

**INQUIRY INTO ISSUES RELATING TO THE OPERATIONS  
AND MANAGEMENT OF THE DEPARTMENT OF  
CORRECTIVE SERVICES**

**Organisation:** Justice Action  
**Name:** Mr Brett Collins  
**Position:** Spokesperson  
**Telephone:** 9660 9111  
**Date Received:** 1/03/2006

---

**Subject:**

**Summary**

**From:** JUSTICE ACTION <JA@justiceaction.org.au>  
**To:** <michael.phillips@parliament.nsw.gov.au>, <gpsc3@parliament.nsw.gov.au>  
**Date:** 1/03/2006 7:16:40 am  
**Subject:** Submission re Operations and Management of the Dept of Corrective Services

Dear Secretary,

Here is our submission to General Purpose Standing Committee No 3 re the Operations and Management of the Department of Corrective Services.

We also are prepared to give evidence to the Committee.

1) Term of Reference number 1 regarding Corrective Service Industries

We believe that unfair competition has occurred due to the work practices currently in place. That CSI has not met their obligations to the law, to the general community or to prisoners, and have gained a competitive economic advantage in the process.

We wish to submit the proposal attached, for fair work practices negotiated with Unions NSW, previously Labor Council of NSW.

2) Term of Reference number 2 regarding the High Risk Management Unit at Goulburn Prison.

We refer to the two attachments each of which lay out our concerns about the effectiveness of the HRMU.

One is the Inspection Proposal that has been before the previous Minister and has been supported widely in the community including professional bodies such as the Bar Association of NSW.

The second is a paper called "Where the Norm is Not the Norm: Goulburn Correctional Centre and the Harm-U" by one of our volunteers from the University of NSW Law School Neal Funnell.

Additionally we are prepared to act as "expert witness" during the inspection of the HRMU. We are concerned that some aspects of the Unit are not apparent unless they are interpreted correctly. The history and culture of segregation units, and the use of solitary confinement is a specialty that we bring from the experience of decades of involvement.

Justice Action has the only ex-prisoner on the Justice Health Consumer and Community Group, which is part of the Director General for Health performance review structure, and is prepared to assist the Committee in its physical evaluation of the Unit.

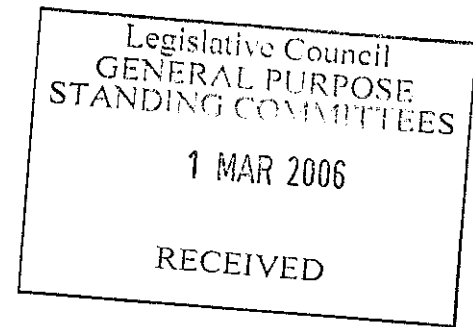
Justice Action  
22 Prince St, Rozelle, NSW 2039, Australia  
P.O. Box 386, Broadway, NSW 2007, Australia  
ja@justiceaction.org.au  
voice: 612-9660 9111 fax: 612-9660 9100

Please log into the Justice Action Web site, designed and sponsored by Breakout Design & Print, exercising good corporate citizenship:  
<http://www.justiceaction.org.au> <http://www.breakout.net.au/>

Legislative Council  
GENERAL PURPOSE  
STANDING COMMITTEES

1 MAR 2006

RECEIVED



The Hon John Hatzistergos  
Minister for Justice  
Parliament House  
VIA FACSIMILE: 9230 2139

Dear Mr. Hatzistergos,

**RE: High Risk Management Unit (HRMU) Inspection**

This letter is to request permission for an independent inspection team to examine the 75-cell HRMU at Goulburn Jail. The proposed inspection team consists of specialist doctors, jurists, members of the Corrections Health Service Consumer Council and prisoners' representatives. All are professionals and highly respected in the community. This request follows multiple reports of; arbitrary assignment to the unit, self-harm and mutilation, desperation, hunger strikes, sensory deprivation, psychological damage to prisoners held there, and conditions which fall below levels required under the UN Standard Minimum Rules for the Treatment of Prisoners.

Justice Action, as part of the Criminal Justice Coalition, was offered the opportunity to consult with Corrective Services in the design of the HRMU by the present Commissioner, Mr. Ron Woodham. Unfortunately, this invitation was not facilitated and as a result, we have no accurate, independent information on conditions inside the unit to allay community concerns.

**The Alternatives**

Had JA been given the opportunity to consult, we would have proposed a design based on the Barlinnie Special Unit in Scotland. Barlinnie was developed as a social and humane response to the escalating cycle of violent confrontation between prisoners and guards which was spinning out of control at Inverness prison. Barlinnie was described by the NSW Government as a:

Special long term unit for violent inmates offers high levels of privileges (e.g. unlimited visiting facilities), greater prisoner autonomy, input into running unit, contact with non-criminal outsiders, education and art programs, community meetings, and supportive staff-inmate relationship. Immediate expulsion from the unit for any physical violence. ([www.lawlink.nsw.gov.au](http://www.lawlink.nsw.gov.au), *Programs and Approaches to Reduce Prison Violence*)

In his analysis of Barlinnie as an alternative to the Inverness 'cages', which operated under the same philosophy as the HRMU, Alistair Thomson wrote,

justice  
ACTION

65 Bellevue Street Glebe NSW 2037

PO Box 386 Broadway, NSW 2007, AUSTRALIA  
JA@justiceaction.org.au

Ph: 612 9660 9111 Fax: 612 9660 9100  
[www.justiceaction.org.au](http://www.justiceaction.org.au)

(Barlinnie) has the wholehearted support of the Scottish Prison Officers Association. It has arguably contributed to a reduction of tension in other prisons by isolating some of the system's worst troublemakers; it has allowed many of these difficult prisoners to cope with their long sentences in a positive manner and in several instances has facilitated an earlier return to the outside community than otherwise might have been expected. In a word, it has provided an alternative means of managing difficult prisoners. (*Current International Trends in Corrections*, 1988, p. 125)

The Special Care Unit (SCU) at Long Bay Correctional Centre was inspired by Barlinnie. The SCU was opened in 1981 to replace the Observation Unit, which was strongly criticised by the Nagle Report. The SCU was closed in 1997 because of lack of record-keeping which could give a measure of effectiveness. The SCU was replaced by the Four-Stage Violence Prevention Program, which is housed within the Metropolitan Special Programs Centre (MSPC). The former Inspector General for NSW, Lindsay LeCompte commented, "At the Metropolitan Special Programs Centre (MSPC), for example, the Department has achieved considerable success with the programs that are being delivered there, due to the ability of that centre to concentrate its efforts and resources on focused strategies." (*Report of an Inspection of Mulawa Correctional Centre 2002*).

The key distinction between the Barlinnie model and the HRMU would appear to be in the degree of management directed by the prisoners themselves as opposed to direction by the Department. The operating philosophy of the SCU was, "Freedom with responsibility: responsibility to self and community." (Dr. Schwartz, Special Care Unit, Philosophy, Procedures and Achievements.) Allowing prisoners to direct their own activity and choose their own community solves many problems for prisoners, officers, and the community they both return to when they leave the prison. When prisoners are able to choose their associates, it immediately reduces the incidents of rape, fights and the resentment of staff that can lead to riots. The officers chosen to staff the Barlinnie Special Unit were also volunteers. Ken Murray, one of the officers involved in the Barlinnie project said,

...the methods that we introduced into the Unit ...are based on a very simple attitude, that being that we should speak to the prisoners and suggest to them that we should, together find ways and means best suited for the method where we could live tolerably with each other... There's never been one single incident of a prison officer being attacked in the Special Unit by a prisoner. (Interviewed by Caroline Jones, ABC Radio, 5 October 1979)

In contrast, the HRMU followed in the tradition of the spectacular failures of Grafton and Katingal. Both were closed due to the damage they caused to the community, prisoners and the Department.

## justice ACTION

65 Bellevue Street Glebe NSW 2037

PO Box 386 Broadway, NSW 2007, AUSTRALIA  
JA@justiceaction.org.au

Ph: 612 9660 9111 Fax: 612 9660 9100  
www.justiceaction.org.au

## Grafton

The Nagle Royal Commission said that Grafton was opened in 1942, "...for the treatment of recalcitrant and intractable prisoners." In reality, this was officially-endorsed "brutality and sadism" by prison officers.

It was urged... that a regime of brutality such as existed at Grafton provided the only effective method of containing and controlling intractable prisoners. According to this argument, it was necessary to inculcate fear into the prisoners from the moment of arrival, and to maintain them in a high state of fear through their stay. Otherwise they would have become uncontrollable... It is a blight on the penal administration of this State that (these conditions) did occur once and were allowed to continue for nearly thirty-three years. (Nagle Report, p.119)

The Grafton unit was closed in 1976 as it had become " ... an acute embarrassment to the Department's senior officers" (*ibid*, p.118) and Katingal had been opened in 1975.

## Katingal

Katingal was designed for "the containment of dangerous violent criminals..." which "arose directly out of (McGeechan's) general dissatisfaction with Grafton." (*ibid*, p.123) Katingal very quickly began to suffer from the same problems as Grafton, for the same reasons; the classification of prisoners as "the worst 1 per cent" allowed the abuse of authority that led to unacceptable conditions.

Dr. Houston considered that long-term incarceration of prisoners at Katingal would be detrimental to their mental health... Considerable discussion about sensory deprivation took place during the latter stages of Katingal's construction... Dr. Lucas... made the point that solitary confinement can, in some circumstances, amount to torture. (*ibid*)

ABC Radio National said, "Katingal became a symbol of everything that was wrong with the state's prisons, a focus of public protest by an unlikely alliance of lawyers, journalists and unions..." (*Hindsight* 13 October 2002)

The Hon. Dr Meredith Burgmann described Katingal as,

...the high-tech unit at Long Bay gaol which is so high tech that it now cannot be converted to any other purpose. Indeed, it is built so strongly and is such a terrible obscenity of concrete and iron bars that it would cost a great deal to even demolish it. (Hansard Transcript, 4 March 1993)

Katingal was closed in 1978 following the recommendations of the Nagle Report.

## justice ACTION

65 Bellevue Street Glebe NSW 2037

PO Box 386 Broadway, NSW 2007, AUSTRALIA  
JA@justiceaction.org.au

Ph: 612 9660 9111 Fax: 612 9660 9100  
www.justiceaction.org.au

It would appear, from reports, that the HRMU has fallen victim to the same problems that caused the condemnation and closure of Grafton and Katingal. Specifically, prisoners are often assigned to the HRMU without justification, and have not been given any indication of when they will be returned to the prison population. The issue of solitary confinement is a serious problem which does not seem to have been addressed in the design of the HRMU. Instead of addressing these concerns, Mr. Woodham stated, "There are a lot of lessons from the Katingal experience. Katingal had no perimeter security. Prisoners broke the unbreakable glass, they broke into it and they broke out of it." (SMH, May 14, 2001)

The Nagle Report recommended the English solution to the problem;

Katingal is not the only means whereby the prison community can be protected from its predators. The English penal authorities favour the dispersal system in which such prisoners are contained in one of a number of units dispersed through various prisons. There is no reason why the dispersal system cannot be resumed in New South Wales and the Commission considers it to be the proper method of containing dangerous prisoners. (Nagle, p. 131)

### **Dangers of Segregation Units**

Had the Nagle Report's recommendation been followed, there would be no need for the HRMU to exist. By continuing the philosophy of the 'box inside a box', the Department of Corrective Services has in effect encouraged senior prison officers to abandon any attempt to rehabilitate and educate a sub-group of prisoners. If troubling cases can be further removed from the prison population, oversight becomes negligible, and the result is structural and social brutality. Any attempt to use the prison experience to socialise, build community responsibility, and prepare the prisoners for release is abandoned.

Richard Harding, Inspector of Custodial Services in Western Australia acknowledged the inherent dangers involved in a 'prison within a prison',

Whatever form it takes, the treatment of prisoners who are segregated from mainstream accommodation and services is a vital indicator of the health of a prison. From the prisoner perspective, if the experience of being taken "down the back" is seen as little more than the arbitrary and oppressive exercise of authority by line management, great tensions may build up over time. For example, one of the immediate triggers for the riots of 25th December 1998 at Casuarina itself was the decision of officers to take a prisoner to the Special Handling Unit.

...recent research (Kupers 1999 10) has indicated that "the forced idleness and isolation in these [segregation] units cause many previously stable men and women to exhibit signs of serious mental illness".

justice  
ACTION

65 Bellevue Street Glebe NSW 2037

PO Box 386 Broadway, NSW 2007, AUSTRALIA  
JA@justiceaction.org.au

Ph: 612 9660 9111 Fax: 612 9660 9100  
www.justiceaction.org.au

...the Standard Guidelines for Corrections in Australia and New Zealand (1996), which are the domestic version of the United Nations Standard Minimum Rules for the Treatment of Prisoners, proceed from the assumption that separate confinement may well have a deleterious effect on physical or mental health: see Guidelines 5.33. - 5.34. (*Report of an Unannounced Inspection of the Induction and Orientation Unit and the Special Handling Unit at Casuarina Prison, 2000, pp. 4-5*)

In a UK report on the "Close Supervision Centres", HM Inspectorate of Prisons reported, "The longest continuous stay on D wing was 206 days or almost seven months... When the prisoners were asked how they coped, they listed a variety of strategies, but their main fear was of 'losing their minds'. (*Inspection of Close Supervision Centres, August – September 1999*)

### **Reports from HRMU prisoners**

The reports of 'tensions' that have come to our attention are:

Prisoner A, who has been banging his head against the wall and has nearly severed his fingers by slamming the door on them, reports,

This place is purposely built as a basic box in a box. Once our back door is closed there is no natural ventilation and no natural light... The lack of air in cells or claustrophobia are both related to it's a box and once I feel the walls closing in and I realise there is no air, no openings. Yet I can see air and know its outside the door and that is what causes me to panic as I know I can't get to it... In other units the ASU or MPU I could always get to the grille and breathe in fresh air and after a few minutes I would feel better, in here one cannot do this.

These conditions were also reported by a visitor, constitute inhumane treatment, and violate the UN Standard Rules,

10. All accommodation provided for the use of prisoners and in particular all sleeping accommodation shall meet all requirements of health, due regard being paid to climatic conditions and particularly to cubic content of air, minimum floor space, lighting, heating and ventilation.

11. In all places where prisoners are required to live or work,

(a) The windows shall be large enough to enable the prisoners to read or work by natural light, and shall be so constructed that they can allow the entrance of fresh air whether or not there is artificial ventilation...

Prisoner B, who suffered from paranoid schizophrenia, was held on remand for "Assault & Malicious Damage" and was placed in a cell with a convicted prisoner on strict protection (regarded as a paedophile) on his first day in custody. The next day,

justice  
ACTION

65 Bellevue Street Glebe NSW 2037

PO Box 386 Broadway, NSW 2007, AUSTRALIA  
JA@justiceaction.org.au

Ph: 612 9660 9111 Fax: 612 9660 9100  
www.justiceaction.org.au

Page 6 of 6

the prisoner on strict protection was found dead, and this death was the reason given by Corrective Services for Prisoner B's placement in the HRMU. The placement of Prisoner B with a convicted prisoner violated section 85 (1) of the UN Standard Rules; "Untried prisoners shall be kept separate from convicted prisoners."

Prisoner C was placed in the HRMU, "...following his involvement in a riot which caused significant damage to the centre." However, Prisoner C claims he is innocent, and was never formally charged with this offence. This violates section 30 (2) of the UN Standard Rules; "No prisoner shall be punished unless he has been informed of the offence alleged against him and given a proper opportunity of presenting his defence. The competent authority shall conduct a thorough examination of the case."

We respectfully submit that in the light of these reports, an independent inspection is needed to assess the nature of conditions in the unit and compare them to the social alternative. At the very least this will reassure the public that conditions in the HRMU are humane.

We would be grateful if you acknowledged receipt of this letter by fax, and urgently accede to the request.

Thank you for your consideration.

Sincerely,

Stacy Scheff  
Spokesperson  
June 4, 2003

CC: Dr. Richard Matthews, Corrections Health Service  
Justice John Dowd, International Commission of Jurists  
Mr. Steve Griffin, Acting Inspector-General of Corrective Services

justice  
ACTION

65 Bellevue Street Glebe NSW 2037

PO Box 386 Broadway, NSW 2007, AUSTRALIA  
JA@justiceaction.org.au

Ph: 612 9660 9111 Fax: 612 9660 9100  
www.justiceaction.org.au



# **Labor Council of New South Wales Prisoner Labour Policy**

---

## **1. History of labour in NSW prisons**

Corrective Services Industries (C.S.I.) History:

"We're the oldest supplier of products and services in New South Wales. Our story began with the first fleet and the hard and often cruel convict years.

In the mid to late eighteenth century, prison was a place of punishment and containment. Society honoured discipline and hard work. But labour conditions and terms of labour were often inhuman. With few exceptions, work was not to be offered to prisoners unless it was hard and punishing.

The first half of the twentieth century was fraught with war and depression. Prison reflected the outside world; a few farms offered redemption through work but brutality and despair grew. Work in prisons was mostly piecemeal and without organisation.

A crisis exploded in the early nineteen seventies with the riots at Bathurst. They led to a royal commission and extensive reforms. But work was not a significant factor in changing lives until the late nineteen eighties. CSI was formed and in the years since, a strong corporate identity has driven social and financial profits; inmates find new purpose through work, our clients and partners access an immense labour force and the system moves closer to self sufficiency."<sup>1</sup>

## **2. Aims of document**

This document is intended to implement some practical suggestions that will give substance to the NSW government's current mission statement and policy of 'Thought-Care' while also meeting the needs of the labour unions whose work is impacted by prisoner labour. This policy aims to develop educational, life-skills and vocational-skills before, during, and after the critical transition when prisoners are released at the end of their sentence.

The model we propose takes as its premise the fact that personal/educational development and work in jail should be regarded as a right, where prisoners should have the opportunity to learn skills, which will help them successfully return to the community.

---

<sup>1</sup> <http://www.dcs.nsw.gov.au/csi/>

Department of Correctional Services' Mission Statement is, "*Reducing re-offending through secure, safe and humane management of offenders.*" In its *Corporate Plan 2001-2004*, DCS,

"...guarantees to provide opportunity, encouragement and program pathways for offenders under supervision in the community and inmates of correctional centres to enable them to acquire skills, address deficits and assume responsibility for living constructive law-abiding lives."

In support of these plans, this policy deals specifically with work in prison. Such work needs to have some clear safeguards for prisoners and for workers in the wider community who should not be expected to compete with low-cost and captive labour working without the ability to make choices about whether to work or not. Prison work should not displace paid workers in the wider community, particularly where the prison work is being carried out for a private for profit organisations. All prison work should be suitable for the various types of volunteers/prisoners (using their existing skills), and be combined with appropriate training and rewards. It is clear that prisoners who are able to access stable and fulfilling work opportunities upon release and less likely to re-offend.

### **3. Corrective Industries Consultative Council (C.I.C.C.)**

The establishment of the Corrective Services Industry Consultative Council (C.I.C.C.) which is made up of Union, Employer and Community representatives is an appropriate body to monitor C.S.I. work to ensure Australian employers and local jobs are not put at risk by C.S.I. activities. In particular, Labor Council also believes the C.I.C.C. needs to play a greater role in monitoring vocational training and using its influence where possible to assist inmates find employment upon release. Where private for profit organisations utilise the services of prison labour C.S.I. should wherever possible insist that such organisations have a scheme in place to employ inmates upon release where they have positions available and where the prisoner concerned has demonstrated the skills and ability to carry out the work required.

### **4. Training and Job Readiness**

In the case of vocational training, and all education in prison, it should be linked to the nationally accredited VET/ANTA schemes so that prisoners emerge with skills that are recognised in the community and, as such, equip them to seek jobs in areas where such skills are needed in the community. Employers and union officials should have the opportunity as part of skills training to hold sessions with prisoners in job training about employment laws, their rights and obligations as either employers or employees.

## 5. Through-care

From the Department of Corrective Services' *Throughcare Strategic Framework 2002-2005*

"Throughcare principles are:

- Assistance and support to offenders whilst in custody or under supervision in the community;
- Provision of seamless service to avoid duplication and/or isolated work practices;
- Sharing of information between the Department and other relevant agencies;
- Promotion of community linkages;
- Provision of consistent interventions across community and custody which are proven to be effective in reducing recidivism."

"Planned Throughcare Outcomes:

...Programs and services are established in the custodial and community environments which complement each other, and are evaluated with the aim of achieving the best possible results in reducing recidivism; Planning for specific transitional support for the period immediately after release from custody is carried out..."

The main advantage of a Throughcare case management program is that the Department must take responsibility for the path of the prisoner through custody and in the period following release. This responsibility means that there should be no disruption to the prisoners' case plans, and any work or education program initiated by either the Department or the prisoner should be able to be completed without impediment.

The NSW Department of Corrective Services has in recent years attempted use the 'criminogenic needs' model developed by Andrews and Bonta<sup>2</sup> and implemented by the Corrections Service of Canada as a framework for program delivery to inmates. This model ascribes the behaviour of prisoners to factors of individual disposition, and instead dismisses theories of crime based on social, political, or economic inadequacies. The NSW Teacher's Federation has raised concerns about the exclusive use of the criminogenic needs model:

This type of proposition has been described by Duguid (1998: 31-39) from his experience in Canada as the replacement of an opportunities model in adult education development, to a medical model in which inmates are determined through a criminogenic needs model to have predispositions towards committing crime...

Quite clearly, crime by definition can only exist within a social reality, but this does not necessarily mean that such recognition does not preclude the role of individual action, opportunities, choices, differences, sub-cultural influences, marginalisation, and the development of anti-social attitudes impacting on an offenders personality.

The criminogenic needs model unfortunately at its extreme adopts exclusive modes

---

<sup>2</sup> Andrews, D.A. and J. Bonta (1994) *The Psychology of Criminal Conduct*, Cincinnati: Anderson Publishing Co.

of interpretation which militate against broader recognition of social and structural factors which can produce criminogenic effects...<sup>3</sup>

The Department's Throughcare philosophy is an amelioration and repackaging of the 'criminogenic needs' model, aimed to provide further consistency to the case management of inmates. The Throughcare philosophy emphasises the responsibility of staff to share prisoner information across agencies to provide better services.

It should be acknowledged that effective reduction of recidivism can only occur where the Department takes responsibility for ensuring that there is appropriate level of delivery of quality education and vocational training, and other programs in prison that are easily accessible by most inmates.

## **6. Case Management**

Prisoner labour should be considered as part of the case management of each prisoner. The "Way Forward" program, introduced in 2003 gives some recognition of this. The Justice Minister said that the Way Forward includes an, *"Enhanced structured day – to allow inmates to have access to programs and activities as well as work"*.<sup>4</sup>

As with Throughcare, the department as a whole must be responsible for case management, its implementation and outcomes. The Independent Commission Against Corruption (ICAC) found that departmental support of case management is not only recommended, but would also help the department achieve its stated goals:

There are also obvious individual and systemic implications from these finding. Officer job satisfaction and commitment will be diminished if they feel unsupported. Dynamic security will be affected. Management need to be publicly supportive of case management...<sup>5</sup>

## **7. Mentoring**

Of the factors which make up criminal behaviour, only some can be changed (dynamic risk factors). For example, while the offender's socio-economic background cannot be changed, the support networks that they rely on when they are released from prison can be influenced by pre- and post-release support workers, friends, and family.

---

<sup>3</sup> DeGraaff, P. (2001) *The Provision of Public Education within the NSW Correctional System* NSW Teachers Federation, unpublished.

<sup>4</sup> Hatzistergos, J. *Response To Auditor-General Report*, Media Release, Office of the Minister for Justice, December 2004

<sup>5</sup> ICAC, *Case Management in New South Wales Correctional Centres*, February 1999, p. 60

Although the current programs available in jail and on release are sometimes useful, most suffer because they are delivered by people lacking understanding of the effect of life in jail and the difficulties faced upon release. This has given rise to the 'mentoring project' at Justice Action.

An important part of this program is the TAFE course, "Mentoring in the Community" which was previously only delivered in jails to Aboriginal prisoners. The idea of this course was to educate longer-term prisoners to become responsible mentors to new prisoners and help them adjust to life in prison. A similar program was introduced and studied by Corrections Service of Canada<sup>6</sup>,

"In an early report on self-injurious behaviour at the Kingston Prison for Women (P4W), Jan Heney (1990) noted that offenders spontaneously created a network of support for each other during times of crisis and need for comfort. To maintain and enhance the benefits of these peer-support interactions, she recommended that the existing support network among the women be recognized and legitimized. Accordingly, a protocol was designed and selected offenders were trained to be support counselors under the auspices of Psychology/ Health Services. Thus, in 1990 the Peer Support Team (PST) program was established at P4W." (p. 1)

"The training was described, from a variety of viewpoints, as exceptional- both academically and experientially. The PST training and membership was generally perceived as a process of empowerment, with elements that reinforce the effects of other institutional programs. Finally, for a number of PST members, their involvement with the program helped to define their interests in a constructive, prosocial manner." (p. 64)

JA acknowledges that the most probable candidates to deliver ex-prisoners from the dramatic barriers that prevent their return to normal life are fellow ex-prisoners who have successfully returned to the community and remained out of jail beyond the 2 year point in which 42% re-offend. Peer mentors can offer real-life experience for the recently released, to help them find pro-social role models and support networks.

## **8. Division of labour.**

Prisoner work can be divided into two essential categories: internal and external. Internal work includes domestic, food preparation or other service or manufacturing work, which is associated with the running and servicing of the prison system itself. When C.S.I. organizes this work it is described as self-sufficiency work. External work is work, which is done for external Government agencies, non-profit and private for-profit companies.

---

<sup>6</sup> Blanchette, K. and Eljdupovic-Guzina, G., *Results of a Pilot Study of the Peer Support Program for Women Offenders* Research Branch Correctional Service of Canada, August, 1998

The primary purpose of all C.S.I. controlled work is to provide work and life skills for the prisoners in order to lower the risk of their re-offending.

Internal work should take as its premise that it is in the prisoners' interests to maintain their own areas and health and safety standards inside the prison and to also reduce the tax burden on the community with respect to the cost of the prison system. A prisoner representative should be appointed to the Prison Health and Safety Committee to provide an opportunity for monitoring standards. There should be recognition that learning health and safety procedures and the politics of community responsibility will be valuable in any situation and will aid prisoners in their personal development. Inmate Development Committees should be involved in monitoring all aspects of prison work.

**Prisoners should have the right to work, rather than the privilege or obligation.**

As stated in both the CSI and DCS literature, reducing recidivism is the main goal of prison labour, therefore the opportunity to work must be provided to all prisoners.

Despite these stated aims, prisoner labour is currently managed as if it were an obligation, which if not fulfilled, are grounds for punishment. If work is seen as a right, then the loss of the opportunity to work, for whatever reason, is punishment in itself, and should not carry further sanctions.

Also, the lack of available jobs means that placement is used as a privilege to be earned, and that many prisoners are not able to get work. This is an opposite and mutually exclusive, but equally unacceptable method of managing prisoner labour.

In a research study in 1996 Corrective Service of Canada found that:

"Offenders who were employed were convicted at less than half the rate of unemployed offenders (17% versus 41%) and committed only one quarter as many new violent offences as unemployed offenders (6% versus 21%). When employment needs were subdivided into their four components ("asset," "no need," "some need," "considerable need"), it is particularly telling that all offenders identified as having employment as an asset were employed, and none recidivated in the follow-up period."<sup>7</sup> (p. 27)

**Prisoners should be able to choose work or study without penalty.**

If both work and study are seen as fulfilling the departmental mission statement of "reducing re-offending", and part of the case management and Throughcare

---

<sup>7</sup> Gillis, Motiuk & Belcourt 1998, *Prison Work Program (Corcan) Participation: Post-Release Employment and Recidivism*, Research Branch Correctional Service Canada.

plans, then they should be balanced to provide the best outcomes for the individual prisoner (for example part-time study programs should be a priority over work if study better assists prisoners' development). There should be no penalty for choosing one over the other. There needs to be an expansion of opportunities for inmates to be full-time students. Inmates involved in full-time work should be able to receive a form of study leave to attend classes at no financial penalty where such programs are in the best interests of the prisoners' development.

**Prisoners should have the opportunity to plan, be involved in, and give feedback about the quality and conditions of the work provided.**

There needs to be a process for matching work skills to case management. This is supported by DCS policy of 'Through-care'.

The *Report on Education in Prison* from the Council of Europe states that work is a form of education;

"In these projects, the process is more important than the product. The students gain knowledge through the tasks but, more importantly, they become interested in learning and work, and develop their sense of responsibility. The projects are trainee-controlled, right from the introductory phase where students discuss their needs and interests and the task to be undertaken, through planning the forms of work, methods, necessary learning, etc. to the production and evaluation phases."

**In the case of a work or study dispute/grievance, there should be procedural fairness. This procedure should include a hearing before the Governor and Inmate Development Committee (IDC), and a right of appeal to an independent community person.**

Any worker, whether in prison or not, should have the right to procedural fairness in dealing with a dispute or grievance. If there is a dispute/grievance, the prisoners should have access to have the matters dealt with by a fair grievance procedure which, depending on the seriousness of the issue, could be dealt with by the Governor and Inmate Development Committee with rights of appeal to an independent community person. In the past, appeals were available to a visiting judge or the District Court. Because these are no longer available to prisoners, there needs to be a process of appeal to an independent person. The details of this process can be negotiated with Corrective Services as the policy is implemented.

Under no circumstances should a prisoner be forced to work in unsafe conditions. There should be recognition that not having work is a form of punishment in itself – whether the prisoner is sacked or refuses to work. Any disruptive or unruly conduct should be treated as a disciplinary issue - in the

same way that such behaviour would be treated in any other part of the prison system - and as such dealt with through the normal disciplinary procedures.

**Employers and Labor Council representatives should have the opportunity to speak to pre-release prisoners.**

From the Council of Europe:

“For some prisoners who have drive and initiative – energy that has perhaps been misdirected towards crime previously – self-employment in a small business may be a realistic prospect. In such cases, skills development may be complemented by a course in business management or self-employment” (p. 40)

It follows that for those prisoners, access to information and assistance in these endeavours should be readily available and, as such the Labor Council and Employer groups should be utilised to provide information to inmates prior to release about employment laws and issues.



## ***Where the Norm is Not the Norm: Goulburn Correctional Centre and the Harm-U***

*In the absence of public policy, this paper is an attempt to shine a light through the rhetoric and test for coherency in the policy and function of NSW's only supermax prison, the High Risk Management Unit. Its present use will be compared with the vision flogged by the NSW Premier and the Department of Corrective Services (the Department) at its inception in 2001.*

### ***The Opening Ceremony***

At the official opening of the High Risk Management Unit in 2001, the NSW Premier Bob Carr proclaimed that the new supermax would detain the worst inmates in the NSW prison system. He went on,

They pose a high security risk to the community, correctional centre staff and other inmates. They cannot, or will not, fit into normal rehabilitation programs while in gaol. These are the psychopaths, the career criminals, the violent standover men, the paranoid inmates and gang leaders. The intensive programs in place in the HRMU will try to break the cycle of violence so these prisoners can safely be placed back into the mainstream prison system...<sup>1</sup>

Mr Carr continued to vaunt the security features of the new "unit", before proudly concluding that the HRMU, "is just another example of the State Government's commitment to investing in public infrastructure and creating jobs in regional areas."<sup>2</sup>

Three years on, the HRMU bears slight resemblance to that projected by the Premier, in 2001 – a supermax prison designed strictly to rehabilitate the very worst prisoners in the NSW prison system. A 'prison within a prison', shaped at least rhetorically by the seemingly irreconcilable goals of harsh punitive sanctions and 'new age' rehabilitation, and captured most brutally by the Department's idiom, *secure but humane*.<sup>3</sup>

---

<sup>1</sup> Bob Carr, <http://goonawarra.ac3.com.au/uhtbin/hyperion-image/pr20010605000>.

<sup>2</sup> Bob Carr, <http://goonawarra.ac3.com.au/uhtbin/hyperion-image/pr20010605000>. He stated, "It is the cutting edge in prison design and security. It has its own security system, two maximum security fences, a sterile zone, a plethora of video cameras and motion detectors, and two watchtowers with 24 hour cameras."

<sup>3</sup> Ron Woodham (then) Senior Assistant Commissioner, DCS newsletter, (September 2001), 'Focus on Goulburn as Premier opens HRMU'. Where 'secure' is code for 23 hours per day confinement in a 2 x 3m cell with no windows, natural light or fresh air. Also note the *Herald's* dilution to "sparse but humane", in Linda Doherty, (14 May 2001), 'The walls go up to keep antisocial psychopaths down in the nation's new super max jail', p4.

## *The Department of Corrective Services*

Eliciting information from the Department of Corrective Services duplicates in part the experience of incarceration – time is suspended as days melt into months with nothing to show for it but frustration. From the beginning, the Department strenuously sought to control debate on the HRMU, offering grandiose sound bites to the media while keeping detailed information regarding the actual function of the unit closely guarded.

In July 2003, both Commissioner Woodham and the Justice Minister John Hatzistergos considered the leaking of confiscated cartoons drawn by HRMU prisoner Bilal Skaf to be in the public interest.<sup>4</sup> By contrast, the Director of Security and Intelligence of Goulburn Correctional Centre, Brian Kelly, determined that promulgating the classification policy regarding “high risk” prisoners posed a security risk – “the matter will have to go through the Commissioner”.<sup>5</sup> Further enquiries regarding classification policy prompted the Department’s media unit to inform me that I was, “dealing with a section within a very different department where the norm is not the norm.”<sup>6</sup>

However, Brian Kelly’s ‘security defence’ was undermined by the Acting Superintendent of the HRMU Mark Phillip Wilson, who gave a detailed description of the ‘high-risk’ classification process in an affidavit to Supreme Court proceedings in December 2003, replete with an annexed blank copy of a ‘HRMU Referral Form’.<sup>7</sup> Of course, to be aware of the existence of that document, one would have to have access to the lawyers working on those Supreme Court proceedings; a means not afforded to everyone. The ‘HRMU Referral Form’ reveals that beyond the High Security Inmate Management Committee’s capacity to make ‘recommendations’ to the Commissioner as to what a prisoner’s security rating should be, the Commissioner retains absolute autonomy to make that final designation.<sup>8</sup>

On what *grounds* does the Commissioner base that decision on? That question was put ‘on Notice’ to John Hatzistergos, the Minister for Justice. Earlier in June 2003 during parliamentary question time, the Minister was asked whether he had been informed of a security breach incident within the HRMU. In lieu of acknowledging the question with an answer, the Honourable Hatzistergos instead menaced that,

If the honourable member thinks that security at the High Risk Management Unit at Goulburn is lacking, I invite him to spend a month there. He can go in there with the other inmates and experience it—live.<sup>9</sup>

---

<sup>4</sup> Stephen Gibbs, (26-27 July 2003), ‘Skaf stories part of a freak show: Libs’, *Sydney Morning Herald* at 7. The Commissioner asserted that his “job is to tell the truth, however painful or unfortunate that may sometimes be.”

<sup>5</sup> Email from Rachel Knowles, DCS, (9 September 2004). After 4 attempts to make contact with the Commissioner’s office I am yet to receive a response.

<sup>6</sup> Email from Rachel Knowles, DCS, (10 September 2004).

<sup>7</sup> *R v Georgiou*, 70317 of 2001, (1 December 2003).

<sup>8</sup> Clauses 277 & 25 *Crimes (Administration of Sentences) Regulation 2001*. Note that the Commissioner does not require ‘the Committee’ to make a recommendation before that designation can be made.

<sup>9</sup> NSW Legislative Council Hansard, 25 June 2003, (article 18). For more recent, though equally valiant displays of transparency in government, see Hansard 17 November 2004. (article 19). or Hansard 27 October 2004 (article 19).

On this occasion, the Minister remained cryptic and essentially unresponsive, referring only to the initial head of power and not the particular grounds on which prisoners are designated as “high security”.<sup>10</sup> Clause 25(1) of the *Crimes (Administration of Sentences) Regulation 2001* allows the Commissioner to,

designate an inmate as a high security inmate if of the opinion that the inmate constitutes:

- (a) a danger to other people, or
- (b) a threat to good order and security.

Cl 25 (2) allows the Commissioner to designate an inmate as “*extreme high security*”,

if of the opinion that the inmate constitutes:

- (a) an *extreme* danger to other people, or
- (b) an *extreme* threat to good order and security [emphasis added].

Cl 25 does not enumerate any considerations the Commissioner is required take into account before reaching that ‘opinion’ – nor does it require that the ‘opinion’ be informed or even ‘reasonable’. The arbitrary authority entrusted into the Commissioner is highlighted by the semantic difference between subsections (1) and (2) that distinguish “high security inmates” and “extreme high security inmates” by simply adding “extreme” into the definition. The referral process of the HRMU that operates once an inmate has been designated as “extreme high risk” exacerbates the indefinite scope of the Commissioner’s discretion. In an apparent reference to Cl 25, the ‘HRMU Referral Form’ includes a “Danger to other people’s safety and security of the centre indicator checklist”. The checklist effectively usurps the evidentiary process as inmates need only be “*suspected*, charged or convicted [emphasis added]” for an ‘indicator’ in the checklist to be satisfied. For example,

Has the inmate been suspected, charged or convicted  
of gang membership/affiliation: .....  Yes  No

Crucially, a prisoner does not have to be charged with an offence, meaning that a positive ‘finding’ that a prisoner is ‘suspected’ of gang membership is unreviewable.<sup>11</sup> For example, Konstantinos Georgiou was placed in the HRMU without charge. Removing any burden of proof upon the Department means that during both the classification and referral process, prisoners are in effect outside the protections of the legal system. Further, while it is widely recognised by courts that, “conditions are considerably more restrictive for prisoners housed in that Unit than they are for prisoners in ordinary discipline,”<sup>12</sup> the decision in *R v Hamzy* illustrates that courts are reluctant if not unwilling to intervene and review administrative decisions made by the Department.<sup>13</sup>

<sup>10</sup> The Hon. John Hatzistergos, Minister for Justice, (23 November 2004), “Questions on Notice”.

<sup>11</sup> This was conceded by John Salway, the Area Manager of the HRMU, while being examined by James J in *R v Georgiou*, 70317 of 2001, (30 October 2003).

<sup>12</sup> *Regina v Stephen Andrew Gordon* [2004] NSWCCA 45. See also comments made by Mason P in *R v Bassam Hamzy* below.

<sup>13</sup> *R v Bassam Hamzy* [2004] NSWCCA 243. Specifically, Mason P held that, “the appellant’s admission to HRMU and the harsh regime there encountered represent the product of an administrative decision taken in light of events having nothing to do with the offences for which the appellant stands convicted. These appellate proceedings are not a proper vehicle for examining the lawfulness of that decision or for reviewing the conditions of imprisonment at HRMU”. Disturbingly, Mason P notes that the reason for Bassam Hamzy’s designation as “extreme high risk” was not established.

Konstantinos Georgiou's designation as "extreme high security" demonstrates an example of the application of the Commissioner's discretion. During an appeal against the severity of his sentence, Georgiou raised his segregation as a mitigating factor. The NSWCCA recently affirmed the principle that more onerous conditions of confinement, "justifies some moderation in sentence".<sup>14</sup> In that case, it was held that during sentencing, the court is required to make some "prediction about the nature of the custody that will be endured by the prisoner."<sup>15</sup> This alone poses problems for many HRMU prisoners including Georgiou, who have been transferred there from other prisons, and underscores the problem of excluding an external body from the classification and referral process of the HRMU.

Much of Georgiou's appeal focused on *why* he had been transferred from Lithgow to the HRMU. Georgiou was designated as an "extreme high security inmate" on 16 February 2003, 5 years into his sentence. According to Crown prosecutor Robinson QC, there were three bases on which this designation was made:

One goes to the three mobile phones. The second, which is believed from other intelligence, that he is attempting to conduct a business. There is an assessment about his personality and there is also intelligence that suggests a level of desperation on his part about being in gaol.<sup>16</sup>

The reference to phones relates to an assertion made by Mark Phillip Wilson in his affidavit as Acting Superintendent of the HRMU:

At Lithgow risk assessments were undertaken as a result of Georgiou's behaviour there, including that he was found with mobile phones, and those risk assessments and intelligence holdings indicated Georgiou should be placed in a more secure location.<sup>17</sup>

James J responded to Robinson by pointing out that,

None of [the bases], on their face, would justify finding somebody to be an extreme high risk, bearing in mind that I would have thought that a most substantial portion of the gaol population has some sort of desperation about being in gaol.

---

<sup>14</sup> *R v Way* [2004] NSWCCA 131. More significantly to HRMU prisoners was the court's insistence in *Way* that any such reduction in sentence was contingent upon adducing "*precise evidence*" of the conditions of confinement, a rare commodity in the HRMU. Lawyers must apply and receive the Governor's approval before they can visit their clients. There is no physical contact between lawyer and client as conferences are conducted through a 'safe box', which separates lawyer and client by thick glass. The confines mean that it is impossible to communicate without voices being raised, compromising confidentiality and limiting discussion. Furthermore, documents can only be exchanged once they have been 'vetted' by prison officers, effectively making it impossible for prisoners to complain about the conditions of the HRMU without prison officers knowing about it. In this regard, the HRMU is not different from the constraints that Katingal placed upon legal visits (Nagle at 130). In December 2003, prisoners were stripped of privileges for releasing a letter of complaint that detailed the harsh conditions of the supermax – no doubt, the letter was classified a breach of security. In another instance, Bilal Skaf's mother was banned for two years from visiting her son after he gave her a drawing depicting his meagre living arrangements (26-27 July 2003, 'Fear, loathing and politics', *Sydney Morning Herald*, at 3). Similarly, prison staff strictly monitors all family visits to the HRMU. Any conversation that relates to the prison is deemed a breach of security and the visit is immediately terminated.

<sup>15</sup> *R v Mostyn* [2004] NSWCCA 97.

<sup>16</sup> *R v Georgiou*, 70317 of 2001, (30 October 2003).

<sup>17</sup> Affidavit of Mark Phillip Wilson, Acting Superintendent of the HRMU, (1 December 2003), submitted during proceedings in *R v Georgiou*. 70317 of 2001.

The triviality of the phones is only half the story – the Department could not factually verify that Georgiou ever had phones in his cell, had never investigated the matter, and had never charged Georgiou with such an offence. Further, when examined by James J, John Salway for the Department conceded that he was “not sure” whether the Commissioner had designated Georgiou because he constituted an extreme danger to other people (cl 25 (2)(a)), or because he constituted an extreme threat to good order and security (cl 25 (2)(b)), or both. However, Salway did offer another reason for the designation: “Yes your Honour. On the basis of risk, perceived risk of escape, for the good order of the institution.”<sup>18</sup> Strangely, the Department has never classified Georgiou as an escape risk. Of course, for an E1 or E2 classification to be made pursuant to cl 24 *Crimes (Administration of Sentence) Regulation*, evidence would need to be tendered – an unnecessary obstacle to Commissioner Woodham when designating “high risk” prisoners. Ultimately, as it became obvious to the court that Georgiou’s placement was baseless, Mark Phillip Wilson tendered in affidavit:

I do not wish to publicly disclose the basis upon which the Commissioner has formed the view that Georgiou should be held in the manner he is currently held. I claim public interest immunity over this information.<sup>19</sup>

Sadly, the obscurity of Georgiou’s placement in the HRMU is not exceptional. When, the HRMU opened, it was trumpeted as the end of the line for the worst of the worst. The *Sydney Morning Herald* continued its offensive under the headline, ‘High-security prison to house the very worst’,<sup>20</sup> which followed a detailed summary headed, ‘THE USUAL SUSPECTS: CRITERIA FOR ENTRY TO SUPERMAX’.<sup>21</sup> Listed were four classifications: antisocial psychopathic career criminal; severely paranoid; angry and impulsive; and highly visible violence. The paper included pictures of Departmental pin-ups Ivan Milat, David Eastman and Mark Valera. However, of the 45 prisoners being held in the HRMU in November 2003, it is known that at least 11 of those were either on remand or serving sentences of 12 years or less, significantly less than the tariff to be expected of ‘psychopathic career criminals’.<sup>22</sup>

The irregularities do not stop there. If the *Herald* is to be believed, Bilal Skaf, the prisoner we presently most love to hate, was placed in the HRMU after it was discovered that other inmates at Long Bay were conspiring to inject him with HIV infected blood.<sup>23</sup> Clearly a rationale of ‘protection’ is at odds with the detention and rehabilitation of violent offenders. In another case analogous to the Georgiou case, an ICAC investigation into the HRMU revealed that a prisoner only identified as C1 was placed in the HRMU because he had been found in possession of mobile phones in the main part of the gaol.<sup>24</sup> It is not known if C1 was charged with that offence, however the penalties for possessing a mobile phone within a correctional centre are stated in ss 53 & 56A of the *Crimes*

---

<sup>18</sup> John Salway, *R v Georgiou*, 70317 of 2001, (30 October 2003).

<sup>19</sup> Regrettably, counsel for Georgiou informed James J on 19 December 2003 that they were abandoning the segregation issue before Wilson could be cross-examined over his ‘immunity’. It has been suggested that an arrangement was made between the Crown and Defence Counsel whereby the Crown would not pursue a life sentence if Georgiou dropped the segregation issue.

<sup>20</sup> 2-3 June 2001.

<sup>21</sup> Linda Doherty, (14 May 2001), ‘The walls go up to keep antisocial psychopaths down in the nation’s new super max jail’, *Sydney Morning Herald*, p4.

<sup>22</sup> Individual prisoner details comes Letter of complaint, (19 November 2003). The Acting Deputy Governor of the HRMU John Salway stated in evidence that as of 30 October 2003, 45 prisoners were detained in the HRMU (*R v Georgiou and Harrison* SCNSW, transcripts 30 October 2003).

<sup>23</sup> Stephen Gibbs, (26-27 July 2003), ‘Fear, loathing and politics’, *Sydney Morning Herald*, at 3.

<sup>24</sup> ICAC, (February 2004), ‘Report on investigation into the introduction of contraband into the High Risk Management Unit at Goulburn Correctional Centre, at 11. Prison officer Cale Urosevic stated that, “it was known that he was down in the HRMU because he had acquired mobile phones up in the main gaol. That’s one of the reasons he was there... That as well as the fact he was a prominent leader in his race...”

(Administration of Sentences) Act 1999 – placement in the HRMU is clearly outside the scope of those sections.

The paucity of accountability, coherency or consistency in the placement of prisoners in the HRMU goes directly to the unfettered discretion of the Commissioner to designate prisoners as “extreme high security”. The absence of what may be described as a ‘stereotypical’ HRMU prisoner, despite the insistence of the Premier and the Department that the HRMU would be reserved for “psychopathic career criminals”, echoes Nagle’s finding that the type of prisoner being kept in Katingal was markedly different to what was originally intended.<sup>25</sup> In its final submission to the Nagle Royal Commission, the Department listed the categories of prisoner intended for detention at Katingal. Notably, protection cases and agitators were marked as suitable, while psychiatric prisoners were explicitly ruled out.<sup>26</sup> With regards to the HRMU, no coherent or definitive policy has been offered by the Department or the Justice Minister on who it is actually intended for, other than “inmates such as backpacker murderer Ivan Milat”.<sup>27</sup>

### *Grafton, Tracs and the Electric Zoo*

Tracing the origins of the HRMU is to traverse some of the “most sordid and shameful episodes in NSW penal history.”<sup>28</sup> The policy of concentrating dangerous or high-profile prisoners is not novel in NSW. Goulburn’s supermax follows a trajectory that began with the intractable unit in Grafton and was suspended with the closure of Katingal’s ignominious ‘electronic zoo’ in 1978, after Nagle urged that the “cost of Katingal is too high in human terms.”<sup>29</sup> However, the policy of concentration never lost its currency within the Department.<sup>30</sup> The argument re-emerged at the opening of the HRMU when, in a reference to the bash regime at Grafton, the then Minister for Corrective Services asserted in the *Herald* that, “removing the intractables would have a beneficial effect on other jails.”<sup>31</sup>

Nagle described Grafton’s intractable unit as the “end of the line” for the “misfits” within the NSW prison system.<sup>32</sup> The unit was established in response to a spate of assaults on prison officers in the early 1940s. Considered undeserving of the most basic of amenities, ‘intractables’ were subjected to a bash regime, euphemistically referred to as the “intractable programme” by the Superintendent of Grafton Gaol Mr Frame.<sup>33</sup> The ‘programme’ was based on the idea that the only effective method of containing and controlling intractable prisoners was through brutal force. It was hoped by Nagle that it was “inherently unlikely that a regime which has now been revealed in all its horror and brutality, and which has been almost universally condemned, would be likely to re-emerge.”<sup>34</sup> The problem for the Department was that the savagery of the ‘intractable programme’ was so starkly different to

<sup>25</sup> Nagle Royal Commission, (condensed copy), at 122.

<sup>26</sup> Nagle Royal Commission, (condensed copy), at 124. Discussed later, compared to Katingal, HRMU policy regarding mentally ill prisoners is regressive.

<sup>27</sup> (14 May 2001), ‘The walls go up to keep antisocial psychopaths down in the nation’s new super max jail’, *Sydney Morning Herald*, p4.

<sup>28</sup> Nagle Royal Commission, at 188.

<sup>29</sup> Nagle Royal Commission, at 238.

<sup>30</sup> Tony Vinson, (1982), *Wilful Obstruction*, Methuen Australia, Sydney. See for example in the aftermath of the murder of prison officer John Mewborn at Long Bay in 1979.

<sup>31</sup> Linda Doherty, (14 May 2001), ‘The walls go up to keep antisocial psychopaths down in the nation’s new super max jail’, *Sydney Morning Herald*, p4.

<sup>32</sup> Nagle at 108.

<sup>33</sup> Nagle Royal Commission, at 198. Upon admission to Grafton, intractables were subjected to a ‘reception biff’, where they were severely beaten by groups of prison officers, often while still shackled. According to Mr Frame, the reception biff was designed to give the new inmate “a short sharp shock to show him that he was now in Grafton.”

<sup>34</sup> Nagle Royal Commission, at 210.

accepted norms of humanity and penal philosophy. Consequently, Nagle was partly right in that systematic bashings largely died with the demise of Grafton,<sup>35</sup> however the intractable mentality of the DCS, with its disregard for prisoner well-being, endured.

Katingal represented a continuum of the Department's policy of concentration – a policy described by Nagle as a “fundamental error”. David Brown notes that,

the exact rationale for Katingal was obscure given the secrecy surrounding its planning, but in part at least it was a replacement for the bash regime at Grafton, replacing physical brutality to so-called ‘tracs’ with sensory deprivation.<sup>36</sup>

Katingal effectively marked a modernisation of prisoner punishment. It offered inmates no outside light and no fresh air and was built around the dual objectives of social isolation and sensory deprivation. The Department never offered a coherent statement as to why Katingal was created or its intended purpose. Nagle was left to glean what he could from correspondence between the Department and the Public Works Department in the late 1960s. While providing no supporting evidence, the Department “stressed the urgent need for secure containment of ‘dangerous violent criminals’ for the protection ‘of the community and of prison officers in particular’”.<sup>37</sup> Inexplicably, the medical profession were never consulted during the design period of the unit, leaving Dr Lucas, a psychiatrist working for the Royal Commission, to state that the, “lack of flexibility [in the design] could lead to a high degree of isolation, which could be damaging to prisoners if continued over a long period.”<sup>38</sup>

Although Katingal's prisoners were all placed one-out in cells with minimal prisoner interaction, it was stressed by the Management Committee of Katingal that the unit was not part of the Department's segregation programme. This positioned Katingal's prisoners outside the protection of s 22 of the *Prisons Act* that imposed restrictions on the length of segregation and the extent to which a segregated prisoner could be deprived of privileges.<sup>39</sup> Three programmes existed at Katingal, with a graduated level of privileges offered with each successive progression from one programme to the next. Programme Three, the pinnacle of achievement, entitled inmates to a wall drape and a parcel containing extra minties and potato chips. Nagle spurned the ‘programmes’ as being “devised on some crude Pavlovian theory that inmates would respond to incentives by conforming to the discipline of the institution”.<sup>40</sup> He noted the stark contrast between Katingal's glorified “system of graduated amenities” and Commissioner McGeechan's earlier glossy promises of programmes “geared toward diagnosis and individual prediction.”<sup>41</sup> In an attempt to add balance, Nagle suggested that one of the few positive aspects of Katingal was the seniority of its staff. However, even on this point he was forced to add that, “it is clear, despite claims to the contrary, the officers at Katingal receive no special training.”<sup>42</sup>

### *The Lessons of Katingal and the New HRMU*

<sup>35</sup> David Brown, ‘The Nagle Royal Commission 25 Years On’, *Alternative Law Journal*, Vol 29:3 June 2004, at 138.

<sup>36</sup> David Brown, ‘The Nagle Royal Commission 25 Years On’, *Alternative Law Journal*, Vol 29:3 June 2004, at 139.

<sup>37</sup> Nagle Royal Commission, at 213.

<sup>38</sup> Nagle Royal Commission, at 218.

<sup>39</sup> Nagle Royal Commission, at 226.

<sup>40</sup> Nagle Royal Commission, at 227.

<sup>41</sup> Nagle Royal Commission, at 228.

<sup>42</sup> Nagle Royal Commission, at 229.

Experience is not requisite in the selection of prison officers in the HRMU. Officer Cale Urosevic was appointed to the HRMU after only 2 years in the Department.<sup>43</sup> In addition to the mandatory 10 week training course that all prison officers must do when they join the Department, he received a “specialised” 10 day training course prior to his placement in the HRMU that “included techniques for maintaining control of the relationship between inmates and correctional officers.”<sup>44</sup> The Department’s description of training at an ICAC inquiry is significantly dissimilar from their previous proclamations to the media of specially trained prison officers who “will devise individual case management plans” for prisoners.<sup>45</sup>

Nagle could hardly have been more critical of the Department’s role in its furtive creation and management of Katingal. Unperturbed by the Royal Commission’s 38 page denunciation of the ‘human cost’ of Katingal, Ron Woodham stated that

there are a lot of lessons from the Katingal experience. Katingal had no perimeter security. Prisoners broke the unbreakable glass, they broke into it and they broke out of it.<sup>46</sup>

Woodham’s reconstruction of Katingal’s demise was left unchallenged by the media. In fact, under the heading ‘Favourable Aspects’, Nagle specifically noted that “there is no doubt that Katingal effectively isolates prisoners who are difficult to contain in the normal prison system”<sup>47</sup> – the problem was its inability to perform this function in a manner consistent with the ‘humanity’ in the ‘man’ within the ‘criminal’.<sup>48</sup> Though Nagle censured the Department for failing to consult the medical profession in the design of Katingal, Woodham bizarrely boasted that ‘security experts’ who toured Katingal to learn from its mistakes, were responsible for designing the HRMU.<sup>49</sup> The Justice Minister is similarly nondescript in how the planning and design of the HRMU differ from the mistakes of Katingal:

A number of professionals were consulted in the development of strategies for inmate services and specialised programs...

The architect’s brief for the HRMU required a safe, secure and humane environment while maintaining use of natural light and ventilation *where possible* [emphasis added].

It seems that it was not possible to incorporate natural light and ventilation into the design of the HRMU. Inmates complain of claustrophobia, freezing temperatures and stale air, no doubt

---

<sup>43</sup> ICAC, (February 2004), ‘Report on the investigation into the introduction of contraband into the High Risk Management Unit at Goulburn Correctional Centre’, at 10.

<sup>44</sup> Brian Kelly, then Commander South West, DCS, ICAC, (February 2004), ‘Report on the investigation into the introduction of contraband into the High Risk Management Unit at Goulburn Correctional Centre’, at 10.

<sup>45</sup> (14 May 2001), ‘The walls go up to keep antisocial psychopaths down in the nation’s new super max jail’, *Sydney Morning Herald*, at 4.

<sup>46</sup> Linda Doherty, (14 May 2001), ‘The walls go up to keep antisocial psychopaths down in the nation’s new super max jail’, *Sydney Morning Herald*, p4.

<sup>47</sup> Nagle Royal Commission, at 131.

<sup>48</sup> Michel Foucault, (1977), *Discipline and Punish*, Penguin, London, at 74. Foucault cites the “fundamental law” as conceived by the reformers in the eighteenth century that “punishment must have ‘humanity’ as its ‘measure’”. Evidently the problem was that no definitive meaning was ever given to this ‘measure’.

<sup>49</sup> (14 May 2001), ‘The walls go up to keep antisocial psychopaths down in the nation’s new super max jail’, *Sydney Morning Herald*. at 4.



exacerbated by the huge amount of time prisoners are kept in their cells.<sup>50</sup> There is no natural light or fresh air in the HRMU. Of course, the Corrections Health Service point out that as the HRMU is not considered to be a public building, the legislative framework governing the health standards of normal public buildings does not apply to the HRMU.<sup>51</sup> It took 7 months in supermax before Konstantinos Georgiou saw the sky for the first time. Although the Department openly regards outdoor exercise in the HRMU a privilege, it has sought to mislead over the amount of time prisoners spend in their cells.

According to Jack Walker, an Official Visitor to Goulburn who reports directly to the Justice Minister, each cell in the HRMU has a back door that opens onto a grassy exercise yard the size of half a football pitch, allowing the prisoner to be outside for 4-5 hours everyday.<sup>52</sup> For such a claim to be sustained a number of factors need to be made out. Firstly, prisoners in the HRMU are only allowed to associate with one other inmate at a time, meaning that even allowing for 2, 4 hour shifts per day of exercise, 45 prisoners would require approximately 12 such exercise yards (equivalent in size to 6 full size football fields). Aerial photographs of the unit clearly reveal that the HRMU has only one grassy area – suggesting that either most prisoners do not have access to the yard at all, or that their access is substantially less than 4-5 hours per day. This construction is consistent with accounts of the Unit's prisoners who claim that they spend up to 23 hours a day in their cell.<sup>53</sup>

The HRMU's opening ceremony was chosen by Mr Woodham to enunciate the Department's need for a supermax prison. Its genesis was never subject to parliamentary scrutiny nor were its merits debated. The following statement represents the totality of the Department's philosophy regarding the HRMU:

We had experienced some very violent incidents within our system. At the same time indicators were emerging outside of correctional centres that in the future we would have to prepare to manage a number of people who operate in well organised street groups or gangs... it was obvious that we had some highly dangerous inmates in NSW in the sense that they have committed coldly violent crimes inside and outside correctional centres. These are not impulsive hot-heads, but cool planners of violence, some of whom have no respect for law enforcement, nor respect for the judiciary, no respect for correctional centre staff and no respect for human life. This unit would have to be humane but extremely secure...<sup>54</sup>

Woodham attaches the purpose of the HRMU to the suggestion that existing prison capabilities in NSW were unfit to cope with the emergence of a new 'strain' of violent offender. The claim revives the same justification offered by the Department for Katingal, belying the notion of a novel dilemma.<sup>55</sup> Considering Woodham's obfuscation, the chilling parallels between Katingal and the HRMU are unsurprising.

Like Katingal before it, the Department maintains that the HRMU is not part of its segregation programme, placing HRMU prisoners outside the safeguards offered by the *Crimes (Administration of Sentences) Act*.<sup>56</sup> The *Act* regulates the segregated custody of prisoners, requiring inter alia that:

<sup>50</sup> Letter from Justice Action to the Minister for Justice, (9 December 2003).

<sup>51</sup> Letter from Dr Richard Matthews, CEO Corrections Health Service, to Justice Action, (2 April 2003).

<sup>52</sup> John Salway made the same assertion during proceedings in the *Georgiou* case.

<sup>53</sup> See for example, *R v Georgiou*, 70317 of 2001, Letter of Complaint signed by the Inmates of the HRMU.

<sup>54</sup> Ron Woodham quoted in Julian Faigan, (September 2001), 'Focus on Goulburn as Premier opens HRMU', (NSW Department of Corrective Services), *APCCA Newsletter No 13*, at <http://www.apcca.org/Pubs/news13/>.

<sup>55</sup> Tony Vinson, the former Chairman of the Department, noted that during the early 1980s every time a negative event occurred, such as the hostage murder of prison officer John Mewburn in Long Bay, the prison officers union would call for the re-opening of Katingal, even though "there was not the slightest logical connexion between the two matters" (at 106).

<sup>56</sup> 1999.

- prisoners are informed in writing why they are there (s 13);
- the Commissioner review the segregated custody direction every 3 weeks (s 16); and
- the Minister be notified if the total continuous period of segregated custody exceeds 6 months (s 18).

The *Act* also enables prisoners to apply to the Review Council for a review of the segregated custody order (s 19). In the lexicon of the HRMU, prisoners are afforded none of these ‘privileges’. Prisoners express their situation in despair:

We are being housed in a segregation type environment and yet we are being told that we are not in segregation but on normal discipline status... it is causing us inmates in the HRMU a lot of stress and frustrations, anger and the feeling of injustice on a daily basis over the continual depriving of quite a lot of day to day necessities which normal discipline inmates have access to.<sup>57</sup>

Adding to the torment is the uncertainty over when they will be placed back in the mainstream prison system – there are no fixed sentences in the HRMU. Even the Acting Superintendent of the HRMU conceded that, “it is impossible to accurately estimate how long [prisoners] will remain in the HRMU”.<sup>58</sup>

***“the HRMU is not going to be a dumping ground. The prisoners will be properly assessed and managed...”—John Hatzistergos, Minister for Justice***

The following questions were asked of the Justice Minister on Notice:

*Are “high risk” prisoners on remand ever placed in the HRMU?—Yes.*

*Are “high risk” prisoners suffering from mental illnesses (as defined by the Mental Health Act) ever placed in the HRMU?—Yes.*

The irreconcilability between detaining mentally ill prisoners in the HRMU and the Unit’s stated aim of “rehabilitation” is accentuated by the Minister’s official account of the HRMU rehabilitation program. He initially states that, “inmates are assessed as to their criminogenic risk and needs at entry to the HRMU, and programs are delivered based on an inmate’s identified needs.” However, only one ‘rehabilitation’ programme exists in the HRMU that *all* prisoners must complete:

A behaviourally based management regime – the Hierarchy of Sanctions and Privileges – operates in the HRMU. Those inmates who maintain consistent standards of acceptable behaviour, and for whom other risk factors are not in evidence, may be considered for return to the mainstream correctional environment.<sup>59</sup>

<sup>57</sup> Letter of complaint signed by 21 HRMU prisoners, (19 November 2003).

<sup>58</sup> Mark Phillip Wilson, affidavit...

<sup>59</sup> The Hon. John Hatzistergos, Minister for Justice, (23 November 2004), “Questions on Notice”.

The cruelty of detaining mentally ill prisoners within the confines of a supermax prison is excruciatingly demonstrated by the case of Scott Simpson, a prisoner detained on remand in the HRMU for almost 2 years. In March this year, Scott Simpson was tried for murder – the following history is taken from that case.<sup>60</sup>

On 29 March 2002, two days after telling police that he was hearing voices and pleading to be taken back to prison, Scott attempted to attack a friend with a metal baseball bat. He was arrested and charged with malicious damage and assault and transferred on remand to the MRRC.

Upon admission Scott was assessed as presenting symptoms of a serious mental illness. Despite these warnings and the previous recommendation that Scott was unsuitable to be placed two out, at 6.08pm Scott was placed in cell 37 with Andrew Parfitt, a tall slender man facing allegations of sexual offences against young males. Twelve minutes later Andrew Parfitt was lying dead in a pool of his own blood. Scott was sitting on his bed blankly staring at the opposite wall. He was calm and though covered with blood showed no signs of aggression.

During a psychiatric assessment after the death, Scott referred to the CIA, ASIO, Iraq, microwaves and electromagnetic technology. At one point during his police interview, Scott stretched back in his chair, looked up at the ceiling and emitted a prolonged “shush” sound. Two months later Scott was placed in the HRMU. In January 2003, he was assessed as, “certifiable under the *Mental Health Act* [and] requiring treatment in a psychiatric hospital”.<sup>61</sup> Despite this finding, Scott remained in the supermax for a further 14 months – in his 20 months in supermax Scott was never allowed any possessions.

The HRMU’s classification system, described by the *Herald* as a “carrot and stick approach to privileges”,<sup>62</sup> punishes non-conforming prisoners by removing their most basic provisions. The system exploits the ‘sparse’ design of the HRMU and works by very liberally expanding the scope of what constitutes a ‘privilege’. At the HRMU, associating with another inmate, talking to family, eating a hot meal, exercising in an outdoor yard or reading a book are all defined as ‘privileges’. In a cell smaller than the average bathroom, with no windows, natural light or air, where prisoners spend up to 23 hours per day, possessions and personal contact define a prisoner’s entire existence. Their greatest challenge, as articulated by those inside, is “trying to avoid the inevitable madness we are all heading to under this current regime in the HRMU.”<sup>63</sup>

Before the HRMU opened, the *Herald* forecast that upon admission, “each prisoner will undergo a two week assessment, including a psychological profile”.<sup>64</sup> The then Minister for Corrective Services assured the community that, “...the HRMU is not going to be a dumping ground. The prisoners will be properly assessed and managed”.<sup>65</sup> This claim was later qualified by the Minister ‘on Notice’:

---

<sup>60</sup> *Regina v Scott Ashley Simpson* [2004] NSWSC 233 (31 March 2004).

<sup>61</sup> Serious Offenders Review Council, (7 January 2003), ‘Psychiatric Report’.

<sup>62</sup> Linda Doherty, (2-3 June 2001), ‘High-security prison to house the very worst’, *Sydney Morning Herald*, p4.

<sup>63</sup> Inmates of the HRMU (19 November 2003), letter to whom it may concern.

<sup>64</sup> Linda Doherty, (14 May 2001), ‘The walls go up to keep antisocial psychopaths down in the nation’s new super max jail’, *Sydney Morning Herald*, p4.

<sup>65</sup> (14 May 2001), ‘The walls go up to keep antisocial psychopaths down in the nation’s new super max jail’, *Sydney Morning Herald*, p4.

Inmates are *generally* informed of why they are placed in the HRMU [emphasis added].<sup>66</sup>

After 17 months in the HRMU, Georgiou has still not been given a coherent reason of why he is there or which aspects of his behaviour need changing. How a prisoner is 'rehabilitated' when they are not even informed of what they need to reform remains unclear. Even at Katingal, new prisoners were given a document, "Information for Prisoners" which outlined "how prisoners are expected to behave in given situations, and about the facilities and privileges available".<sup>67</sup> No such information is available to HRMU prisoners – just like Winston Smith's world in *1984*, nothing is illegal in the HRMU, although offences are punishable by death.<sup>68</sup> Mark Phillip Wilson outlines the secret to success in supermax:

An inmate who displays positive behaviour, that is, complies with HRMU routine, for example, leaves his cell when directed and in an appropriate fashion, and completes any program referrals as directed, for example, educational or behavioural modification, will move through the program... assuming that there is no regression by that inmate.<sup>69</sup>

Upon arrival at the HRMU, prisoners are strip searched and given new cloths, underwear and shoes that don't fit properly. They are then put in unit 7, the segregation wing, where 're-assessment' takes place. Both Scott Simpson and Konstantinos Georgiou were isolated in a 'clean' cell for over a month while they were 're-assessed'.<sup>70</sup>

Classification begins at 0 where prisoners are held in the segregation wing; the next step is 1:1.

Zero allows a prisoner nothing except 2 phone calls a week and \$20 buy up.

1:1 allows 2 personal phone calls, a \$25 buy up, kettle, radio, access to library sometimes and access to a fridge.

1;2 allows 2 personal phone calls, a \$30 buy up, kettle, radio, access to library and computer room, fridge and microwave access, and prisoners can put down for 'association', meaning that prisoner can be in the library with one other prisoner.

1:3 allows a prisoner all of the above, with another \$5 increase in the buy up, and the possibility of getting a TV. This could take up to 6 months.

Classification consists of assessment by welfare and either a prison psychologist or psychiatrist, where the prisoner is asked to elicit very personal information. Non-compliance with these conditions means not moving up the classification ladder. Scott Simpson's case demonstrates that prisoners suffering mental illnesses are incompatible with these conditions of the HRMU's classification system. In a letter written from the HRMU dated 9 April 2003, Scott Simpson describes his situation,

---

<sup>66</sup> The Hon. John Hatzistergos, Minister for Justice, (23 November 2004), "Questions on Notice".

<sup>67</sup> Nagle Royal Commission, (condensed volume), at 129.

<sup>68</sup> In reflection, Woodham conceded to the *Herald* that, "some prisoners [will] die in the supermax", (2-3 June 2001), 'High-security prison to house the very worst', *Sydney Morning Herald*, at 6.

<sup>69</sup> Mark Phillip Wilson, (1 December 2003), Affidavit filed for the Commissioner of the Department of Corrective Services, in *R v Georgiou*, 70317 of 2001.

<sup>70</sup> "Clean", as in devoid of all property. This can be compared to Jack Walker's contention that assessment takes 3 – 4 days (interview 18 November 2004).

They took all my property. I'm in a cell with nothing. They are trying to blackmail me by saying, 'see the sych and take the medication he wants you to take and we give you a radio and TV etc'... I will talk to sychs just not jail sychs. I will not take any medication as what I am experiencing is due to the fact certain Agencies mainly ASIO are TORCHERING me and all other Inmates with "REMOTE MIND CONTROL". Everyone knows this is no secret.<sup>71</sup>

Scott's 'refusal' to cooperate meant he was left in his 2 x 3m grey cell, with no natural light or fresh air, suffering a severe mental illness, with no books, TV or radio and nothing to do. He later writes,

I would rather be dead than get this torcher every day 24/7 non stop. The very fact I'm speaking about this shows how despret I am for this TORCHER to stop. They can kill me with what I said by transmitting a compensating demodulated waveform from a remote location witch in tern effects the neurological (nervis system) and any region of the brain, thoughts and emotions with a single measurement. Better known as "REMOTE MIND CONTROL."<sup>72</sup>

In March this year, Scott Simpson was found not guilty of murder by reason of mental illness.<sup>73</sup> His acute paranoid schizophrenia precluded his compliance with the obligations of the "carrot and stick" approach. After being found not guilty he was transferred from the HRMU to Long Bay's hospital, where he hanged himself in a segregation yard on 7 June this year – he was 34 and left behind two kids aged 9 and 14. His treatment constituted part of what Linda Doherty described as the "new age attitude" of the HRMU that is "light years away from the sensory deprivation of Katingal."<sup>74</sup>

### **Conclusion:**

There is no stereotypical HRMU prisoner. There are too many exceptions to sustain the claim that the HRMU is designed exclusively for the worst prisoners in the NSW prison system. While the HRMU does detain some of the highest profile prisoners in NSW, it is clear from the decision in *Way* that even those prisoners' detention there is questionable.

Four years after Nagle released his findings and subsequent recommendations, Tony Vinson, the former Chairman of the NSW Corrective Services Commission remarked, "little has happened to detract from the basic wisdom of the Royal Commission into NSW Prisons."<sup>75</sup> Considering the absence of substance distinguishing the HRMU from Katingal's 'electronic zoo', it is disturbing to question what has happened since to allow the HRMU to be heralded as the "most modern and first Australian jail of the 21<sup>st</sup> century".<sup>76</sup> The HRMU marks a system where people who have committed injustices in the community are made to suffer further injustices in silence, removed from the public consciousness and excluded from any form of protection offered by the democratic process. HRMU policy is neither coherent nor consistent – rather, it is at the whim of an autonomous Commissioner known as Rotten Ron, and a state government headed by a man who lustfully speaks of, "cementing inmates in". The HRMU, or Harm-U as its prisoners refer to it, is unaccountable, unregulated,

<sup>71</sup> Letter from HRMU by Scott Simpson to Justice Action, dated 9 April 2003.

<sup>72</sup> Letter from HRMU by Scott Simpson to Justice Action, dated 4 May 2003. At about the same time he wrote, "It's not helping with my head at all Mum" (May 2003).

<sup>73</sup> *Regina v Scott Ashley Simpson* [2004] NSWSC 233 (31 March 2004).

<sup>74</sup> (14 May 2001), 'The walls go up to keep antisocial psychopaths down in the nation's new super max jail', *Sydney Morning Herald*, at 4.

<sup>75</sup> Tony Vinson, (1982), *Wilful Obstruction*, at 18.

<sup>76</sup> Linda Doherty, (14 May 2001), 'The walls go up to keep antisocial psychopaths down in the nation's new super max jail'. *Svdnev Mornine Herald*. at 4.

inadequately justified, opaque in its operations and brutally opposed to even the most limited conception of humanity.

## ***Bibliography***

### ***Cases***

*R v Georgiou*, 70317 of 2001, (1 December 2003).

*Regina v Stephen Andrew Gordon* [2004] NSWCCA 45.

*R v Bassam Hamzy* [2004] NSWCCA 243.

*R v Mostyn* [2004] NSWCCA 97.

*Regina v Scott Ashley Simpson* [2004] NSWSC 233 (31 March 2004).

*R v Way* [2004] NSWCCA 131

### ***Correspondence***

Serious Offenders Review Council, (7 January 2003), 'Psychiatric Report'.  
Jack Walker, (interview 18 November 2004).

Letter from Dr Richard Matthews, CEO Corrections Health Service, to Justice Action, (2 April 2003).

Letter from HRMU by Scott Simpson to Justice Action, dated 9 April 2003.

Letter from HRMU by Scott Simpson to Justice Action, dated 4 May 2003.

Letter from Scott Simpson to Terry Simpson, dated May 2003.

HRMU Prisoners, (19 November 2003), 'Letter of Complaint'.

Letter from Justice Action to the Minister for Justice, (9 December 2003).

Rachel Knowles, Media Liaison Unit Department of Corrective Services, (9 September 2004), email.

## **Media**

Linda Doherty, (14 May 2001), 'The walls go up to keep antisocial psychopaths down in the nation's new super max jail', p4.

Linda Doherty, (2-3 June 2001), 'High-security prison to house the very worst', *Sydney Morning Herald*, p4.

Stephen Gibbs, (26-27 July 2003), 'Skaf stories part of a freak show: Libs', *Sydney Morning Herald* at 7.

Stephen Gibbs, (26-27 July 2003), 'Fear, loathing and politics', *Sydney Morning Herald*, at 3.

## **Books**

Michel Foucault, (1977), *Discipline and Punish*, Penguin, London.

J.F. Nagle Royal Commissioner, (31 March 1978), *Report of the Royal Commission into NSW Prisons Volumes I, II and III*, Government Printer, NSW.

Tony Vinson, (1982), *Wilful Obstruction*, Methuen Australia, Sydney.

## **Journals**

David Brown, 'The Nagle Royal Commission 25 Years On', *Alternative Law Journal*, Vol 29:3 June 2004, at 138.

## **Legislation**

*Crimes (Administration of Sentences) Act 1999*

*Crimes (Administration of Sentences) Regulation 2001.*

## **Newspeak**

Bob Carr, (1 June 2001), 'Premier Carr Opens the New HRMU in Goulburn Gaol – the Most Secure in the Southern Hemisphere', *News Release*, <http://goonawarra.ac3.com.au/uhtbin/hyperion-image/pr20010605000>.



Julian Faigan, (September 2001), 'Focus on Goulburn as Premier opens HRMU', (NSW Department of Corrective Services), APCCA Newsletter No 13, at <http://www.apcca.org/Pubs/news13/>.

The Hon. John Hatzistergos, Minister for Justice, (23 November 2004), "Questions on Notice".

Mark Phillip Wilson, Acting Superintendent of the HRMU, (1 December 2003), 'Affidavit'.

### **Miscellaneous**

ICAC, (February 2004), 'Report on investigation into the introduction of contraband into the High Risk Management Unit at Goulburn Correctional Centre.

NSW Legislative Council Hansard, 25 June 2003, (article 18).

NSW Legislative Council Hansard 17 November 2004, (article 19),

NSW Legislative Council Hansard 27 October 2004 (article 19).