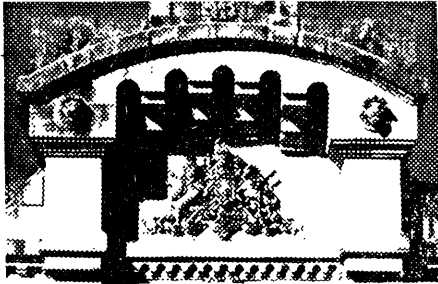


ROYAL COMMISSION INTO N.S.W. PRISONS



BATHURST JAIL

The new Premier of N.S.W. chose the first day of the present sittings of parliament to announce that there would be a Royal Commission into the N.S.W. Department of Corrective Services. Demands for such a judicial inquiry have been growing ever since the disturbance which resulted in the destruction of much

of Bathurst gaol on 3 February 1974. There had been a history of unrest prior to that date and there has been a continuing saga of disturbances at other institutions since then.

The Premier, Sir Eric Willis, did not disclose the terms of reference of the proposed Commission in his initial statement, nor did he name the Commissioners. He merely said that the inquiry would encompass the whole prison system and that the Commissioners would include a Supreme Court judge, a criminologist and a financial administrator. There will be continuing debate on how best to constitute such a Commission so that there will neither be, nor appear to be a white-washing of the Department's procedures and policies. A number of matters of importance were raised by the N.S.W. Council for Civil Liberties in a letter it sent to the Premier. The following comments are taken from the text of that letter.

TERMS OF REFERENCE

We urge that the terms of reference should be expressed as follows:

- (i) The policy and administration of the New South Wales Department of Corrective Services.
- (ii) The causes and consequences of the 'riot' at Bathurst Gaol in 1974, including the events leading up to, during and immediately after the 'riot', and the investigations of the 'riot' conducted by the New South Wales Police and the Department of Corrective Services. The causes and consequences of disturbances at Maitland, Goulburn, Parramatta and other New South Wales gaols in the past five years.
- (iii) The nature and aims of prison institutions in New South Wales, the extent to which such aims are being achieved, and the desirability of providing further alternatives to imprisonment.

The Council believes that the Commission's terms of reference should be no more specific than the above proposals, lest the Commission feel constrained to restrict its inquiry unduly. However, we wish to give a preliminary indication of some matters which we consider should fall within the ambit of the inquiry and should be investigated thoroughly by the Commission.

- (i) The parole system.
- (ii) Pre-trial custody.
- (iii) Juveniles in custody.
- (iv) Post-imprisonment problems.
- (v) Prisoners' access to, and communication with, lawyers, relatives, and other persons (including visiting rights, mail and telephone restrictions, confidentiality of communication).
- (vi) Prisoners' voting rights.
- (vii) Review of Prisons Act, and the regulations and rules made thereunder.
- (viii) The imposition of prison discipline by prison staff, governors, and visiting justices (including the right to legal representation and the observance of principles of natural justice).
- (ix) Prisoners' right to attend court proceedings, especially those in which they are parties.
- (x) Investigation of prisoners' complaints.
- (xi) Responsibility for prisoners from the A.C.T.
- (xii) Transfer of prisoners between gaols.
- (xiii) Recruitment, training and employment conditions of prison staff.

If, contrary to the view expressed above, the Commission is to be given very specific terms of reference, we believe that the above thirteen matters should be included in those terms.

COMPOSITION

The Council believes that the Commission should be chaired by a judge of Supreme Court or similar status, and that most serious consideration should be given to federal judges or judges from other States. The Council considers that other members of the Commission should be an independent criminologist and a former prisoner. In our view a former prisoner would be genuinely aware of, and sympathetic to, the problems of prisoners and their families. If not appointed as a member, such person should be a full-time assessor to the Commission, with a right to take part in all of the Commissioners' deliberations, but not to cast a vote on controverted recommendations.

PROCEDURE

Inevitably, the Commission's inquiry will be insufficiently thorough and balanced unless it provides adequate protection for prisoners, ex-prisoners and warders. Such persons will need to be satisfied that if they make submissions, or give evidence, to the Commission they will not suffer reprisals within or outside prison. Prisoners will need to have the right to transmit uncensored letters to the Commission and to attend personally to give evidence before the Commission. We urge that legal aid be provided for prisoners and warders sufficient for the services of both solicitor and counsel.

The Royal Commissioners and the terms of reference covering the Royal Commission into NSW Prisons will probably be known by the time this article is printed. It is important that any PRISONER or EX-PRISONER who has any information give that information to the Royal Commission. It may be that various means will be used to discourage or prevent prisoners from appearing or giving particular evidence.

To this end any prisoners wishing to give evidence before the Royal Commission please contact the Prisoners' Action Group and we will do our best to ensure that you give your evidence.