.

When an inmate is engaged in art and craft production for non-educational purposes, materials must be purchased by the inmate via the activities buy up (**refer to COPP section 8.14 Inmate buy-ups**).

# 2 Issuing and recording education and non-education art, craft and hobby materials

## 2.1 Education art and craft materials

All education materials issued as part of an accredited education program are to be itemised and described on all property documentation, including the Offender Integrated Management System (OIMS) property module, and in the *Permission to keep education, art & craft materials in cell* form.

## 2.2 Procedures for issuing education art and craft materials

	Procedure	Responsibility
1.	Liaise with the Functional Manager (FM) Accommodation and Education Services Coordinator about the types and amount of educational material allowed to be kept in cell.	Authorised officer
2.	Provide a <i>Permission to keep art and craft materials in cell (education)</i> form to the FM for approval.	Authorised officer
3.	Provide a copy of the approved annexure to the inmate and inform them that it must be displayed on the wall inside the inmate's cell or cubicle.	Authorised officer

	Procedure	Responsibility
4.	Register the art and craft material in the OIMS property module.	Authorised officer
5.	Utilise the OIMS property record report when conducting searches of cells to verify approved education materials.	Accommodation officers

## 2.3 Non-education art, craft and hobby materials

All art, craft and hobby materials issued to inmates that are not associated with education programs must be kept within the property quantity limits.

## 2.4 Procedure for non-education art, craft and hobby materials

	Procedure	Responsibility
1.	List the quantity and describe the materials in a <i>Permission to keep art, craft and hobby materials in cell (non-education)</i> form.	Authorised officer
2.	Record materials in the OIMS property module ( <b>refer to COPP section 4.3 Issuing property to inmates</b> ) and issue materials to the inmate.	Authorised officer
3.	Provide a copy of the <i>Permission to keep art, craft and hobby materials in cell (non-education)</i> form to the inmate and inform them that it must be displayed on the wall inside the inmate's cell or cubicle.	Authorised officer
4.	Utilise the OIMS property record report when conducting searches of cells to verify approved education materials.	Accommodation officer

# 3 Exhibition and sale of art and craft articles

## 3.1 Policy

The exhibition or sale of inmate art and craft articles is to be in accordance with arrangements approved by the Governor of each correctional centre.

Exhibitions may be organised through CSNSW art and craft outlets, CSNSW special exhibition, by display in the centre's visiting area, in local town display facilities, or other arrangements approved by the Governor.

Items sold through a commercial outlet should be sold on consignment with the retailer. If the articles are sold to a registered retailer, they will be obliged to withhold tax at the highest tax rate plus Medicare levy.

### 3.2 Procedure for exhibition and sale of art and craft articles

The following procedures will apply when an inmate has been approved to list or sell an art or craft item.

	Procedure	Responsibility
1.	Put in place a process and criteria for the selection of art and craft items for exhibition and sale.	Governor
2.	Provide the inmate with an <i>Exhibition and sale of inmate art and craft articles: Terms and conditions</i> form.	Authorised officer
3.	Provide the inmate with annexure <i>Inmate authorisation slip</i> . when articles are listed for sale or sold.	Authorised officer
4.	Contact the Boom Gate Gallery, Long Bay (Tel. 9289 2077) and consult with the gallery and the inmate in determining prices.	Authorised officer

### 3.3 Sales to CSNSW staff through a sales outlet

Staff may purchase art or craft items produced by an inmate from an official sales outlet. In correctional centres that have an art or craft sales outlet, staff must purchase inmate goods through the sales outlet and pay the outlet's set price, including CSNSW commission and GST

### 3.4 Procedure for sales to CSNSW staff directly from an inmate

In correctional centres where no sales outlet exists, the inmate is to make an application to the Governor requesting the sale to the particular member of staff.

The application is to state the agreed sale price, which should be set by an independent person with appropriate expertise in the field of art and craft. Staff of the Boom Gate Gallery Long Bay, are authorised to advise on pricing.

	Procedure	Responsibility
1.	Provide the inmate with an inmate application form.	Authorised officer
2.	<p>Seek an independent evaluation of the price of the artwork from staff at the Boom Gate Gallery, Long Bay by providing:</p> <ul style="list-style-type: none"> <li>• a photo of the artwork</li> <li>• the dimensions of the artwork</li> <li>• the media used (oil or acrylic paint, watercolour, ink, pencil etc.)</li> </ul> <p>Boom Gate Gallery Tel: 9289 2077 Media and Communications Unit Long Bay Correctional Complex 1300 Anzac Parade Malabar NSW Post: LMB 20 MATRAVILLE NSW 2036</p>	Authorised officer

	<b>Procedure</b>	<b>Responsibility</b>
<b>3.</b>	Sign the application before it is presented to the Governor for consideration.	Authorised officer
<b>4.</b>	Approve/not approve a request for the sale of an item to a CSNSW staff member.	Governor
<b>5.</b>	Record the transaction on annexure <i>Staff sales register</i>	Authorised officer
<b>6.</b>	Ensure procedures in relation to sales revenue are adhered to (refer to subsection <b>3.8 Sales revenue</b> of this policy).	Authorised officer
<b>7.</b>	Audit the staff sales register periodically.	Governor

### **3.5 Establishment of a new sales outlet**

A Governor wishing to establish a new art and craft outlet should submit the proposal to the Director, custodial operations for approval. When preparing the submission, the Governor should consult with existing outlets at other correctional centres.

Issues which should be considered include:

- the location of the outlet and its public role in promoting the range of art and craft activities conducted in the correctional centre
- the procedures for the selection of artwork for sale
- the methods of display
- staffing
- administration
- ongoing operational costs
- the projected rate of sales.

### **3.6 Sales between inmates**

Sales and/or giving of art and craft articles between inmates are prohibited.

### **3.7 Tax**

Inmates are responsible for declaring to the Commissioner of Taxation any income earned whilst in custody. CSNSW must keep appropriate records of inmate earnings from art and craft in order to issue a statement of earnings.

Goods and Services Tax (GST) is applicable to the total sale price of the art or craft article being sold where the inmate has a registered Australian Business Number (ABN) and is registered for GST.

GST is applicable to CSNSW commission on the sale of the art or craft article.

### 3.8 Sales revenue

Returns from the sale of art and craft items are to be distributed as follows:

Correctional Centre	15%
Inmate	85%

Where sales are made through the Boom Gate Gallery at Long Bay or the State Correctional Museum at Cooma the distribution is to be:

Gallery/Museum	25%
Inmate	75%

Where CSNSW provides a cottage industry activity, distribution of the proceeds from each sale is to be:

Correctional Centre	30%
Inmate	70%

In special circumstances, the returns may be distributed differently, as determined by the respective Assistant Commissioner, Custody (ACC).

### 3.9 Art and craft accounts

The Art and Craft account has been established to cover the receipt and disbursement of monies relating to art and craft activities by inmates, in particular the sale of art and craft articles through CSNSW outlets. The art and craft account will be administered by the Administration and Finance Manager of the correctional centre.

Any money in the Art and Craft account is to be utilised for the promotion of inmate art and craft within the correctional centre or for a specific project relevant to art and craft programs and activities. The account is to be kept in credit at all times.

### 3.10 Procedure for art and craft accounts

	Procedure	Responsibility
1.	Operate an art and craft account into which commissions and proceeds are credited.	Governor
2.	Utilise the account for the promotion of inmate art and craft or for specific projects relevant to art and craft.	Governor
3.	Audit the account regularly.	Governor/ authorised officer



### 3.11 Procedure for articles sent out from centres

Inmates are not permitted to send out art and craft articles for sale without the permission of the Governor or authorised officer.

	Procedure	Responsibility
1.	Approve articles to be sent out of the centre.	Governor/ authorised officer
2.	Re-coupe the cost (including GST) of any material supplied by CSNSW from the inmate before any article is sent out of the centre to friends and family.	Authorised officer
3.	Approve art and craft items to be sent out as donations to a charity. The cost of materials will be charged to CSNSW.	Governor/ authorised officer

### 3.12 Inmates discharged or transferred

Art and craft articles made by inmates from their own materials are to be considered private property and therefore governed by the inmate private property policy (**refer COPP section 4.6 Property on transfer**).

### 3.13 Use of CSNSW machinery and equipment

The Governor may authorise the use of CSNSW machinery or equipment for the production of art and craft items. The authorised officer will put in place procedures for this process.

## 4 Quick links

- [Related COPP](#)
- [Forms and annexures](#)
- [Related documents](#)

## 5 Definitions

ABN	Australian Business Number
COPP	Custodial Operations Policy and Procedures
CSNSW	Corrective Services NSW
FM	Functional Manager
GST	Goods and Services Tax
MOSP	Manager Offender Services and Programs
OIMS	Offender Integrated Management System
WHS	Work Health and Safety

## 6 Document information

<b>Business centre:</b>	Statewide Operations	
<b>Approver:</b>	Dr Anne Marie Martin Deputy Commissioner Security and Custody	
<b>Date of effect:</b>	16 December 2017	
<b>EDRMS container:</b>	18/7216	
<b>Version</b>	<b>Date</b>	<b>Reason for amendment</b>
1.0	16/12/17	Initial publication ( <i>Replaces section 5.2 and 5.5. of the superseded Operations Procedures Manual</i> )
1.1	15/07/19	Inclusion at 3.7 of new rates for Boom Gate Gallery sales
1.2	02/12/19	Inclusion at 3.8 that the ACCC may determine distribution of sales revenue in special circumstances
1.3	12/03/20	General formatting update and improvements
1.4	05/04/23	Update to subsection 3.8 – change in revenue rates on the sale of art and craft items for both correctional centre and inmate; increase in commission for correctional centre.
1.5	23/08/24	Update in line with CSNSW restructure: renaming of Assistant Commissioner Custodial Corrections (ACCC) to Assistant Commissioner, Custody (ACC).  Corrections to subsection 3.8 – inclusion of ‘State Correctional Museum at Cooma’ with Boom Gate Gallery sales rates. Reinstatement of original revenue rates on the sale of art and craft items for correctional centre and inmate (i.e. from 25/75% to 15/85%) – correction to changes made in V1.4.