

# Tasmania Prison Service

## Director's Standing Order

### DSO – 5.06      Media Access

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## 1. Statement of Purpose

To define the rules governing media access to prisons and to prisoners, detainees and other persons in the custody of the Tasmania Prison Service.

This Standing Order outlines the circumstances in which the media may have access to prisoners, the matters that must be considered before access is granted and any conditions that may apply.

## 2. Desired Outcome

To promote public confidence in the prison system.

To recognise prisoners' achievements and their contribution to the community.

To provide information about the activities of the Tasmania Prison Service (TPS) to the wider community.

## 3. Scope

This Standing Order applies to prisoners, detainees and other persons in the custody of the Tasmania Prison Service.

## 4. References (including Legislation, Policy, Forms and Other Documents)

[Corrections Act 1997](#), section 6(3)

[Media Request \[Form 4G\]](#)

[Prisoner / Detainee Consent and Request Form \[Form 6J\]](#)

## 5. Definitions and Abbreviations

**Dangerous criminal** - means an offender in respect of whom –

- a. a declaration under [section 19\(1\)](#) of the *Sentencing Act 1997* is in force
- b. a declaration under [section 392\(1\)](#) of the *Criminal Code Act 1924* is in force

**Director of Prisons** – means the Director of Prisons or his / her delegate

**Immigration detainee** – means a person held in the custody of the Tasmania Prison Service under the authority of the *Migration Act 1958*

**Juvenile** – means a person under the age of 18 years

**Media** – means all forms of mass communication including newspapers, magazines, newsletters, radio, television and the internet

**Prison** – includes a place of detention irrespective of the title by which it is known, and includes the whole area, whether or not walled or fenced, established as a prison

**Prisoner** – means, unless otherwise stated, prisoners and detainees as defined in the *Corrections Act 1997*

**Staff** – includes any person employed by the state service and working on prison property or in conjunction with the Tasmania Prison Service.

**Unsentenced Prisoner** - A legal status indicating that a person is confined to custody or supervision while awaiting the outcome of their trial.

**Watch-house detainee** – means a person who has been:

- detained by a police officer pending an interview, bail decision or court appearance and transferred to the custody of a correctional officer under the *Criminal Law (Detention and Interrogation) Act 1995*
- taken into custody by a police officer and held at a Reception Prison as place of safety under the authority of s.4A of the *Police Offences Act 1935*

## 6. Mandatory Policy

- 6.1. Media representatives are not permitted to enter a prison for the purpose of still photography taking audio or visual recordings of a prison, any part of a prison or any person on prison property without prior written approval from the Director of Prisons.
- 6.2. Media representatives may be permitted access to prisoners but only where the Director of Prisons deems this to be appropriate and the objectives outlined in this Standing Order can be achieved.
- 6.3. Media access to prisoners will not be permitted unless authorised by the Director of Prisons.
- 6.4. Where approval is given for a prisoner to participate in a media event, the prisoner must not be identifiable by any means unless specific authorisation is given by the Director of Prisons.
- 6.5. Prisoners will not be interviewed, recorded, photographed or filmed by the media without their fully informed consent.

## 7. Responsibilities

### 7.1. Director of Prisons

The Director of Prisons, after consultation with the parties mentioned in this Standing Order, is responsible for determining whether media access to prisoners is permitted and what, if any, additional conditions are to be imposed.

Where the Director of Prisons is unavailable, the appropriate delegate will assume the powers and responsibilities outlined in this Standing Order.

### 7.2. Superintendents

Superintendents are responsible for:

- providing advice to the Director of Prisons on related safety and security issues
- conducting risk assessments
- facilitating approved media access in accordance with this Standing Order and any other conditions set down by the Director of Prisons

### 7.3. Staff

Staff must abide by the Communication Policy and Whole of Government Media Protocols issued by the Department of Premier and Cabinet when interacting with the media.

## 8. Media Requests

### 8.1. Restrictions

- 8.1.1. Media representatives will not be permitted access to the following sub-categories of prisoners:
  - Juveniles (regardless of their legal status)
  - Watch-house detainees
  - Dangerous criminals
  - Immigration detainees
- 8.1.2. Unsentenced prisoners, prisoners under the care of Forensic Mental Health Services and federal offenders will not be permitted to participate in media events, except where the following additional conditions are met:
  - **Unsentenced prisoners** - where participation is risk assessed by a Superintendent and subsequently approved by the Director of Prisons
  - **Prisoners under the care of Forensic Mental Health Services** - where an appropriately qualified health professional confirms that the interview will not be detrimental to the person's wellbeing

- **Federal offenders** - where prior written authority is provided by the Commonwealth Attorney-General

## 8.2. Media Events initiated by the Tasmania Prison Service

- 8.2.1. Where a media event involving prisoners is initiated by the Tasmania Prison Service or one of its partners, prior written consent must be obtained from the prisoner acknowledging their willingness to participate [refer Form 6J – Prisoner Media Consent Form].
- 8.2.2. When determining whether a prisoner may participate in a media event, the Director of Prisons must give consideration to the criteria outlined in section 8.4.

## 8.3. Requests by Media Representatives / Prisoners

- 8.3.1. If a media representative wishes to interview a prisoner or a prisoner wishes to participate in an interview or other media activity, a written application must be submitted to the Director of Prisons.
- 8.3.2. The request must specify the name of the media representative, the name of the organisation the person is representing, the purpose of the interview, subjects to be discussed, the method of broadcasting / publishing the interview and level of access required [refer Form 4G – Media Request / Form 6J - Prisoner Media Request Form].
- 8.3.3. Prisoners must be given advance notice of media interview requests and their written consent must be obtained before any interviews are conducted [refer Form 6J – Prisoner Media Consent Form].
- 8.3.4. When determining whether a prisoner may participate in a media event, the Director of Prisons must give consideration to the criteria outlined in section 8.4.

## 8.4. Matters to be considered

- 8.4.1. Media access will only be approved in exceptional circumstances and after careful consideration of the following:
- the safety, security and good order of the prison
  - the prisoner's right to privacy
  - whether the prisoner fully understands the nature and purpose of the media request and has consented to participate in the media event
  - matters before the court
  - potential impact on the Tasmania Prison Service and / or its employees
  - potential impact on any victims of crime, their families and / or the community
  - potential benefits of the media exposure, including engagement of the community in terms of understanding of the justice system, in particular its rehabilitative and restorative elements
  - the nature and notoriety of the prisoner's offence(s), past and present
  - the prisoner's location, security rating and recent behaviour
  - the prisoner's physical and mental wellbeing
- 8.4.2. If the prisoner has a victim registered, the Director of Prisons will notify the Victims Assistance Unit as required and where appropriate, within 5 working days.
- 8.4.3. When considering a request for media access, the Director of Prisons will liaise with the Director of Communications and Executive Support (Department of Justice), who will in turn liaise and gain the necessary approvals from the Minister and Government Media Office.

## 8.5. Approval

- 8.5.1. If the circumstances outlined in paragraphs 8.4.1 do not apply or the relevant conditions have been met, the Director of Prisons may grant media access if one or more of the following outcomes may be achieved:

- efforts by the Tasmania Prison Service in relation to prisoner rehabilitation, art, charity work, education, training or programs are portrayed in a positive manner
- the achievements of prisoners, staff and / or other organisations associated with the Tasmania Prison Service are highlighted
- community awareness of the work undertaken by the Tasmania Prison Service is raised
- public confidence in the prison system is enhanced

## 8.6. Conditions

- 8.6.1. Media representatives must obtain prior approval from the relevant Deputy Chief Superintendent before entering a prison or filming within a prison. It should be noted that a prison is defined by its boundaries not the buildings situated on that property. Requests for access to a prison are to be directed to the Department of Justice Communications Manager in the first instance.
- 8.6.2. Media representatives must comply with the rules for visiting a prison, in particular those relating to identification requirements, dress code, unauthorised items and searching. Further information is available via the Tasmania Prison Service website or may be obtained from the Department of Justice Communications Manager.
- 8.6.3. Prisoners must not be interviewed, recorded, filmed or photographed unless their prior written consent is obtained. Prisoners must be given at least 24 hours to fully consider such requests.
- 8.6.4. If media access is granted, the Director of Prisons reserves the right to impose certain conditions.
- The following **standard conditions** will apply to all interviews with prisoners:
    - Prisoners are not to receive any financial benefit or other form of compensation for participating in an interview.
    - Prisoners are not to be questioned about their current offences, prior convictions, court case(s) or other pending legal matters unless the Director of Prisons gives specific approval in writing.
    - Media interviews with prisoners must be supervised at all times by a senior staff member nominated by the Director of Prisons.
    - Media representatives must not photograph, record, film or interview any other person on prison property without their consent and authority from the Director of Prisons.
    - Unless specific authorisation is given by the Director of Prisons, prisoners must not be interviewed, recorded, photographed, filmed or presented in a way that reveals their identity.
  - When granting approval for media access the Director of Prisons may impose **additional conditions**, which may include:
    - the Director of Prisons having access to the product prior to public release
    - the Director of prisons having the authority to instruct the removal of anything that does not comply with this or any other Standing Orders
    - any other condition the Director of Prisons deems reasonable and appropriate
- 8.6.5. If the prisoner has a victim registered, the Director of Prisons will notify the Victims Assistance Unit as required and where appropriate, within 5 working days.

## 8.7. Ministerial briefings

The Minister must be fully briefed when media access to a prisoner is approved. This will be coordinated by the Directorate Office via the Department of Justice Communications and Executive Support Branch, and must occur before the interview or media event is conducted.

## 8.8. Unauthorised interviews

Where a person is found to have conducted an unauthorised interview with a prisoner or any other person in the custody of the Tasmania Prison Service, action may be taken to prevent that person entering or remaining in a prison and / or to prevent the interview being published or broadcasted.

## 8.9. Termination of a Media Event

The supervising staff member may, with approval from the Director of Prisons, terminate a media event if the behaviour of the prisoner or a media representative is inappropriate, the conduct of the event is not consistent with the agreed terms of the media event or a threat to the good order, management or security of the prison becomes apparent.

## 8.10. Record Keeping

The following documents must be sent to Records for filing:

- Media Request [Form 4G]
- Prisoner Media Request and Consent [Form 6J]
- Related risk assessments
- Related correspondence to / from media representatives

# 9. Document History and Access

Implementation Date	03/08/2016
Version Number	3.0
Date of First Issue	23/10/2006
Date of Further Amendments	14/11/2014
Additional Information	
Next Review Date	Five years from date of implementation
Access to this DSO	Routine Disclosure

Approved by:

Ian Thomas

**Director of Prisons**