

Prison Action in N.S.W.



A crisis often reveals unexpected truths about the individuals and relationships it encompasses. Division disturbances are no exception. There have been many of them in recent years, all following a similar pattern. The same truths emerge, but are never learnt, it seems. The story of what happened inside Maitland gaol on 27th October 1975 conforms to the now familiar pattern.

Of course there is no sense in confining attention to what happened on that day. The total population of powerless men in a gaol will not rebel against the overwhelming power of the state without strong reasons. The immediate causes of the Maitland disturbance were simple grievances which the prisoners articulated clearly. They were:

1. Concern about rising prices — particularly of tobacco.
2. Frustration at the difficulty of getting parole.
3. Indignation at the arbitrary injustice of prison discipline operating through the secret court hearings presided over by Stipendiary Magistrate McCrae.

There had been two sit-down strikes in the gaol in the fortnight prior to the "riot". The first on Tuesday, 7th October, had been particularly concerned with the issue of tobacco prices. Spokesmen were elected by the prisoners and a compromise solution reached with Superintendent Harry Fern. However, it was learnt by the prisoners that on the following Saturday their spokesmen were to be transferred to another gaol. (Grafton?) A second strike, on Saturday, 18th October, was held to stop the transfer. It was successful, but while the prisoners were locked in their cells that Saturday after lunch one prisoner was seen being taken to the "tracks" section. He was beaten on the way and when he got there. On Monday he was charged and convicted in secret court of attempting to assault a prison officer. He received the maximum sentence of 28 days in solitary, and, no doubt, a loss of 4 months remission.

The victimization of individuals incensed the prisoners, but the week went by without incident. The following Wednesday the Minister for Corrective Services, John Waddy, visited the gaol. Several prisoners had put in applications to talk to him. When he toured the gaol several prisoners called out to him, but he ignored them. None of those who had asked to see him were allowed to. However, neither were they seen by the Superintendent to tell them their applications had been refused. This was only one of a number of breaches of the Prison Regulations by Superintendent Fern.

Waddy had left men with grievances who had not been allowed to speak to him. When the prisoners went out to lunch muster that day they all sat down in the yard.

The sit-down was no surprise. Everyone knew it would happen, both prisoners and warders. The men had no spokesman or leader. The towers were manned and Superintendent Fern came out. Four spokesmen were elected by the prisoners to negotiate with Fern. At 3.00 p.m. Fern made an offer: The victim of the last reprisal would be taken out of "tracks" and transferred to Long Bay for psychiatric treatment. There would be no further reprisals.

There was a strong feeling amongst some of the men that the offer should be accepted and they would all return to their cells. Against this was the widely held belief, based on past experience, that Fern couldn't be trusted. A secret ballot was organized and the votes counted. A majority wanted to remain. Some men then returned to their cells. Others, despite voting to return, stayed out in the yard out of solidarity. There were further negotiations between the spokesman and Fern. The men wanted to speak to Commissioner McGeechan. At 8.00 pm Fern said McGeechan wouldn't be there that night and ordered them back to their cells. They replied that they would sleep out and see McGeechan in the morning.

By this time tension was high. Men had broken into C Wing to get food and some minor damage had been done, mainly breaking locks. The wardens were now setting up searchlights on the tower, as it was growing dark. Then the riot squad appeared; some 100 wardens and police, armed with helmets, vizors, shields and batons – their blood was clearly up. The assault started with tear gas and the riot squad moved in. There was some fighting, but clearly such a show of force could not be resisted. Early press reports stated that both wardens and prisoners were injured in the fighting. Later reports referred only to prisoners being injured. In fact, there was fighting, but several prisoners were injured when having to run a gauntlet of batons to get back to their cells.

By 9.30 or 10 pm all was quiet. At 6.00 am next morning the men who had stayed out to the end ran another gauntlet of flailing batons as they ran to the trucks which would take them to Long Bay or Grafton. 5 of the 20 ended up in Long Bay hospital. Those who had returned to their cells before the invasion started were taken out about 7.30 or 8.00 am. They also had to run a gauntlet of batons to the trucks.

At the time of writing, people are still asking what will the authorities do. Officers of the Department have tape recorded statements by prisoners of the causes of the disturbance, but so far no police interviews have been conducted. So far the public trials which resulted from the destruction of Bathurst have not been a success for the Department. The expense, the revelations of incompetence, obstruction and lies by people in the government and the department and the high rate of acquittals will combine to discourage another round of trials. Although they can give only limited punishments, the Department may decide to rely on the secret courts within the gaols. That would be ironical, for the injustices of this system were partly responsible for the trouble at Maitland.

And Maitland was not the end of the line. Only two days after Maitland, fire broke out at Parramatta gaol. A cynic might claim that the Department has seen the light and wishes to raze all gaols in N.S.W. Certainly its present policies seem designed to achieve that end. Since the incident at Maitland a more comprehensive list of demands has come to light.

1. Prison uniforms should be abolished or made optional.
2. That prisoners be allowed to join and be active in trade unions and political groups.
3. Prisoners should be allowed an unlimited number of visits to take place in proper facilities befitting human beings.
4. Prisoners should retain the right to vote and facilities should be provided for them to exercise that right.
5. End all censorship of mail.
6. All disciplinary hearings to be heard in open court outside the prison with the normal legal rights to be informed of the nature of the charges, to be represented if desired, to call witnesses if desired and with normal right of appeal.
7. Proper nourishing and varied food.
8. Abolition of solitary confinement as a form of punishment.
9. Normal legal rights to apply to parole hearings, namely the right to a hearing, to representation, to call witnesses and to receive reasons for the decision.
10. That prisoners be paid ruling award rates of pay for work done.

It is significant that the demands that continually emanate from N.S.W. prisons, in fact, prisons all over the country in the main deal with issues that the bulk of the population would consider elementary justice – this list is not different. Those in charge of our prisons would do well to heed those demand because if they don't McGeechan's statement of last year "We're in for a long hot summer of violence" could well become a self-fulfilling prophecy.