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Australia Day, 26 January 2021

Hon Francis Logan MLA
Minister for Corrective Services
Government of Western Australia

Email: Minister.Logan@dpc.wa.gov.au

Dear Minister

ACCESS TO PUBLICATIONS IN PRISONS

In December 2019, I wrote to the governments of all states and territories to request information about the rules, regulations and procedures that govern and restrict the ability of prisoners to receive books, magazines and other publications. As I explained at the time, the information was to be the primary source material for a research project by the Pro Bono Centre at the University of Queensland in partnership with Civil Liberties Australia (CLA).

The investigation has been completed and I am pleased to attach a copy of the report.

The report emphasises the importance of access to books, magazines and other publications for a prisoner's freedom of expression, particularly when other forms of communication that most of us take for granted are heavily restricted for prisoners. It can also be part of their education and rehabilitation, and vital to their contact with the outside world.

At the same time, the report recognises there may sometimes be valid public policy and safety reasons for restricting access to certain publications.

The report concludes that reforms to rules, regulations and procedures could achieve a much better balance of these objectives. In particular, it finds that the rules and policies are often opaque, that processes for decision-making vary widely between jurisdictions, that the decisions themselves are not transparent and appear to leave very wide scope for discretion, and that there is often little scope for appealing decisions.

Accordingly, the report recommends:

- Recommendation 1: Legislation should be amended to set out an objective standard for the inspection of mail.
- Recommendation 2: Legislation should outline specific criteria for the censorship or confiscation of mail.
- Recommendation 3: Corrections departments should ensure all relevant policies and guidelines are publicly accessible.
- Recommendation 4: Prisons should maintain comprehensive records relating to mail inspection, censorship and confiscation decisions.

- Recommendation 5: Senders and recipients of mail should be notified when prison officials redact or confiscate their mail.
- Recommendation 6: When prison officials decide to redact or confiscate mail, the sender should be provided reasons for that decision.
- Recommendation 7: Corrections departments should aggregate and publish anonymised statistics on the inspection, censorship and confiscation of mail in prisons.

I fully support these recommendations of the report.

I note that – as set out in the report – different states and territories meet the standards embodied in these recommendations to a greater or lesser extent. I also note that not all states and territories responded to my earlier request for information, or did not respond fully. There may therefore be gaps or inaccuracies where the investigator has had to rely on open source material.

I therefore recommend that you conduct your own review of the legislation, regulations, laws, policies and procedures that govern access by prisoners to publications in your jurisdiction.

I further recommend that you involve in this review your Ombudsman, Custodial Inspector or other equivalent independent authority with responsibility for inspecting and reporting on the conditions of prisoners and of the places of detention in your jurisdiction.

I look forward to receiving a positive response from you.

Yours sincerely



Dr Kristine Klugman OAM
President CLA

Note: Civil Liberties Australia is a non-party-political organisation.