

# Framed

THE MAGAZINE OF JUSTICE ACTION

## REDRESS ROUNDABOUT

If you think something's wrong, you've got a right, even a duty, to complain about it. That's an elementary principle of any human society worthy of the name. Prisoners don't lose this right – and this duty – just because they're prisoners. In fact, given that, as Dostoyevsky said, “the degree of civilisation in a society can be judged by entering its prisons”, prisoners have a special duty to complain about prison conditions that are inhumane, squalid or undignified. Or conditions that alienate them from the outside world, or that do not protect them against violence or sexual attacks. So that a society can know what's happening in its prisons, it needs a system that hears prisoners' complaints, and examines them properly. So that a society can become more human, it needs a system that can redress prisoners' grievances and bring about change.

There are other reasons why it is important for prisoners to have access to a complaints procedure which inspires their confidence. A reform-oriented penal system aims to encourage prisoners' identification with, rather than alienation from, the community at large. If people who aren't in jail ought to be able to get redress for their grievances, the same should apply to prisoners. Also, it is well recognised by now – or at least it ought to be – that disastrous consequences follow if people can't voice their complaints and entertain hope for redress of grievances. Normal reactions are suppressed, and assertiveness and openness are replaced by internally directed rage and frustration. Sooner or later, of course, these inner pressures will be acted out, quite often as violent behaviour against

some quite innocent person who had nothing to do with it.

For all these reasons, prisoners who complain should not be dismissed out of hand as troublemakers and malcontents. Far less, of course, should they be victimised because they made a complaint. The same goes for prisoners' family members and their complaints.

There *are* avenues to complain about abuses by authorities in Carr's NSW (and Howard's Australia), but the channels used are so decadent, ineffective and corrupt they actually add insult to injury by tying complainants up in ineffective processes and ultimately denying the reality of their experiences. And when something like the Redfern riot following the death of TJ Hickey (see page 5) comes up, Carr uses agencies like the Ombudsman to deflect calls for a real

examination of the facts and sets the stage for another whitewash instead.

Take the case of visitors' rights in prisons – something cancelled frequently, at the whim of corrective services officers. Josephine Timbrell, for example, is the mother of a child whose father is in prison. She was banned from visiting jails after DCS decided she'd brought in 5.1 grams of “GVM” to her fiancé at Goulburn Jail. (GVM? That's short for Green Vegetable Matter, would you believe – pot in plain language, but talking in gobbledegook is one of the games bureaucrats play.) She was told her fiancé had made a statement against her, which he denies he did. Josephine asked for the video of the cell search which supposedly found the GVM, because she suspected that the jail authorities were

(continued page 6)



INSIDE: VALE GARRY NYE, VINEGAR HILL CONVICT UPRISING and more...

# Nagle celebrated

March 2004 is the 25th anniversary of the tabling of the Nagle report, the last major inquiry into NSW prisons and a huge landmark in the history of NSW prisons, as it is credited with bringing about major reforms to the prison system, particularly the cessation of systematic bashings of prisoners by guards.

There was a symposium at Parliament House on 25 February to honour Justice Nagle, now over 80 and a farmer. Meredith Burgmann, now President of the NSW Legislative Council, chaired proceedings. In her introduction, she recalled how prison activists in the late

1970s used to carry the Nagle report around like a bible, quoting favourite passages to one another. Not all the reminiscences were rosy: One ex-prisoner in the audience, who had been a witness to the Nagle inquiry, pointed out that the “same bashers are still in power” in NSW corrective services.

JA spokesperson Brett Collins was the only ex-prisoner on a speakers’ panel otherwise dominated by profs and the like. There were no current prisoners (of course, of course) and as we report elsewhere (see page 7) Brett’s attempt to get input from them was blocked by the Minister for Justice Mr

Hatzistergos. Brett made the point that although it may appear that the worst of the abuses identified by Nagle have now almost disappeared, in many ways they have just been updated and NSW prisoners have never been more vilified, abused and isolated than they are today. He also emphasised the links the prison movement has into the disenfranchised in all communities, and the importance of an open and honest dialogue with prisoners as an essential part of the solution to the issues of jail reform and community safety. The whole speech is on the JA website, [www.justiceaction.org.au](http://www.justiceaction.org.au).

Justice Action is a community-based organisation of criminal justice activists. The justice system imprisons a disproportionately large number of oppressed and dispossessed people while letting the biggest mass murderers – the imperialists and their lackeys like John Howard – roam free. We decline any funding that could compromise our work. Instead we rely on your support. We need your help to fight repression in prisons and reverse the trend of locking up more and more people.

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**JUSTICE ACTION**  
BECAUSE THE JAILS ARE THE CRIME

## NSW prison system a tragedy

In January the NSW Council of Social Services expressed alarm at the poor performance of key elements of the NSW prison system, describing the situation in NSW jails as a “tragedy”.

The announcement followed the release of the Productivity Commission Report on Government Services 2004, which reveals that:

- NSW has the highest rate of recidivism (22% above the average for all states and territories)
- NSW prisoner out of cell hours per day levels are lower than the Australian average
- NSW has the highest prisoner-on-prisoner assault rates in Australia (a massive 59% above the Australian average)
- NSW has the second-highest rate of

imprisonment of indigenous people (second only to Western Australia)

- the NSW imprisonment rate has increased by 8.2% since 1998-1999, whilst the Australian average is 5.8%
- NSW falls below the national average for the proportions of prisoners employed in service industries and on work release
- NSW lags behind Australia-wide figures for vocational education and training and higher education

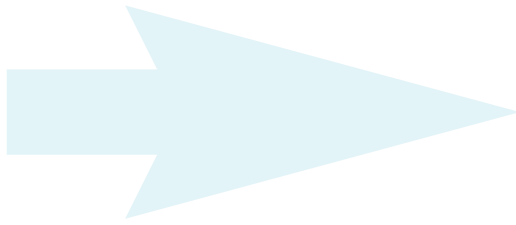
The Report also shows that NSW taxpayers spend, per head of population, 10.5% more on corrective services than the Australian average – but we obviously aren’t getting our money’s worth in terms of rehabilitation and respect for human dignity. Come on, NCOSS, what are we going to do about it?

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*Sisters Inside is an astounding organisation that works with women in prison in southeast Queensland. It's been going for 12 years and has managed to get a situation where women inside and women outside work together. One of its founders is Deb Kilroy, who recently featured on the ABC-TV program 'Australian Story'. Here she tells Framed what Sisters Inside is all about:*

# It's about the women



*How did you get interested in prison justice issues?*

From being in prison, no doubt. For a long time. From a kid through to an adult, yeah. So, personal experience.

*How did it happen that you decided to focus just on women prisoners?*

Because women are a smaller population in the prison system and at that time, when we started, there was hardly anything, any support for women in prison at all. Our focus was women. Honestly, I'm a woman, so it's an area that I understand because I am a woman.

*Why is it important to have women on the inside involved?*

Those women who are inside the prison system know what's going on, on a day to day basis. I don't anymore because I'm not in prison, so it's about having that link in there. If it's not like that we become just another community organisation like anyone else. Just guessing what the needs are instead of actually asking and taking direction from the women who actually know. So in our constitution it says very clearly

that a group of women prisoners have to make up a steering committee that has to be part of all the decisions made. So like any other community organisation, who have management committee meetings, we have meetings every third Saturday. We have our meetings inside the prison with the women. It's women inside who decide who's on the steering committee. None of us on the outside have any part of that decision.

*What are Sisters Inside's main projects at the moment?*

We have approximately 9 funded projects. One is a program called Crucial Connection, which is two youth workers who are employed to support kids outside in the community while mum is in prison and then bring the unit back together. We have a program called PEEK which is a parenting program. It stands for Program to Enable and Empower Kids. That is a parenting program for mums in prison and also for the reunification programs outside in the community. Another program is the Drug and Alcohol prevention program called Crying Walls. One of the lifers is one of the key trainers. Another one of the lifers is one of the peer trainers for the parenting program as well. Those lifers actually co-facilitate the various groups.

*So all of those programs, is it you that initiates them or how do they come about?*

There's lots of discussions that happen at the management committee and I'm in the prison regularly, so women are talking to me all the time. I'm trying to marry up funding somewhere, either State or Federally, but that's how that process happens. The women inside and/or the steering committee members write the funding submission with me.

*Is SI just about the projects? Is SI also about reform?*

No, not reform, abolition! Because we don't believe in prisons, but we are not that naive, we know that obviously women are in prison so we need to support those women now. There are two arms of SI, one is the service vehicle with all those programs that I just mentioned, but the other arm is more political and that's where we are doing a whole heap of lobbying, advocating for legislation. So overall it's about working with that underlying principle of abolition and/as well as support the women now, what they need to keep them out of prison.

*How did SI respond to Pauline Hanson going to prison?*

We responded to it the same way that we respond to any woman in prison. That one, she's a woman, two, she shouldn't be in prison, as nobody should be in prison because we don't believe in prisons. So we responded the same way as we would with any woman.

*Pauline Hanson came out of jail saying she wanted to work for reform of the justice system. Has she been working with SI since she's been out?*

No. We've had no contact.

*Do you think its possible to expand SI to other states?*

The model of SI is quite unique, where women in prison run the organisation and so, absolutely the model. You know, a process that allows them to do the brain work and then they can do whatever they want with it. It's not about SI having to do everything, it's about the women developing their own organisation and power.

***In Framed 45, we outlined the JA mentoring project and the specific proposal to formalise the training of ex-prisoners to be mentors for prisoners, ex-prisoners and people whose lives have been impacted by the punitive justice system in one way or another. Basically, the idea is that “the best mentors have been there”: Although certain programs available in jails and on release are sometimes useful, most suffer due to deliverance by people lacking understanding of the effect of life in jail. Taaleah Jeziarski reports on developments since then:***

# Mentors hit the road in turbo

In October 2003, NSW TAFE agreed to facilitate a formal Mentoring in the Community training course for ex-prisoner mentors and concerned community members, which focused on mentoring, ethics & values, and personal communication skills. Sessions were held on Monday nights at JA, against the amazing backdrop of the sandstone cliff that forms the back wall of the premises. The course was a great success, graduating twenty-two people in December 2003, most of them ex-prisoners. The graduation ceremony was a joyous occasion, with a BBQ, various entertainers, awards, speeches, live music and dancing. (Beaut video/DVD available – see box.)

The TAFE course enabled us to tune into our full potentials and passions. Among the things we explored and learnt together was giving others the freedom of choice to either exclude or to accept us into their lives. This taught us to identify, define, and appreciate the boundaries between individuals, relationships, families, beliefs and cultures etc.

Our mentoring group has continued to work together post-graduation. After a well-deserved Christmas break we exploded into 2004 with a workshop on Monday 2nd February, looking closely at how feelings so often drive our behaviours. We examined one of the most difficult emotions: Shame. Shame is a basic emotion like anger, guilt, fear, grief, joy and excitement; but unfortunately our society does not understand the difference between shame and guilt, or understand the normal healthy function of shame. This results in anguish and despair. As we explored shame, we were able to get a clearer and healthier understanding of this emotion, and how we can best use it effectively in our mentoring work.

*“...our main objective is to help keep people out of jail in the first place.”*

Other workshops, led by ex-prisoner mentors, have focused on mental illness, addictions, sexual health education, and managing life after prison. We're planning to have more.

Volunteering to work in various locations, different teams of JA Mentoring graduates have commenced work in communities with major issues, starting from Redfern in inner Sydney, to Mt

**rock the end**

Share the energy and enthusiasm of the JA Mentoring Graduation Ceremony, December 5, 2003.

Sean Choolburra (didg & dance), Dr Greenthumb and the Leisure Coasters lead the celebrations of a new phase in the history of JA Mentoring and a change in the culture of criminal justice. A Spontaneous Productions production, available from JA as Video (\$15) or DVD (\$20).

Druitt, St Marys and St Clair in the outer west, and continuing on to the Blue Mountains. And some of us are venturing even further afield, setting up a women's theatre group (see box).

JA Mentoring is primarily about building a relationship of mutual trust, friendship and support. We aim to help break through the many barriers that actively prevent a return to normal practical life for people whose lives have been disrupted by jails and the courts. And our main objective is to help keep people out of jail in the first place.

If you're interested, contact us at JA, (02) 96609111.

\* \*

## WOMEN EX-PRISONERS AND WOMEN AT RISK

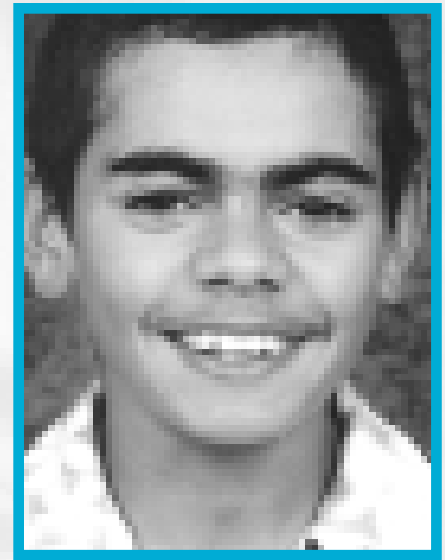
Action-Break is a new theatre group born out of a need to enable Women Ex-prisoners and Women caught up in the Justice System Web to dramatically craft real life stories for the stage.

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No previous writing or acting experience required

Contact Taaleah  
9608 9836 or  
tkjez@optusnet.com.au

**Thomas (TJ) Hickey, an Aboriginal youth aged just 17, died on 15 February after events the day before in Waterloo, near the largely Aboriginal Sydney suburb of Redfern. Police deny they chased him. On the evening of the day he died, the Redfern community erupted in rage and frustration. Adding further insult to injury, police arrested TJ's aunt and girlfriend April the next day for their part in the "riot". The Aunt was deprived of the chance to attend TJ's funeral. (April was granted bail to attend.) Three separate investigations are now being carried out – by the coroner, the police and the Ombudsman's office. Ray Jackson, President of the Indigenous Social Justice Association, reports for Framed.**



## For TJ

**T**J was killed as a result of a police chase on Saturday 14 February 2004. He was impaled in a metal spike fence and died on the Sunday. He may very well have lived had the police not pulled him off the fence and thrown him to the ground so they could begin to search him.

On the Sunday Redfern police began cruising The Block. Gail Hickey, the Mother of TJ, was sitting in Pemulwuy Park, at the top of The Block. She, her Family and Elders were grieving for the loss of TJ. The police behaved in a most cruel and insulting manner by smiling and smirking at the Family as they drove past.

Everybody knew, the police, the Community and others, that there would be a riot at Redfern on that night. And that's exactly what happened.

One Redfern officer, an Aboriginal officer, was transferred out of the Local Command area, allegedly for his safety. This was the same officer that the youths

in the Community wanted to walk down The Block on his own. Though an Aborigine, he is much, much worse at interacting with the Redfern youth than the non-Aboriginal officers were. He has the highest arrest rate of youth, mainly black, in the Station. He was also the most complained of officer for his constant assaults and in exceeding his authority on a daily basis. He is a thug and should be terminated out of the Police Force.

The riot happened and was carefully stage-managed to obtain the best supportive outcome for the police. The death of TJ had to be pushed aside, away from the glare of an in-depth investigation.

It worked, to a point. The police are going to be strengthened in numbers, they are getting a new police station in the TNT Towers – a whole six floors it is said, and the injury total read like a lotto draw. Apart from one officer with a brick to the head, where are the broken limbs, etc. One report had all but one officer

discharged from hospital by the Monday afternoon.

Now we wait with bated breath for the Bravery Awards!

Several services were held at The Block and after a March to coincide with the funeral in Walgett, 17 demands were put to the Redfern police. On 24 March there will be a march/rally to put 17 demands to the Government. One of these demands must be to set up a Citizens Investigation Council to oversee the so-called Independent Police Inquiry.

Police have killed too many of our youth and must pay for their crimes.

Police killed the body of TJ – we must keep his spirit alive!

- JA expresses its grief and sorrow to TJ's family and friends for their dreadful loss, suffering and subsequent treatment by the authorities and the media. We wish them every strength in their struggles with the various enquiries now underway.

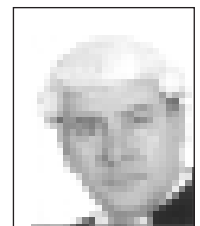


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# REDRESS ROUNDABOUT...

(from page 1)

fabricating evidence. But DCS told her the video wasn't available as it was "part of an evidence package" and the matter "had been referred to the Police". She contacted the police but was told there was no investigation involving her fiancé or her.

The DCS letter had told her she could write to the Ombudsman, so she did. The Ombudsman said it wouldn't take up the case because she hadn't taken it to DCS. (This is called the run-around, another cruel little game bureaucrats play.)

But the Ombudsman also said a second reason they hadn't taken up the case was because "the Ombudsman does not perform a role of reviewing individual cases where discretionary decisions are made by public authorities, such as Corrective Services." Oh, really? we asked. So what does it do? Oh, that was "poorly expressed", the Ombudsman replied. We meant something different ... you misunderstood ... We wonder how many other prisoners and prisoners' relatives have been subjected to the Ombudsman's poor expression? And did the revision mean they would, now, take on Josephine's complaint? Not in the least. She remains banned till January

2005. Her 3-year-old son Lochlan no longer sees his father, because his mum can't take him to visit him.

Josephine writes:

*Goulburn Jail has a lot to answer for. They took the most important person in our lives away by fabricating evidence. They owe us an apology at least, they need to bring out the video and let me see it so I can let go, move past this and learn to trust again, at the moment I don't trust anyone, because I don't know. Until I do know I have no way to move on.*

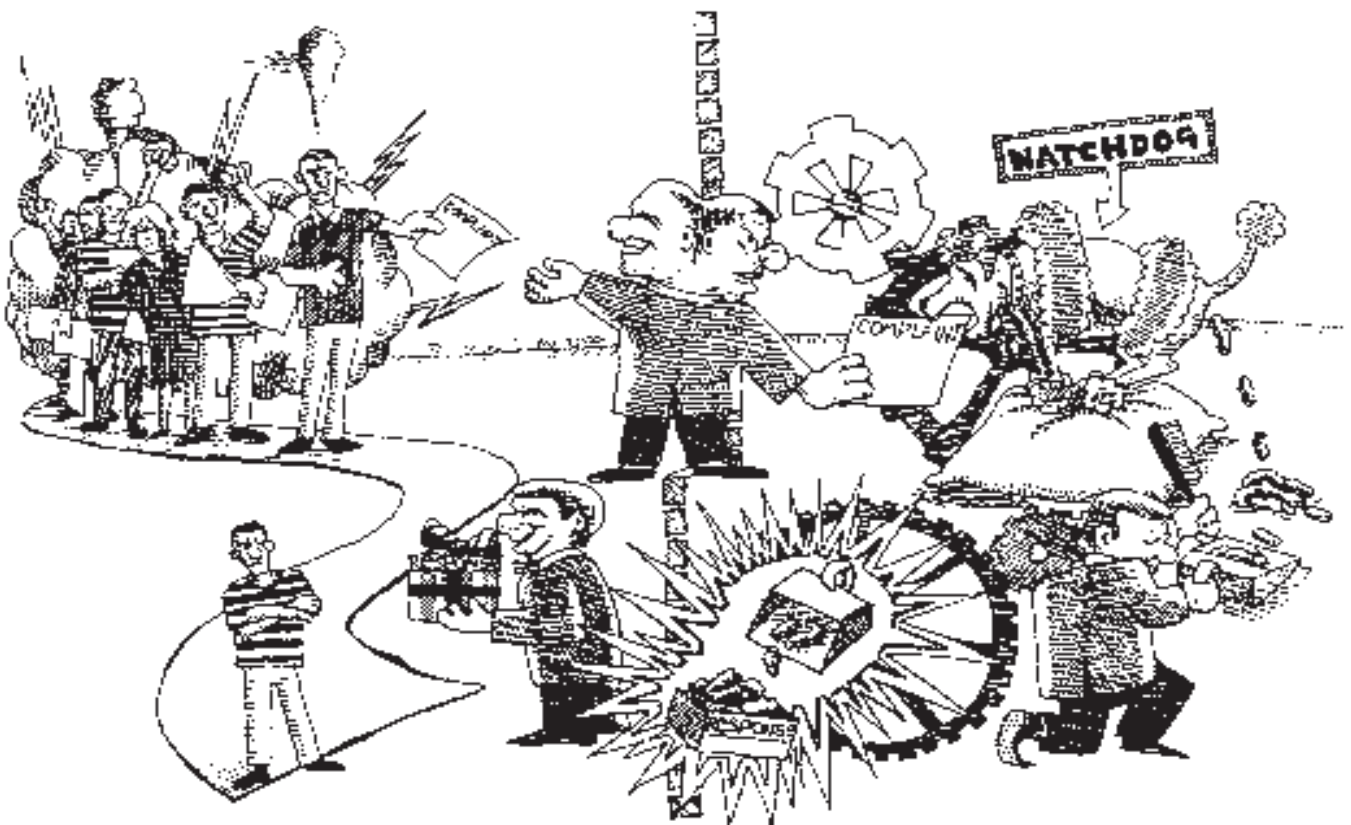
Good one, NSW penal system!

Or take the case of the much-stigmatised prisoner Ivan Milat. Ivan broke his hand in April 2003. The nurse wanted to put it in splints, but the prison officer wouldn't let her, because he thought there was a "security issue". Ivan's hand is now permanently deformed. Ivan complained to the Health Care Complaints Commission. The HCCC said it couldn't handle stuff to do with prison guards (at least, that's what it said when you translated it into English) and sent him to the Ombudsman. And the Ombudsman said? "Please note," said he, "I am not hear (sp!!) to say whether the decision was right or wrong." He then went on to say he assessed that "the decision was

one any reasonable person would make placed in the same position", which sounds to us pretty much the same thing as saying it was the right decision. Then, even more amazing, he went on to say he didn't think there was enough evidence to warrant investigation – so how did he reach his assessment, we wonder? Another good one, penal system!

We should add that Ivan has had endless experience of this sort of treatment and when, briefly, there seemed to be a chance that an agency (Privacy NSW) would take one of his complaints seriously (see *Framed 43*), Carr responded by forcing the resignation of the Privacy Commissioner Chris Puplick and abolishing prisoners' privacy rights.

Are there any other avenues? Well, there's the Human Rights and Equal Opportunity Commission. But, as a Federal body, it'll deal only with complaints from Federal prisoners. And, anyway, look what HREOC did with prisoners' complaints about the banning of *Framed* from NSW jails. On 28 January HREOC gave us the bad news – they decided that the Department of Corrective Services was justified in banning *Framed 42* (but not any other edition of *Framed*) for the sake of "good order and security" in the prisons. In



making his decision, the HREOC President, one John von Doussa, QC, said he took into account that Woodham had supplied JA with “significant factual details” so that offending material in *Framed* could be corrected. This is absolutely untrue – Woodham gave us nothing, except a note saying he didn’t intend to “dignify” the draft we sent him with a response, and another one saying the same thing. We’d supplied HREOC with copies of all the correspondence to-and-fro between us and Woodham. Yet HREOC just took Woodham’s word for it!!! You’ve heard of the Sharia justice system, where the testimony of a woman is only worth half that of a man – well it looks like here in glorious NSW the word of a screw is worth more than the word of a whole collective of ex-prisoners and criminal justice activists.

Any other avenues to seek redress of grievances? You might try writing to the Minister’s office – after all, as a democratically elected representative of the people, the Minister is supposed to be above the bureaucrats, the administrators, the screws, and act for the common good, right? Well, not this Minister, not Hatzistergos!! Item: his treatment of the persistent complaints coming from the men of the Hole (see page 9).

And then there’s JA’s recent request for a letter to be distributed to Inmate Development Committees in NSW jails, seeking their input for the JA contribution to a symposium marking the 25th anniversary of Justice Nagle’s landmark report on NSW prison conditions (see page 2). In a breathtaking revelation of his attitude to prisoners, Hatzi replied that he was not “prepared to waste departmental time and resources for an ad hoc and self-serving anthology of potentially inaccurate, prejudiced and highly relativistic prisoners’ perspectives.” (These are the IDCs he’s talking about, mind you – i.e. the officially recognised and established conduits for prisoners’ concerns, not some bunch of random prisoners!!)

One important thing about Justice Nagle is he didn’t assume that prisoners would lie, he was prepared to believe a prisoner’s word even though it went against the self-serving, inaccurate, prejudiced and highly relativistic twaddle served up by the screws. And this is one of the main reasons why he and his report will go down in history, while Hatzi, Woodham and all they stand for turn to dust.

# The Old Dart crumbling

**A** former UK Chief Inspector of Prisons has just published a damning indictment of Britain’s prisons system. David Ramsbotham was Chief Inspector to 2001, and in his memoir *Prisongate* he relates how he spent 5 years banging his head against the brick wall of the Home Office and the senior management of the Prison Service, identifying the same bad practices and the same easily correctable mistakes, to no effect.

He recounts horror stories: the women who had to attend antenatal clinics in chains; the 18-year-old sex offender housed on the same prison landing as the man who had sexually abused him when he was five; the 50% of children in one institution who were released without knowing where they would spend their first night of freedom. And there are less eye-catching, but more depressing, vignettes, like the nutrition trial conducted with young offenders at an institution in Aylesbury, in which half were given a daily supplement of vitamins, minerals and fatty acids, and the other half a placebo. The group taking the supplement showed a 37% reduction in serious offences such as violence. The Home Office and the Prison Service, however, refuse to adopt the process more widely, even though the cost would be a mere fraction of the prison budget.

The UK prison population currently stands at 74,000, having increased by 60% over the last ten years, and the Prison Service costs the tax payer nearly £3 billion a year to run. Nearly 60% of all adults, 78% of young offenders aged 18-21 and 88% of children aged 15-17 are reconvicted again within two years of release from incarceration. There were a horrific 94 suicides in custody last year, and 7 already this year, and there has been a 30% rise in self harming. Old prisons, dating from the Victorian era, often with staff attitudes to match, are peculiarly resistant to reform. The latest report on the largest women’s prison in the country found that its inmates were only allowed to have showers twice a week, even those who were pregnant or had recently given birth.

Meanwhile, instead of taking the measures that would reduce the huge prison service bill by attacking the

causes of crime and recidivism, the UK seems bent on cutting costs by reducing even the very limited redress to this situation offered by an independent, dedicated Prisons Inspectorate. Anne Owers, the current Chief Inspector, is fighting to maintain her ground in the face of current reviews. In a lecture in October last year to the British Institute of Human Rights, she said she was having to constantly bring the reality and specific requirements of custodial inspection to the attention of those carrying out the review; and that her actions in this regard had sometimes been treated “almost as an irritation, or as Luddism: a block to the new streamlined approach.”

David Ramsbotham rails at the stubbornness of bad practice in the system; Ms Owers, on the other hand, says she can point to many instances where the inspectorate’s highlighting of unacceptable practice has nudged change forward: “What *ought* to be has gradually influenced what *is*.” She is insisting that the independence of the inspectorate must be retained, and so must the power, and resources, to undertake unannounced prison inspections. “The ability to arrive without warning is an essential part of our armoury,” she said. “It is important to see prisons as they are, not as they have prepared to be; and it is important that every prison governor knows that at any time we can knock on the door.”

“The bottom line,” she ended, “is that, in reaching for new and innovative ways of solving old and so far intractable problems, we must not lose what we have got.”

In NSW, of course, we have already lost it, with the abolition of the Office of the Inspector General last August. Now Western Australia stands alone – the only state with an independent inspector ... and he is under threat as well.

- David Ramsbotham: *Prisongate: The Shocking State of Britain’s Prisons and the Need for Visionary Change*. Free Press, 2003.
- Anne Owers: “Prison Inspection and the Protection of Human Rights.” [www.homeoffice.gov.uk/docs2/bihrlecture.html](http://www.homeoffice.gov.uk/docs2/bihrlecture.html).

Late February and early March saw a number of events in western Sydney to mark the 200th anniversary of the Battle of Vinegar Hill. Lydia Redlands reports for Framed.



# The fight goes on

Vinegar Hill was an uprising of 200-300 convicts which started at the Castle Hill Government Farm on 4 March 1804. The aim was to reach the Hawkesbury, seize a boat and go home, but the Rum Corps and the settler militia intercepted the insurgents on Old Windsor Road the next day. Some 15 or 20 convicts (whose names, it would appear, are lost to history) were killed after the leaders of the rebellion were taken prisoner while negotiating under a flag of truce. Nine of the leaders were subsequently hanged and the rest were harshly punished as only the sadists of the NSW penal system knew how.

Most of the convicts who took part were Irishmen sent to NSW for their part in the independence movement and so the uprising has been named after a major Irish insurrection, the Battle of Vinegar Hill which took place in County Wexford in 1798.

Not all the convicts were Irish, however, and it is obvious that the rebellion was sparked at least in part by the brutal conditions of the colonial penal system. One of the first things the convicts did after taking control of the farm was to give the Castle Hill flagellator, Robert Duggan, a taste of his own medicine. Samuel Marsden, the “flogging parson”, very wisely fled Parramatta as soon as he heard that the convicts were up in arms.

The name of Vinegar Hill continued to resonate in Australian rebel history: it was

the password for the Eureka miners at Ballaarat 50 years later. The commemorations this year will, hopefully, bring it back into our awareness more fully. They involved 5 city councils in the area, heaps of schoolchildren, exhibitions, concerts, a Mass, and a re-enactment of the whole uprising.

The ceremony on 29 February at Castlebrook Cemetery, where there is a monument to the fallen, was, I thought, particularly stirring. There were about 500 people there to watch as a new plaque, mostly paid for by the Irish Government, was unveiled, the Voices of Vinegar Hill choir sang the Irish and Australian national anthems, and the marvellous John Dengate sang “Moreton Bay,” the words of which are by the convict poet Frank McNamara, and the tune of which is the same as “Boo-lavogue”, a song which commemorates the 1798 Battle of Vinegar Hill in Wexford. Several members of the Wexford County Council (it looked like maybe the whole Council, there were so many of them!) were there as well. Festivities continued afterwards at a nearby Irish pub, The Mean Fiddler, with many reminiscences among those of us with convict and/or Irish ancestry, as we celebrated our families’ survival and indeed the marvel that any of us even exist at all.

But for me the outstanding feature of the day was the welcome to country by the Aboriginal elders of the Daruk people, on

whose land the uprising had taken place. Auntie Edna Watson drew many parallels between her people’s struggles and those of the Irish, and pointed out that the Aboriginal leader, Pemulwuy, had been conducting a guerrilla resistance against the English invaders in the same area at the same time as the convict uprising took place. “I often wonder,” she said, “what might have happened if Pemulwuy and the Irish had joined forces.”

One of the blokes involved in the re-enactment told me later that through the links established in putting together these commemorations, they are now, for the first time, in a position to look seriously at organising a commemorative re-enactment of Pemulwuy’s taking of Parramatta in 1797. It’s going very slowly, but the conspiracy of silence covering Australia’s rebel history is being unravelled, to reveal what the Aboriginal author Eric Willmot has called “a heritage as important, as tragic and as heroic as that of any other nation on earth.” The history of the poor and dispossessed, and the history of convicts and prisoners, is of course a major part of the history that is being brought to light:

*And when from bondage  
we are liberated*

*Our former sufferings  
will fade from mind.*



**VALE GARRY NYE**  
(aka **VAN HEYTHUYSEN**)

born 3 April 1952 - died 1 March 2004

## Bathurst Warrior

The prisoner community mourns the loss of Garry Nye, a defiant and determined man who would not accept the brutality ingrained in the NSW prison system.

In 1973, aged 21, Garry was sent to Bathurst Gaol, a maximum security prison infamous at the time for its bashings, floggings and atrocious conditions. He took part in the riots of February 1974 and became the first witness to give evidence against 10 prison officers and a prison doctor concerning the systematic illegal bashings of prisoners. Historians now acknowledge that there was a direct line from the Bathurst uprising to the Nagle report and on to the cessation of systematic and institutionalised bashings of prisoners.

Garry was released from jail in 1978, but in 1991 he was arrested for murder on the flimsy evidence of a discredited informer. He fought this one too. He was acquitted, and in December 2003, he won a case against the DPP and several police officers for wrongful arrest and malicious prosecution. He was awarded massive damages, but for Garry it hadn't been about the money, but about how certain police and Crown prosecutors had been able to falsely accuse an innocent man with a murder charge they knew to be a lie. He had wanted that on record, and a deterrent imposed.

Garry was invited as a special guest to the symposium held on 25 February 2004 to mark the 25th anniversary of the Nagle report, but he was too ill to attend. JA spokesperson Brett Collins paid tribute to him in his speech, describing him as a "warrior" who "exemplifies the spirit of the prisoner community today – our commitment to resist degradation and dehumanisation, to work with people of goodwill for a better community." At least 200 people attended his funeral at Pine Grove on 6 March. He was widely respected and deserved it. A great fighter has gone.

- Photo and assistance Andrew L. Urban

## THE INSIDE FROM INSIDE THE INSIDE FROM INSIDE

*In June last year, in response to many prisoner complaints, JA called for an independent inspection of the High Risk Management Unit (HRMU) at Goulburn Jail. Mr Hatzistergos (of course) said no. In November we received this letter:*

### To Whom it May Concern...

## Men of the hole speak out

We the inmates of the HRMU at Goulburn Correctional Centre would like to ask you for help in receiving equal treatment and opportunities as other inmates throughout the system.

Firstly we are being housed in a segregation type environment and yet we are being told that we are not in segregation. They are telling us that we are on a "program"; this is merely legal wording they are using to disguise the fact that we are really being housed as segregation inmates. The only so called program that is currently operating in the HRMU is not designed to help inmates try to get REHABILITATION, but has been designed purposely to ensure that inmates do not move forward to better themselves, and effectively end up staying in segregation for as long as possible and in most cases for years.

The so called program is also designed simply to give correctional staff the power to play god with what little day to day necessities we can actually get within the HRMU. Basically it's designed so that the correctional staff can punish inmates and take away what little privileges we have or have been given, without even being charged with any offences or having any other formal disciplinary action taken against them.

So effectively if we are not jumping through hoops for them all day we will be dealt with in an off the record manner. This is causing us inmates in the HRMU a lot of stress and frustrations, anger and the feeling of injustice on a daily basis. We all feel that this kind of treatment is purposely designed to push the inmates over the edge in the hope they will lash out in various unlawful ways so as to give the correctional staff an excuse to take even more things away.

The complaints and grievances in

regards to our current living conditions are as follows.

1) We are unable to get any fresh air in our cells at night through any open window. Instead we have to breathe in stale recycled air from air vents 24 hours a day. No other normal discipline inmates are being subjected to this.

2) We are unable to associate together as normal discipline inmates; the best we can get is to associate with one other inmate at a time. And we're separated into racial groups. This is not normal discipline.

3) We have no education or teachers permanent or even regular in the HRMU, we think this is very disturbing and appalling.

4) We are being deprived of having unlimited access or even daily access to the phone to ring our friends, family and spouses outside. All other normal discipline inmates across the state have unlimited access to a phone every day. The HRMU has the facilities to allow inmates to ring up every day without disturbing the security and good order of the jail, yet they refuse to let us have any more than a few phone calls a week. Obviously the phone is a major part of being able to maintain relationships with loved ones "especially whilst in prison" so why are we being deprived of a major part of our rehabilitation, "contact with loved ones"? This is purely and simply a form of punishment and we feel it is most disturbing and appalling.

5) We are not allowed to have our own electrical items, which we have purchased through the prisons activities buy ups. Obviously due to security reasons, which we can understand, ie TV, RADIO, JUG, SANDWICH MAKER, RICE COOKERS, WALKMANS, CD PLAYERS, FAN. So the HRMU has to compensate for this and supply us with all those things. But there's a catch, they



*In March 2003, as a massive campaign was in progress to stop the Coalition of the Killing invading Iraq, Dave Burgess joined Will Saunders to write the words "No War" on the highest sail of the Sydney Opera House. They have both been charged \$151,000 for the clean up and sentenced to 9 months of weekend detention – Will at Silverwater and Dave at Tomago. After his first weekend at Tomago on 14-15 February, Dave gave us this report.*

## What slight bit of good is all this doing?

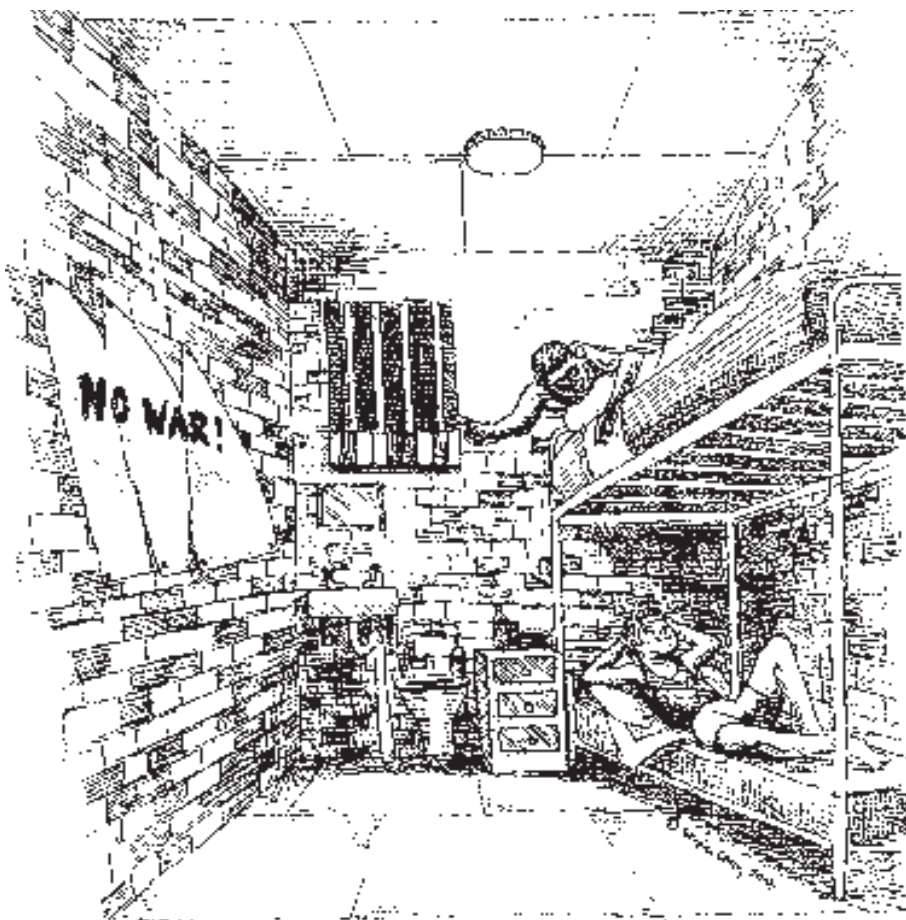
My first weekend of periodic detention was OK. I entered Tomago (on the mosquito infested banks of the Hunter River) at 8:30 am on Saturday. I was then informed I have been listed as a RAMP (Risk Assessment Management Program) Prisoner, which basically means I get watched a bit more than the others for my own protection.

After completing all the forms, my bag was searched and I then entered the yard, with my 2 sets of clothes, 1 book and bathroom items, along with a prison issued pillowslip, sheet & blanket. Everyone knew who I was and gave me a good-natured ribbing. On Saturday night I went to bed to find all of my bedding strung up to resemble the sails of the Opera House. Ha ha ha ...

The day begins at 6:45 am when a siren goes off to wake you up. Shortly after that another siren will sound and you report for "muster" – a roll call basically. You answer your name, walk forward and grab your breakfast (toast, cornflakes & a carton of milk to last you the day). There is no sugar allowed so to prevent any cases of attempted home brewing.

You eat breakfast in the recreation room, where a list will be placed on the wall with your allocated work for the day. This could be toilet & bathroom cleaning, laundry, kitchen, lawnmowing or an excursion on one of the external work parties.

You then spend the rest of the day watching telly in the rec room or sitting in the yard chain smoking – which everybody does without exception. Sometimes your name will be called over the PA. You report to the office and will be given a job. Lunch consists of meatballs & vegies.



After all work has been done and the external workers returned, you are allowed to play sport. We played cricket. Dinner on Saturday night was an inmate organised barbecue which we all chucked in \$3 for so the food was a bit better than normal. After dinner, we kept playing cricket, the lights in the yard being good enough to have a day/nighter. Then the movie starts on telly which you watch and bedtime follows at the end of the movie.

Everyone in there is OK. You just basically do your own thing without treading on anyone's toes. It's simply a

case of breaking up your day and activities to avoid total boredom. Apart from the fact that you're not in full-time jail, I find it hard to work out what slight bit of good is being done by this form of punishment for anybody in there.

xxx  
Dave

- Help Dave and Will pay off their fine. Contributions to Opera House – No War Cleanup Fund, PO Box 928 Glebe NSW 2037.

**As we go to press we are celebrating International Women's Day, March 8th.**

IWD celebrates women's long struggle for rights, equality, dignity and liberation. We would like to express our solidarity with women prisoners in NSW jails (Mulawa, Emu Plains, Berrima, Bowwora TC, Parramatta TC, the June Baker Centre) and women prisoners everywhere.

- 85% of NSW women prisoners are the survivors of sexual abuse or incest
- Half the women in prison are the mothers of young children and most are the sole carers for their children
- Approximately 24% of NSW women prisoners are indigenous women
  - 70% of women prisoners have an addiction and need support to deal with the issues that lead to this
- Most women in jail (71%) are there for non-violent property-related offences

Also our solidarity with the women friends and family members of prisoners, who keep prisoners' hope and humanity alive through their visits, letters, phone calls, gifts, support and struggles on their behalf.

**WOMEN'S RIGHTS ARE HUMAN RIGHTS  
PRISONERS' RIGHTS ARE HUMAN RIGHTS**

Onya, sisters!



# QUESTION TIME

**G**eorge Dubya Bush goes to a primary school to talk about the war. After his talk he offers question time. One little boy puts up his hand, so Dubya asks him his name.

"Billy."  
"And what is your question, Billy?"

"I have three questions. First, why did the USA invade Iraq without the support of the UN? Second, why are you president when Al Gore got more votes? And third, whatever happened to Osama Bin Laden?"

Just then the bell rings for recess. Dubya informs the kiddies that they'll continue after

recess. When they resume Dubya says: "OK, where were we? Oh, that's right – question time. Who has a question?"

Another little boy puts up his hand. Dubya points him out and asks him his name.

"Steve."  
"And what is your question, Steve?"

"I have five questions. First, why did the USA invade Iraq without the support of the UN? Second, why are you president when Al Gore got more votes? Third, whatever happened to Osama Bin Laden? Fourth, why did the recess bell go twenty minutes early? And fifth, what the fuck happened to Billy?"



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JA has undertaken to put any critical material naming prison staff to such persons for them to respond prior to publication

**Framed** is circulated free of charge to prisons in all states and territories except NT and, since 2002, NSW.

JA recognises that Sovereignty of this Land was never ceded. This is Aboriginal Land. Always was, always will be. We acknowledge and thank the traditional owners of the Land where we are based, the Eora/Gadigal Peoples.

Send contributions to  
PO Box 386,  
Broadway NSW 2007  
Phone: (02) 9660 9111  
Fax: (02) 9660 9100

E-MAIL:

[ja@justiceaction.org.au](mailto:ja@justiceaction.org.au)

JUSTICE ACTION & FRAMED HOME PAGE:  
[www.justiceaction.org.au](http://www.justiceaction.org.au)

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