

# Prisons without walls: prison camps and penal change in Australia, c.1913 - c.1975

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# **PRISONS WITHOUT WALLS:**

**PRISON CAMPS AND PENAL CHANGE  
IN AUSTRALIA, C.1913–C.1975**

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**A THESIS SUBMITTED TO  
THE UNIVERSITY OF NEW SOUTH WALES  
IN FULFILLMENT OF THE REQUIREMENTS FOR  
THE DEGREE OF DOCTORATE OF PHILOSOPHY IN HISTORY  
2010**

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## ABSTRACT

This dissertation is the first account of an important episode in Australian penal history. It documents the emergence of minimum security prison camps in the early twentieth-century, and their development through to the 1970s. In the Australian historiography, penal change is a poorly delineated phenomenon. This dissertation seeks a more nuanced understanding of this process, using the camps as a case study. Based on a national survey of official publications, archival material, newspapers, and prison memoir, it charts the origins of the camps, and how the penological ideas on which they were based were translated into practice. A number of problems that emerged in the process are also examined.

The camps have been seen as evidence of a progressive, benevolent approach to criminal justice, but penal change moves in more complicated ways, and is connected to other public projects. The camps' origins lie in the politics of labour, the problems posed by penal architecture inherited from earlier generations of reformers, and in powerfully linked ideas about environmental transformation and human redemption. The penology on which the camps was based was also profoundly affected by the ways in which reformers and administrators imagine the future and past of the penal system. The narrative presented here emphasises the importance of local specificities, but also connects the camps to broader cycles of penal history, both in Australia and elsewhere.

The camps were hailed as a breakthrough in rehabilitative penology. They were certainly humane prisons, but they were ultimately more successful at rehabilitating the reputation of the prisons than they were at turning criminals into law-abiding citizens. This dissertation also suggests that the importance of escape rates has been overstated, and that the success or failure of reform hinges on custodial staff to a much greater extent than has generally been recognised. Finally, while the camps never lived up to their founders' grandest hopes, their history offers some promising suggestions for contemporary policy-makers.

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Monika Ciolek—companion, lover, editor—thank you for everything.

This dissertation is dedicated to the memory of the historian Nancy Taylor, my grandmother.

## ABBREVIATIONS

AOT	Archives Office of Tasmania
CGP	Comptroller-General of Prisons
CVRC	Corrections Victoria Resource Centre
ISB	Indeterminate Sentences Board
JOL	John Oxley Library
ML	Mitchell Library
NLA	National Library of Australia
NSW	New South Wales
OIC	Officer-in-charge
PROV	Public Records Office of Victoria
SA	South Australia
SLQ	State Library of Queensland
SLV	State Library of Victoria
SLT	State Library of Tasmania
SLWA	State Library of Western Australia
SMH	Sydney Morning Herald
SRNSW	State Records New South Wales
SROWA	State Record Office Western Australia
SRSA	State Records South Australia
WA	Western Australia

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## A NOTE ON NAMES

Many of the sources cited herein are not publicly available. The various departments of corrections/prisons granted the researcher permission to access this information on the condition that identities of the prisoners and officers referred to in these documents were suppressed. These individuals are referred to in the text by their initials.

Where the relevant sources are on the public record, I have used the real names of the individuals concerned.

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## CHAPTER ONE

# Prison Camps in Australia and the Historiography of Penal Change

On 31 October 1913, in the scrubby coastal sand dunes near Tuncurry, on the north coast of New South Wales, five men made camp for the night. At the place they stopped stood a hut in which one of them would sleep; the others pitched tents. They had come from Goulburn, via Taree, and the journey had taken two days. Their bodies would have welcomed the rest. They had lugged a great deal of equipment with them over the dunes, four kilometres from the road—tools, building materials, kitchen utensils, clothes, bedding, as well as a large quantity of food, with just one horse and cart. Sleep, however, may have taken some time to come to them, tired as they were, for they knew that the next day was the beginning of something new, and that much hinged on how they conducted themselves here.<sup>1</sup>

Different events had led each man to this point. Those in the tents were convicted criminals; the man in the hut their guard. Percy Whirls was a thief; Arthur Pratt a forger; Frederick Harris a burglar; and Thomas Griffin was an embezzler. They were all over twenty-five years old and none had any previous convictions. Their keeper was Charles McArthur. A few days earlier, the 1200 hectares of land around the campsite had been proclaimed the Prisoners Afforestation Camp, Tuncurry. They were there to build a forest.<sup>2</sup>

The tents were in time replaced by huts, built by the men themselves. Once they had finished their unwalled prison, they were to set to work on the dunes establishing the state's first pine plantation. For over two decades small groups of prisoners—never more than forty at a time—cleared and burnt the scrub, planted exotic pine seedlings, built firebreaks and kept the regrowth down. The prisoners' huts were not locked at night, and

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<sup>1</sup> *Report of the Comptroller-General of Prisons, New South Wales for the Year 1913*, Government Printer, Sydney, 1914, pp. 12-13.

<sup>2</sup> Tuncurry Afforestation Camp, Entrance Book, 1913-34, vol. 1 SRNSW 5/1092.

by day they worked in small groups or alone, often unsupervised and at considerable distances from the camp.<sup>3</sup>

These were the undramatic beginnings of an important, but little-known development in Australian penal history. The Tuncurry prison camp was the first penal institution that we would now describe as a minimum security or open institution. Based on the belief that honour, trust, outdoor labour, and limited freedom would turn criminals into law-abiding citizens, it was an expression of a new approach to the treatment of crime. Along with a prison farm established at Emu Plains, just west of Sydney, it would become the model from which this new mode of imprisonment spread across Australia.<sup>4</sup>

The first wave of construction in the Australian prison camp movement was brief, lasting only from 1913 to 1916, and confined to NSW and Victoria. A second wave of camp-building followed, as Australian economies crashed in the late 1920s and early 1930s. When prison populations rose again during this time, institutions that were cheap to run and quick to build became increasingly attractive to administrators and politicians around the country. By 1937, every state possessed at least one such institution. Altogether, some twenty-seven prison camps were established between 1913 and 1972, between them confining tens of thousands of prisoners, providing work for hundreds of officers, and affecting the lives of countless local residents.

The events at Tuncurry on 31 October 1913 were also the start of a story that sheds light on the complex, often obscured dynamics of historical penal reform. A study of the history of the camps furnishes new understandings of how and why the Australian penal systems have changed over time. This thesis is the first attempt to tell, and to interpret this story.

The spread of the prison camp movement around the country, and its subsequent development are dealt with in this chapter, as is the relevant historiography. The chapter concludes with an outline of the remainder of the thesis.

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<sup>3</sup> *Report of the Comptroller-General of Prisons, New South Wales for the Year 1913*, pp. 12-13; *Report of the Comptroller-General of Prisons, New South Wales for the Year 1914*, Government Printer, Sydney, 1915, pp. 10, 51-53.

<sup>4</sup> In NSW the forestry camps such as that at Tuncurry were originally known as Prisoners' Afforestation Camps while the farms like those like Emu Plains were referred to as Prison Farms. They were however, essentially, part of the same movement in penal reform, and for the sake of simplicity, I will refer to both types of prison as 'prison camps'.

## TUNCURRY AND EMU PLAINS: ‘A DARING INNOVATION’

In 1913, no one knew whether or not this new sort of prison would prove a success, but the initial indications were promising. Despite the degree of liberty granted the prisoners at Tuncurry, escapes were few. The prisoners worked enthusiastically, the trees grew well at first, recidivism rates were low, and the cost of running the camp compared favourably to that incurred by a conventional prison. Local residents were so impressed with the work performed by their unusual neighbours that many of them offered jobs to discharged prisoners.<sup>5</sup> Positive effects were observed not just in the prisoners at the camp, but throughout the prison population. With ‘joyful satisfaction’, the Anglican Chaplain to Goulburn Prison noted that the Tuncurry camp ‘is exerting a good influence among the men still in gaol, for it is something to look forward to, to hope for, and work for’.<sup>6</sup>

Outsiders also judged the camp a great success. H. M. Vaughan, the South Australian Attorney General, visiting NSW to study the ‘the daring innovation’ at Tuncurry, saw a system which allowed individuals ‘who have made a mistake or a slip in life to drop into surroundings and a mode of life which will tend to make them men and not flunkies’.<sup>7</sup>

At least some of prisoners were convinced of the merits of the scheme, too. The Reverend Schmitzer reported that his charges at Tuncurry were ‘unanimous’ that their experience at the camp would ‘enable them face the world after the sojourn at the Camp—stronger physically, mentally, and morally’.<sup>8</sup> A few prisoners put their gratitude directly onto paper. One wrote shortly after his discharge: ‘If it were not that I am married, I would be quite content to stay’. Another declared he wished

to tender my heartfelt gratitude and thanks for sending me to Tuncurry and my appreciation of the humane treatment I received during my eight months’ detention there ... the man who becomes a criminal after leaving there under existing conditions is, in my opinion, a bad man indeed.<sup>9</sup>

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<sup>5</sup> *Report of the Comptroller-General of Prisons, New South Wales for the Year 1915*, Government Printer, Sydney, 1916, p. 47.

<sup>6</sup> *Report of the Comptroller-General of Prisons, New South Wales, for the Year 1914*, Government Printer, Sydney, 1915, p. 34.

<sup>7</sup> ‘Tuncurry Afforestation Camp’, *Northern Champion*, 30 May 1917.

<sup>8</sup> *Report of the Comptroller-General of Prisons, New South Wales, for the Year 1916*, Government Printer, Sydney, 1917, p. 46.

<sup>9</sup> *Report of the Comptroller-General of Prisons, New South Wales, for the Year 1916*, p. 8.



FIGURE 1. Prisoners at Tuncurry Afforestation Camp, c.1929<sup>10</sup>

The camp was, according to the *Newcastle Herald*, a sign that ‘we have a system in this State which represents many of the most modern ideas connected with the reformation of the criminal’.<sup>11</sup>

A little over a year after the camp at Tuncurry opened, just as Australian soldiers were embarking ships to Europe, the NSW Justice Minister David Hall opened a similar institution on the western banks of the Nepean River at the foot of the Blue Mountains. The Emu Plains Prison Farm, as it was called, was established in December 1914 on forty-three hectares of fertile alluvial floodplain farmland. Under conditions similar to those at Tuncurry, the young offenders at Emu Plains worked on their honour under the light supervision of unarmed guards, and slept at night in small wooden huts.<sup>12</sup> Tacked to the inside of the door to each prisoner’s hut was a notice written by the CGP:

The changed conditions under which you now find yourself, will, I trust, appeal to you and to your sense of honour, and that you will realise that a special opportunity is now afforded you to improve yourself in every way, and to cut away from gaol life for good and all, and that you will show by your conduct during the remainder of your sentence that you will appreciate in the fullest

<sup>10</sup> Source: Anon., ‘The Prison Camps of New South Wales’, c.1929 ML 365.3/1A1.

<sup>11</sup> ‘Gaol Treatment. Humane Modern Methods’, *Newcastle Herald*, 18 October 1922.

<sup>12</sup> *Report of the Comptroller-General of Prisons, New South Wales for the Year 1914*, Government Printer, Sydney, 1915, p. 10.

degree the efforts made to enable you to regain your self-respect, and to fit you for a fresh start in life, along better lines than those that caused your temporary lapse. You can see, and no doubt realise, by your new surroundings what is before you in the great change effected for your welfare; and with yourself rests the effect of it upon your future.<sup>13</sup>

The judiciary was impressed with the new prison. In June 1916, as he passed sentence on a young prisoner at Quarter Sessions in Sydney, Judge Bevan spoke of his long-standing reluctance to send young men to prison. Having seen the prison farm at Emu Plains though, he thought it ‘far better that they should be there than roaming about outside … it is a curious thing that after all these years we find that harshness does no good, but clemency does an enormous amount of good’.<sup>14</sup> Over a decade later, Emu Plains made a similar impression on Judge Bevan’s colleague, Philip Whistler Street, the Chief Justice of NSW. Street told the annual meeting of the Prisoners’ Aid Association in 1927:

To see those young men in that peaceful rural atmosphere, bathed in sunshine, living in separate cubicles in the open, without any detaining walls except their word of honor … was to realize the value, not only to those young men, but to the community to which they would shortly be returned, of the prison farm treatment as a means of reform.<sup>15</sup>

By 1926 ‘the gaol look’ had been eliminated from the outfits of the Emu Plains inmates, they were being trained in physical culture, and selected inmates were permitted short furloughs in which they left the farm to attend to pressing family business, such as illnesses or funerals, on the condition that they returned.<sup>16</sup>

In 1938, Hall, the former Minister of Justice, returned as a visitor to the prison he had founded more than two decades earlier. The visitors’ book recorded his thoughts: ‘Of all

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<sup>13</sup> *Report of the Comptroller-General of Prisons, New South Wales for the Year 1917*, Government Printer, Sydney, 1918, p. 9.

<sup>14</sup> *Report of the Comptroller-General of Prisons, New South Wales, for the Year 1916*, p. 4.

<sup>15</sup> *Report of the Comptroller-General of Prisons, New South Wales for the Year 1926-27*, Government Printer, Sydney, 1927, pp. 2-3. For more positive responses to Tuncurry and Emu Plains, see: ‘Prison Work. Afforestation Scheme’, *Daily Telegraph*, 1 May 1918; J. H. M. Abbott, ‘Emu Plains’, *Town and Country Journal*, 15 January 1919; ‘Making Men. State Prison Farm’, *The Sun*, 21 July 1920.

<sup>16</sup> *Report of the Comptroller-General of Prisons, New South Wales for the Year 1925-26*, Government Printer, Sydney, 1926, p. 24.

the work I did during a long Parliamentary career, there is none which I contemplate with more satisfaction than the Emu Plains Prison Farm. It has fulfilled my best expectations.<sup>17</sup>

Only a few commentators were unconvinced of the merits of the new prisons. Shortly after the Tuncurry camp opened in 1913, a well-informed critic writing in *The Bulletin* under the pseudonym ‘Lex’ offered a rare piece of dissent from the prevailing enthusiasm when he detected ‘lurking’ in the scheme ‘the wish … to give the NSW prisoner as good a time as possible’.<sup>18</sup> Few shared Lex’s reservations, though, and the seeming success of the camp soon silenced any remaining doubters. Having inspected prisons in several Commonwealth countries, John Fitzgerald, Hall’s successor as NSW Justice Minister, said he was positive

that the system in operation at the Emu Plains and Tuncurry establishments for the treatment and reform of delinquents surpasses in its humanitarianism and reformatory results anything to be seen elsewhere in the world.<sup>19</sup>



FIGURE 2. Prisoners at Emu Plains Prison Farm, c.1929<sup>20</sup>

<sup>17</sup> See *Report of the Comptroller-General of Prisons, New South Wales for the Period 1st July, 1933, to 30th June, 1935*, Government Printer, Sydney, 1936, p. 7. Although it now caters for a very different type of prisoner, there is still a prison at the Emu Plains site, making it one of the oldest penal institutions in the country.

<sup>18</sup> ‘Lex’, ‘The Employment of Prison Labor’, *The Bulletin*, 11 December 1913. See chapter three for more on Lex’s opinions and identity.

<sup>19</sup> ‘Soldier Prisoners’, *Sydney Morning Herald*, 23 February 1920.

In the late 1920s, during William McKell's second term as Minister of Justice, the NSW prison camp system was expanded. The Brookfield Afforestation Camp, Mannus—later known as the Mannus Afforestation Camp or Mannus Prison Camp—was proclaimed in February 1927 in the NSW southern highlands, near Tumbarumba. There, on an old soldier settlement block, authorities hoped that penal afforestation would fight back an invasion of St John's Wort that had driven out the settlers.<sup>21</sup> The Brookfield Afforestation Camp, Mila, near Bombala—more commonly known as the Bombala Afforestation Camp—received its first transfer of prisoners arriving shortly after it was proclaimed in March 1927.<sup>22</sup>

McKell's successor, John R. Lee continued the expansion of the system, proclaiming two more camps: the Mount Mitchell Afforestation Camp, near Glen Innes on the northern tablelands, in June 1928, and the Oberon Afforestation Camp, in the Blue Mountains, which opened in September 1930.<sup>23</sup> In 1930 Lee also established a road-building camp at Cowan Creek to build a scenic road through the Ku-ring-gai Chase National Park. This camp was run on similar lines to the afforestation camps, but it attracted bitter opposition from labour groups and others, and was closed after only a few months.<sup>24</sup> An additional camp, the Newnes Afforestation Camp, opened in 1967.<sup>25</sup>

While the camps were taken to be self-evidently humane, their success was measured in several ways. Discipline at camp was generally much better than in the walled prisons, with very few prisoners punished for breaches of gaol regulations. Only one riot in a NSW prison camp was ever reported.<sup>26</sup> The camps were cheap to run, too. Prison administrators, conscious of the cost of keeping their charges, had long pursued the dream of an entirely self-supporting prison, and while most of the camps did not reach

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<sup>20</sup> Anon., 'The Prison Camps of NSW'.

<sup>21</sup> *Report of the Comptroller-General of Prisons, New South Wales for the Period 1<sup>st</sup> July, 1927, to 30 June 199*, Government Printer, Sydney, 1930, p. 5. For more on the afforestation project at Mannus, see chapter five.

<sup>22</sup> *Ibid*, p. 5. The camps were named in honour of Percival Stanley Brookfield, the militant trade unionist, gaolbird and Labor parliamentarian who had campaigned for the release of the imprisoned socialist activists known as 'the Sydney twelve', and who had died in 1921 trying to disarm a deranged Russian gunman. Robin Gollan and Moira Scollay, 'Brookfield, Percival Stanley', in *Australian Dictionary of Biography*, vol. 7, Melbourne University Press, Melbourne, 1979, pp. 428-29.

<sup>23</sup> *Report of the Comptroller-General of Prisons, New South Wales for the Period 1<sup>st</sup> July, 1930, to 30 June 1932*, Government Printer, Sydney, 1933, p. 8.

<sup>24</sup> *Ibid*, p. 2. For more on the Cowan Creek road-building camp, see chapter two.

<sup>25</sup> *Report of the Operation of the Department of Prisons for the Year 1967-68*, Government Printer, Sydney, 1968, p. 6.

<sup>26</sup> 'Riot in Prison Camp', *The Argus*, 30 April 1932. I have not been able to find reports of the incident in the NSW press.

this mark, they were certainly economically attractive. In 1930, at a time when the daily average number of prisoners held in the entire NSW penal system was just over 1900, the camps, when full, provided accommodation for around 300 inmates altogether, approximately the same number as Bathurst Gaol, one of the state's largest prisons.<sup>27</sup> Bathurst alone was erected at a cost of £101,655, whereas the aggregate cost of the camps in 1930 was in the order of £25,000.<sup>28</sup>

For administrators and politicians, the ultimate proof of the success of the scheme was its effect on recidivism. Of every three prisoners released from Bathurst, two, on average, could expect to return to prison at some stage. Over the course of sixteen years at Tuncurry, however, only five per cent of the 812 (specially-selected prisoners) were reconvicted in a NSW court.<sup>29</sup> When the Tuncurry camp was closed in April 1938, well over a thousand prisoners had passed through it.<sup>30</sup> 'Our prison farms point the way to salvation', journalist Jack Creagh wrote in 1938.<sup>31</sup>

## A NEW DEPARTURE IN PENAL REFORM

The success and good publicity of the camp at Tuncurry and the prison farm at Emu Plains prompted reform along similar lines in the other states.<sup>32</sup>

### *Victoria*

In July 1916 the Victorian Government approved the purchase of a farm near Castlemaine Prison and the establishment of an afforestation camp on French Island, near

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<sup>27</sup> *Report of the Comptroller-General of Prisons, New South Wales for the Year 1929-30*, Government Printer, Sydney, 1931, p. 2; Anon., 'The Prison Camps of NSW', p. 1.

<sup>28</sup> Anon., 'The Prison Camps of NSW', p. 1.

<sup>29</sup> *Ibid*, p. 4. For more on recidivism, see chapter six.

<sup>30</sup> Tuncurry Afforestation Camp, Receptions and Discharges Book, 1913-37, NSW Prisons Department, SRNSW 5/1618.

<sup>31</sup> Jack Creagh, 'Crime and Drunkenness (No.6). A Scheme For Saving Prisoners', *Grit*, 24 March 1938, p. 3.

<sup>32</sup> Although this dissertation examines the prison camp movement across Australia, the NSW experience is privileged to some extent. The NSW camp system was the first in the country, and the model for those that followed. It was also one of the largest and best documented.

Phillip Island in Westernport Bay.<sup>33</sup> The Inspector General, William Callaway had been agitating in favour of this for some time. In 1915, writing as ‘an advocate for love as a dominating impulse as against fear’ he surveyed the prison farm experiments made in NSW, and stated that ‘similar experiments might be undertaken here’.<sup>34</sup> By the end of 1916, seventeen prisoners were at the island camp, known as the McLeod Settlement, and were reported to be making good progress in erecting a permanent camp and establishing a pine plantation.<sup>35</sup>

As at Tuncurry, the early results of work at the McLeod camp were promising.<sup>36</sup> The Chief Superintendent of State Nurseries and Plantations thought the forestry work being carried out by the prisoners was ‘equal to that performed … by free labour’. Donald McLeod, the Chief Secretary—after whom the camp was named—believed it could become self-supporting in a short space of time.<sup>37</sup>



FIGURE 3. Prisoners building a jetty at Freemans Point, McLeod Settlement, c.1917<sup>38</sup>

<sup>33</sup> ‘Penal Establishments, Gaols, and Reformatory Prisons; Report and Statistical Tables for the Year 1916’, in *Votes and Proceedings of the Legislative Assembly*, 1917, vol. 2, Government Printer, Melbourne, p. 4

<sup>34</sup> ‘Penal Establishments, Gaols, and Reformatory Prisons; Report and Statistical Tables for the Year 1914’, in *Votes and Proceedings of the Legislative Assembly*, 1915, vol. 2, Government Printer, Melbourne, p. 7.

<sup>35</sup> ‘Penal Establishments, Gaols, and Reformatory Prisons; Report and Statistical Tables for the Year 1916’, p. 4.

<sup>36</sup> The Settlement was later known as the McLeod Prison Farm, and the McLeod Training Centre.

<sup>37</sup> ‘Prisoners and Trades. Proposals at French Island’, *The Argus*, 20 March 1917.

<sup>38</sup> Freemans Point, named after William Freeman (Callaway’s successor as Inspector General), was on the island’s southeastern coast. All boats to the Settlement, including those carrying prisoners to and from freedom, landed and cast off from it. Source: CVRC.

The Department of Penal Establishments was responsible for the day-to-day running of the camp, but the management of the institution was in the hands of a body called the Indeterminate Sentences Board (ISB).<sup>39</sup> The members of the board thought that the success of the place depended on making McLeod appear as little like a prison as possible: ‘The prison aspect has been left out of the settlement in every way compatible with safety’.<sup>40</sup> Sports days with visitors from the mainland were organised and on these occasions prisoners were permitted to wear their own civilian clothes.<sup>41</sup>

Visitors from interstate and overseas came to observe the experiment for themselves, and expressed themselves well satisfied with what they saw. Major Tom Beaston, the Texan Director of Prisons, visited Australia in 1922 to inquire into Australian penal methods. In his opinion, the camp was ‘one of the best experimental penitentiaries … in the world’.<sup>42</sup> The results at McLeod were all the more striking, because unlike the initial prisoners at Tuncurry who were first offenders convicted of relatively minor offences, those at McLeod were older men, who had been designated habitual criminals. Meanwhile, the Castlemaine farm held younger, first-time prisoners.

As at Tuncurry, ex-prisoners from McLeod wrote to the authorities to express their gratitude for their treatment on the island. The ‘life and the Island and the trust’ placed in one such man gave him confidence in himself, he told the ISB, ‘to face the world’. ‘It may seem strange,’ wrote another former inmate, not long after his release, ‘but I will always cherish kindly recollections of my sojourn at the Island because it brought me to myself’.<sup>43</sup> According to a third, McLeod Settlement was ‘the best place in the world for re-making men’.<sup>44</sup>

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<sup>39</sup> For more on the ISB, see chapter two.

<sup>40</sup> ‘Annual Report of the Indeterminate Sentences Board for the Year Ended 30th June, 1917’, in *Votes and Proceedings of the Legislative Assembly*, 1918, vol. 2, Government Printer, Melbourne, p. 6.

<sup>41</sup> *Ibid.*

<sup>42</sup> ‘Victorian Prison Methods. Praise from Abroad’, *The Argus*, 9 May 1922; Samuel Mauger, *Do Reformatories Reform?*, Ruskin Press, Melbourne, 1923, pp. 13-15; ‘Annual Report of the Indeterminate Sentences Board For the Year Ended 30th June, 1921’, in *Votes and Proceedings of the Legislative Assembly*, 1922, vol. 2, Government Printer, Melbourne, p. 153.

<sup>43</sup> ‘Annual Report of the Indeterminate Sentences Board For the Year Ended 30th June, 1920’, in *Votes and Proceedings of the Legislative Assembly*, 1921, vol. 1, Government Printer, Melbourne, p. 157.

<sup>44</sup> Mauger, *Do Reformatories Reform?*, p. 12. See also ‘Treatment of Criminals. Successful Reformatory Methods’, *The Argus*, 13 September 1921. The board proudly reproduced these letters in its annual reports, as proof of the wisdom of the scheme. However, the letters should be seen in context. Many were received from men still under the power of the board, who were serving a two-year probationary period, to ‘test’ their readiness for liberty. At any stage during this time, the board could take the probationer back into custody if it felt he or she had failed to meet

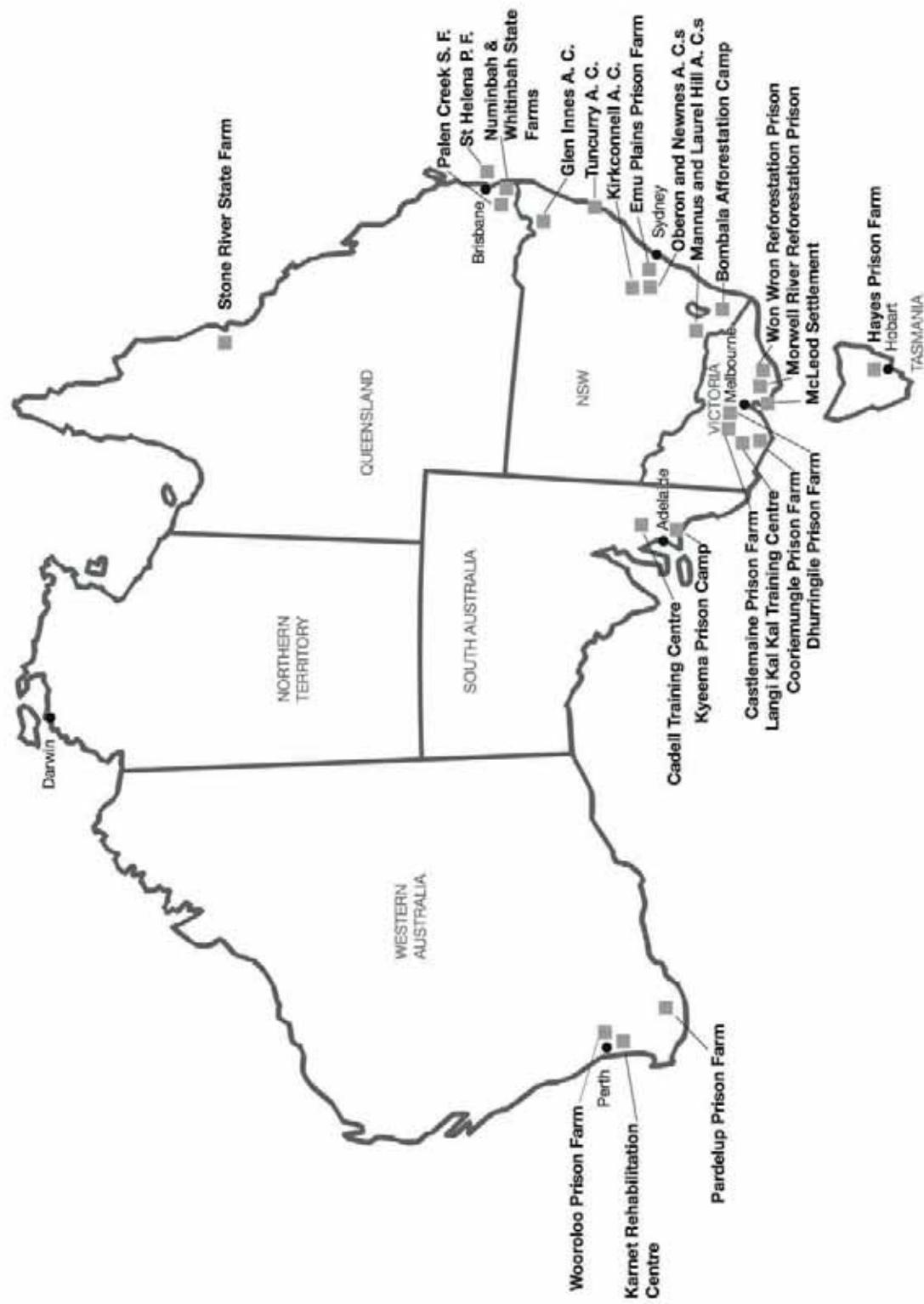


FIGURE 4. Locations of prison camps mentioned in the text.

the conditions of their probation, or were likely to do so. It was in these men's interests to tell the authorities what they wanted to hear.

Victoria's third camp, the Cooriemungle Prison Farm, was built in 1939.<sup>45</sup> Modelled on institutions in New Zealand, and located in the Heytesbury Forest at the western fringe of the Otway Ranges, Cooriemungle was effectively a deforestation camp. Prisoners cleared blocks of land of thick native forest, so that they could then be handed over to private settlers.<sup>46</sup>

In 1950, Castlemaine and its satellite farm were closed and the Langi Kal Kal Training Centre, a prison farm for young offenders, was opened at Trawalla, 140 kilometres west of Melbourne.<sup>47</sup> Later, two reforestation camps were established in the Strzelecki Ranges, southeast of Melbourne: the Morwell River Reforestation Prison and Won Wron Reforestation Prison opened in 1961 and 1963 respectively. The Dhurringile Prison Farm, north of Melbourne, was added to Victoria's penal system in 1965.<sup>48</sup>

### *Queensland*

The First World War put a temporary halt to many public projects across the country, including prison reform. In 1921, however, the prison on the island of St Helena, off the coast of southern Queensland was converted to a prison farm.<sup>49</sup> Officials at the time saw change on the island as part of the wave of reform from the south. There had been a large prison on the island since the 1860s, and as part of the conversion, the inmates were put to work dismantling the old cell-block buildings.<sup>50</sup> Writing shortly after this work began, the Comptroller-General announced that:

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<sup>45</sup> In some documents, this camp is referred to as the Corriemungle Prison Camp.

<sup>46</sup> 'Penal Establishments, Gaols, and Reformatory Prisons; Report and Statistical Tables for the Year 1938', in *Votes and Proceedings of the Legislative Assembly*, 1939, vol. 1, p. 8; 'Prisoners as Farmers', *The Herald*, 18 March 1938; 'Prison Farm Experiment', *The Argus*, 21 August 1939; 'Prison Without Locks', *The Herald*, 19 October 1940. The name was reported reportedly an amalgam of two words of the local Coagulac language: 'koorie', or people, and 'mungle', meaning wilderness. The location was part of a territory to which Coagulac people who offended against traditional law were exiled. Rod Wise, 'Cooriemungle', information sheet, c.1990, CRVC.

<sup>47</sup> Peter Lynn and George Armstrong, *From Pentonville to Pentridge: A History of Prisons in Victoria*, State Library of Victoria, Melbourne, 1996, p. 138.

<sup>48</sup> *Ibid*, pp. 148-51.

<sup>49</sup> There is an interesting story behind the island's name. In the early nineteenth century, it was briefly used as a place of confinement for an Aboriginal man who had repeatedly run foul of colonial officials. To British eyes, the man's profile bore a resemblance to Napoleon Bonaparte's, so the island became known as St Helena, after the island on which the French leader was imprisoned. Jarvis Finger, *True Tales of Old St Helena*, Booralong Publications, Brisbane, 1986, pp. 1-2.

<sup>50</sup> Finger, *True Tales*, p. 44; Yvonne Reynolds, 'Patrick Roche and H. M. Prison Farm on St Helena, 1926-31', in Murray Johnson (ed.), *Brisbane: Moreton Bay Matters*, Brisbane History Group, Brisbane, 2002, p. 65.

The whole of the new system is formed on the principle of reformation, and not with a vindictive desire to punish, which would be to the detriment of the recognised principle of humanitarian treatment. The scheme has proved itself to be a very great success. It has even reached a success far beyond my expectations.<sup>51</sup>

This prison farm did not last long: it was closed in 1933, following significant public pressure for its removal, so that the island might be re-made into a beauty spot for boaters and picnickers.<sup>52</sup> A year later however, six prisoners set out with a sole officer to establish the Palen Creek prison farm in the foothills of the Macpherson Ranges in the southeast of the state. It was, according to CGP William Gall, ‘a distinct advance in the methods of penal administration’.<sup>53</sup>



FIGURE 5. H. M. State Farm, Palen Creek, c.1950<sup>54</sup>

<sup>51</sup> ‘Prisons Department, Information Contained in the Report for Year Ended 31st December, 1922’, in *Queensland Parliamentary Papers*, 1923, vol. 1, Government Printer, Brisbane, p. 1104.

<sup>52</sup> Finger, *True Tales*, p. v.

<sup>53</sup> ‘Prisons Department, Information Contained in the Report for the Year Ended 31st December, 1933’, in *Queensland Parliamentary Papers*, 1934, vol. 1, Government Printer, Brisbane, p. 917; see also ‘Prison Farm Which Needs No Locks or Guards’, *The Herald*, 11 February 1937.

<sup>54</sup> Source: SLQ, , <http://enc.slq.qld.gov.au/qbsc/research/qbsc00071r.jpg> - accessed 1 February 2010.

On any given day in 1936, approximately twenty of the 330 or so prisoners under sentence in Queensland's prisons could be found at Palen Creek, even a number of men convicted of crimes of a sexual and/or violent nature. The inmates cultivated crops and planted pines. They also erected fences, built roads, and constructed a laundry, pump shed, power house, kitchen, tanks, wells, garage, woodwork shop, and blacksmith's shop.<sup>55</sup> The Melbourne *Herald* noted admiringly that not only did the farm save the state government 'hundreds of pounds annually', but that its amicable workings rendered it a prison in name only.<sup>56</sup> By 1938, it was no longer even called a prison; it was officially known as the State Farm, Palen Creek.<sup>57</sup>

In 1940, the Home Secretary, E. M. Hanlon announced that another two state farms would be created. The Numinbah and Whitinbah State Farms were established in the Numinbah Valley, in the Nerang district, not far from the Gold Coast.<sup>58</sup> A fourth farm followed in the north, in 1945, at Stone River, near Ingham, around 130 kilometres northwest of Townsville.<sup>59</sup> By 1954 around fifteen per cent of the state's prison population was confined on one farm or another.<sup>60</sup>

### *Western Australia*

Western Australia created its first prison camp in 1927. The Pardelup Prison Farm was established about thirty kilometres from Mount Barker on an old pastoral estate of 3000 hectares.<sup>61</sup> The first batch of inmates consisted of four men, who arrived in civilian

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<sup>55</sup> 'Prisons Department, Information Contained in the Report for the Year Ended 31st December, 1936', in *Queensland Parliamentary Papers*, 1937, vol. 2, Government Printer, Brisbane, pp. 1233-34.

<sup>56</sup> 'No Gaoler to This Prison', *The Herald*, 18 July 1936.

<sup>57</sup> 'Prisons Department, Information Contained in the Report for the Year Ended 31st December, 1937', in *Queensland Parliamentary Papers*, 1938, vol. 2, Government Printer, Brisbane, p. 1137.

<sup>58</sup> Anon., 'H. M. State Farm, Palen Creek', 10 April 1940, Special Subject Batch: Palen Creek State Farm, 1931-57, QSA, Series 9097, Item 293153. Whitinbah was named in honour of Comptroller James Whitney, an enthusiastic supporter of the prison camp movement.

<sup>59</sup> 'Annual Report of the Comptroller-General of Prisons for the Year Ended 31st December, 1944', in *Queensland Parliamentary Papers*, 1945-46, Government Printer, Brisbane, p. 1011. Whitinbah was disestablished in 1949 and Stone River was closed in 1962, but Palen Creek and Numinbah operate as prison farms to this day.

<sup>60</sup> W. Rutherford 'State Farms in Queensland, Australia', 5 January 1954, Special Subject Batch, Palen Creek State Farm, 1931-57, QSA, Series 9097, Item 293153.

<sup>61</sup> 'Annual Report of the Comptroller General of Prisons for the Year Ended 30th June, 1927', p. 4, Chief Secretary's Correspondence Files, Prisons, Annual Reports, SROWA WAS 675, Con 752.

clothes, uncuffed, and accompanied by a single warder.<sup>62</sup> As at the McLeod Settlement and the Palen Creek State Farm, prisoners at Pardelup performed both agricultural and sylvicultural work. Dubbed, ‘a school for regeneration’ by the press, the farm was hailed as a high-water mark in penal reform.<sup>63</sup> Pardelup’s political architect, Chief Secretary John Michael Drew, insisted that whereas the prisoner was once ‘regarded as an outcast without hope of reclamation’, he or she should instead be ‘treated as a human being’.<sup>64</sup> Drew later spoke of his pride on the day he signed the papers that brought the prison farm into being.<sup>65</sup>

Inmates were received at Pardelup under fixed and indeterminate sentences, and worked both the fields and the forests. They tended the property’s orchard, garden and fields. They cleared the jarrah, red gum, yate, blackbutt and paperbark that covered much of the estate, and gradually replaced it with pines.<sup>66</sup> They kept sheep and cattle, and they made jam. They played cricket and football amongst themselves and with locals, staged concerts and helped neighbouring settlers fight fires on their properties. They slept in an unlocked dormitory, and ate in each other’s company.<sup>67</sup> ‘The aim’, Drew declared, was ‘to rob the environment of any suggestion of prison life’.<sup>68</sup>

For many years Pardelup was Western Australia’s only prison farm. The Karnet Prison Farm was not established until March 1963. Situated near Serpentine, seventy-three kilometres south of Perth, Karnet catered largely for prisoners with alcohol problems.<sup>69</sup> The Wooroloo Prison Farm, a little over fifty kilometres east of Perth followed in 1972.<sup>70</sup>

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<sup>62</sup> J. M. Drew, *Prison Reform in Western Australia: The Pardelup Prison Farm*, Government Printer, Perth, 1928, n.p.; Pardelup Penal Outstation, Establishment of & General File, 1927-50, SROWA, Chief Secretary’s Correspondence Files, WAS 675, Con 752, 1927/0823.

<sup>63</sup> ‘Prison Reform’, *The West Australian*, 24 June 1927; see also ‘Prisoners and Afforestation. Western Australian Scheme’, *Australian Forestry Journal*, vol. 10, no. 8, 1927, pp. 203-04.

<sup>64</sup> J. M. Drew, *Penological Reform in Western Australia*, Government Printer, Perth, 1916, p. 5.

<sup>65</sup> ‘State Prison Farm. The Governor’s Visit’, *The West Australian*, 24 February 1928; ‘Prison Reform’, *The West Australian*, 24 June 1927.

<sup>66</sup> T. S. Parry, District Surveyor, Albany, 10 August 1927, SROWA, Chief Secretary’s Correspondence Files, Pardelup Penal Outstation, Afforestation Operations, 1927-31, Correspondence Files, WAS 675, Con 752 1927/0956.

<sup>67</sup> Drew, ‘Prison Reform. The Pardelup Farm (No.1)’, *The West Australian* 29 February 1928; Drew, *Prison Reform in Western Australia*, n.p.

<sup>68</sup> Drew, ‘Prison Reform. The Pardelup Farm (No.2)’, *The West Australian*, 3 March 1928.

<sup>69</sup> *The Road Back: Karnet Rehabilitation Training Centre; Programme of Official Opening by the Premier, the Hon. David Brand MLA, 29 March 1963*, Government Printer, Perth 1963.

<sup>70</sup> <http://www.correctiveservices.wa.gov.au/W/wooroloo/prison.aspx?uid=3501-7050-1447-1303> accessed 26 January 2010. The Karnet and Wooroloo farms operate to this day, and Pardelup recently re-opened.

## *South Australia*

South Australia's first prison camp opened on 22 March 1932, although plans had been in preparation since 1915.<sup>71</sup> The Kyeema Afforestation Camp (later the Kyeema Prison Camp), in the South Mount Lofty Ranges, was a little over sixty kilometres from Adelaide, on 435 hectares of stringybark forest country, which was to be cleared and planted with pines.<sup>72</sup> The name of the camp was reported to be a Kaurna word, meaning 'dawn'.<sup>73</sup>

The advance party of eight prisoners and two guards slept in tents as they prepared the camp for those who would come after. Although it was hoped at first that as many as forty prisoners would be held at Kyeema, it remained a small camp, with usually only around thirteen inmates at any one time.<sup>74</sup> The weather made early conditions difficult, but by September the camp was hailed as 'the most humane' development in the history of the South Australian penal system.<sup>75</sup> The substance of this advanced penology was, more or less, setting men to work at hewing wood and drawing water. The prisoners cut a road through the rain-soaked forest to the camp. They sank wells, grew their own vegetables, carted water from the creek when the wells failed, showered from buckets, cut firewood, planted trees, put up fences and built bridges.<sup>76</sup> Like inmates at other camps, they were called by name, not number, paid at a higher rate for their labours than other prisoners and when their work was done they were allowed to 'yarn, read or play dominoes'.<sup>77</sup>

Visitors to Kyeema were impressed with what they saw. In the camp's visitors' book, J. A. Whibley of Willunga called it 'an enlightenment'. F. J. Barnes saw the financial sense in the scheme, calling it 'a wonderfully wise investment'. Others saw overtones of Christian love. According to D. Dickson of Meadows, the camp represented 'The Gospel

<sup>71</sup> *Report on Gaols and Prisons for the Year 1915*, Government Printer, Adelaide 1916, p. 9.

<sup>72</sup> *Report on Gaols and Prisons for the Year 1932*, Government Printer, Adelaide, 1933, p. 6; Jonathan R. Telfer, *Duty of Care: A Brief History of Correctional Practices in South Australia*, South Australian Institute of Justice Studies Inc, Adelaide, 2003, p. 182.

<sup>73</sup> 'Where Prison Is Almost Picnic', *The Advertiser*, 21 May 1932.

<sup>74</sup> *Report on Gaols and Prisons for the Year 1932*, Government Printer, Adelaide, 1933, p. 6; 'Where Trees Take the Place of Prison Walls', *The Herald*, 10 February 1934.

<sup>75</sup> 'Kyeema Praised', *The Advertiser*, 6 September 1932. See also 'Prison Camps May Be Extended', *The Advertiser*, 24 May 1933.

<sup>76</sup> Annual Report, Kyeema Prison Camp, for the Year 1932, SRSA, Kyeema Prison Camp, Annual Reports, 1932-44, GRS/2930/1/P.

<sup>77</sup> 'Prisoners Who Do Not Want to Escape', *The Advertiser*, 16 February 1933; CGP to OIC, Kyeema Prison Camp, 15 May 1934, SRSA, Letter Books, Comptroller of Gaols and Prisons, 1929-35 GRS/2751/3; 'Where Prison Is Almost Picnic'.

of the second chance', while for G. R. Pritchard it was simply 'A God send'. Some comments were less gushing, such as J. B. Daly's: 'Good. But I hope I never come here'.<sup>78</sup>

### *Tasmania*

Tasmania was the last state to establish a prison camp. The Kilderry Gaol Farm (later known as Hayes Prison Farm), was established in 1937, and was located on an old 560-hectare farm property in the Derwent Valley.<sup>79</sup> When the farm's political sponsor, the Attorney General E. G. Ogilvie, visited the farm in August 1937, he told the prisoners there:

This is your farm ... you are the custodians of a system designed to make better men and give you your self respect and the goodwill of the people of Tasmania back again. Remember it is your home and it is up to you to protect its good name. You are your brothers' keeper.<sup>80</sup>

Within a year the press declared that 'the modern system of prison reform has proved a success' and that the farm was 'a lesson in what is possible in regard to the rehabilitation of men's characters under a modern prison system'.<sup>81</sup>

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<sup>78</sup> Kyeema Prison Camp, Official Visitors' Book, 1932-53, SRSA, GRG54/179, 28 October 1932, 10 April 1933, 24 June 1933, 25 March 1934, 19 March 1939. The camp at Kyeema closed in 1959, replaced by the Cadell Training Centre, a prison farm on the Murray River, 180 kilometres northeast of Adelaide, which is still a working prison; see *Report on Gaols and Prisons for the year ending 30<sup>th</sup> June, 1960*, Government Printer, Adelaide, 1960, p. 2; *Cadell Training Centre*, Government Printer, Adelaide, 1962.

<sup>79</sup> 'Annual Report of the Controller of Prisons for Year Ended 30<sup>th</sup> June 1937,' in *Journals and Printed Papers of Parliament*, 1937, vol. CXVII, no. 44, Government Printer, Hobart, p. 2.

<sup>80</sup> E. G. Ogilvie, 'Kilderry Farm Gaol', 1937, Gaols File (19/1937), Attorney General's Correspondence, 1937-71, AOT AGD1/145.

<sup>81</sup> 'Prison Honour Farm. Hayes Experiment Proves Value of Reform', *The Mercury*, 9 November 1937; 'Prison Reform. Great Strides Made at Hayes Honour Farm', *The Mercury*, 9 June 1938. See also 'Annual Report of the Controller of Prisons for Year 1937-38,' in *Journals and Printed Papers of Parliament*, 1938, vol. CXIX, no. 24, Government Printer, Hobart, p. 2. Although a second prison farm was considered for the state's north in the 1970s, Hayes remains Tasmania's only prison farm.

## ‘FARMS ARE BETTER THAN JAILS’<sup>82</sup>: THE END OF THE PRISON?

The prison camps emerged during the mid-1910s, an important moment in Australian penal history. At no time, before or since, have we been closer to the possibility that the prison, as it has been traditionally understood, might be done away with. In 1918, the NSW prison population had sunk to its lowest level since 1873.<sup>83</sup> When William McKell visited Emu Plains in July of 1920, he announced that no first offender would see the inside of a walled prison.<sup>84</sup> By this time, Darlinghurst Gaol had been closed for eight years, and Parramatta Gaol for two years.<sup>85</sup> In Victoria in 1921, the ISB noted a nascent trend in penal policy in several countries toward ‘the abandonment of the orthodox gaol, with its gloomy walls and atmosphere, and a good deal of success is attending the endeavours to reclaim even hardened criminals, under conditions more healthy and natural’.<sup>86</sup> At more or less the same time, the suggestion was floated by a subcommittee of the Victorian State Cabinet that conditions like those at French Island might ‘be extended to include all of the men committed from the Victorian courts for extended periods’.<sup>87</sup>

When John R. Lee took up office as NSW Minister for Justice in 1927, he noticed a ‘world-wide move involving new principles in the punishment of crime’. Prison camps, in particular, were more and more widely used. Noting the development of the Borstal system in the United Kingdom for young offenders, and the successful use of camp systems in the United States and New Zealand, Lee felt the NSW camp system ‘was bound to extend because of the inherent humanity and justice at the back of it’. The prison population was on the rise again by this stage, and the financial savings the camps promised were attractive. Lee claimed a new gaol for two hundred men would cost in the order of £50,000 while new camps to hold three times as many would cost only £400.

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<sup>82</sup> Jack Creagh, ‘Crime and Drunkenness (No. 5)’, *Grit*, 17 March 1938.

<sup>83</sup> *Report of the Comptroller-General of Prisons, New South Wales for the Year 1918*, Government Printer, Sydney, 1919, p. 2.

<sup>84</sup> ‘Making Men. State Prison Farm’, *The Sun*, 21 July 1920. Similar remarks were made by Queensland officials; see: ‘Prisons Department, Information Contained in the Report for the Year Ended 31st December, 1928’, in *Queensland Parliamentary Papers*, 1929, vol. 1, Government Printer, Brisbane, p. 1247.

<sup>85</sup> However, Parramatta was re-opened in 1923, as the prison population again rose.

<sup>86</sup> ‘Annual Report of the Indeterminate Sentences Board For the Year Ended 30th June, 1921’, p. 158. See also ‘Penal Establishments, Gaols, and Reformatory Prisons; Report and Statistical Tables for the Year 1916’, p. 2.

<sup>87</sup> ‘Report on Prison Reform’, *The Argus*, 7 March 1922; see also ‘Scope of Prison Reform’, *The Argus*, 30 May 1923, and ‘The Curing of the Criminal’, *The Age*, 31 October 1925.

‘Gaols of the ... old type, breed desperate men’, he wrote, explaining ‘why I won’t build any new gaols’.<sup>88</sup>

During a visit to Geelong Gaol in 1933, Joseph Akeroyd, the Victorian Inspector-General, assured a group of prison officials and reporters that ‘the present gaol system would be gradually replaced by prison camps’.<sup>89</sup> In 1937 the NSW Justice Minister, Lewis Martin told a Rotary meeting in Newcastle: ‘One thing is certain. We will build no more prisons. The camp has definitely established itself as the proper method both for reformation and for cheapness’.<sup>90</sup> The ideal mode of imprisonment, it seems, was imprisonment in name only.

For politicians and bureaucrats, the letters received from former camp inmates could only have strengthened such sentiments. In the late 1920s and early 1930s, Patrick Roche, the Superintendent of H. M. Prison Farm, St Helena received a number of such letters. One of his correspondents thought it was ‘a matter of time before there will be less of the criminal element’, thanks to the prison camp movement. Another of Roche’s former inmates expressed his relief and gratitude at doing his time at St Helena, rather than in the gaol at Boggo Road, in Brisbane. ‘One only has to visit the prison at Brisbane and see on the faces of the men the expression of dogged and sullen hatred,’ he wrote.<sup>91</sup> According to a third, there was at St Helena:

a system of life where a man is made to feel he is still a man... Had I to finish my time at the Road my outlook on life could have been prejudiced to such an extent that I would not have been able to write as I am doing now.<sup>92</sup>

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<sup>88</sup> John R. Lee, ‘Why I Won’t Build Any New Gaols. NSW Prison Camps Are Officially Explained’, *Sunday Guardian*, 1 June 1930. Some visitors to the camps were so impressed by what they saw they began to think along similar lines. See, for instance, Kyeema Prison Camp, Official Visitors’ Book, 1932-53, 21 February 1933.

<sup>89</sup> ‘Prison Camps to Replace Gaols’, *The Herald*, 1 March 1933. See also: ‘Open-Air Work for Prisoners’, *The Argus*, 2 December 1933; ‘Penal Establishments, Gaols, and Reformatory Prisons; Report and Statistical Tables for the year 1934’, in *Votes and Proceedings of the Legislative Assembly*, 1935, vol. 1, Government Printer, Melbourne, p. 1132; ‘Annual Report of the Indeterminate Sentences Board for the Year Ended 30th June, 1935’, SLV, p. 5. See also ‘Prison Farms to Be Extended’, *SMH*, 8 June 1935.

<sup>90</sup> ‘We Shall Build No More Gaols’, *The Advertiser*, 16 July 1937. See also ‘No New Gaols’, *SMH*, 14 July 1937. CGP William Hinchy was more circumspect than his Minister; see *Report of the Comptroller-General of Prisons, New South Wales for the Period 1st July, 1933, to 30th June, 1935*, Government Printer, Sydney, 1936, p. 8.

<sup>91</sup> Reynolds, ‘Patrick Roche’, pp. 68-69.

<sup>92</sup> Ibid. These men were not on probation, as the letter-writers from the McLeod Settlement were; there was no reason for them express such sentiments if they did not want to.

Shrinking prison populations were taken as another sign of the value of the camps. As the NSW prison population dipped yet again after the Great Depression, one penal official was reported attributing much of the great decline to prison camp treatment, on which, he said ‘we are pinning our faith’. The reconviction rate at the Tuncurry camp was around five per cent, according to this official. ‘Something happens to them after this sort of treatment,’ he said. ‘They see things a bit differently and disappear from our lives’.<sup>93</sup> With the conventional prisons at Long Bay and Parramatta racked by hunger strikes and assaults on warders, the way of the future, Martin suggested, lay in the conversion of old gaols to prison camps.<sup>94</sup> Bathurst, Goulburn and Maitland Gaols were, he said, not half full and two of them could be closed. Such a shift would serve the interests of economy as well as humanity. The cost of maintaining a prisoner for a year at the gaol at Broken Hill was £336, while the cost of keeping the same prison at Emu Plains was a mere £82. ‘What the prisoners grow they are allowed to eat, the costs are kept down, and the final results are better than anything elsewhere,’ the Minister said.<sup>95</sup> Shortly before he died, the former CGP Samuel McCauley, the originator of many of the camps in NSW, told a journalist: ‘I feel the farm system can be applied to all classes of offenders’.<sup>96</sup>

Time showed that these prophecies were pitched too high. Even at its peak, the NSW camp system held only about twelve per cent of the state’s prisoners, and much of the momentum of the prison reform movement evaporated as soon as the Second World War broke out.<sup>97</sup> Into the 1950s however, there remained a sense that the camps were more than merely modifications of the conditions of imprisonment—they were institutions of a different order. This was best exemplified in Queensland, where for very many years, prison farms were officially known as ‘State Farms’, long before the Prisons Department changed its own name. CGP, William Rutherford wrote in 1955, ‘the word PRISON [is] omitted in an endeavour to remove the name of prison from the minds of the prisoners there’.<sup>98</sup> Rutherford described Queensland’s prison camps as ‘our best contribution to penology’.<sup>99</sup>

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<sup>93</sup> ‘Prison Camp System’, *The Advertiser*, 18 May 1937.

<sup>94</sup> ‘We Shall Build No More Gaols’, *The Advertiser*, 16 July 1937..

<sup>95</sup> ‘No More Prisons. Camps More Effective’, *SMH*, 24 August 1937. See also ‘Prison Camps. System to Be Extended’, *SMH*, 25 January 1939.

<sup>96</sup> Quoted in Jack Creagh, ‘Crime and Drunkenness (No. 4)’, *Grit*, 10 March 1938, p. 3. See also ‘Octimater’, ‘New Hope for the Wayward’, *Australian Woman’s Mirror*, 23 February 1943.

<sup>97</sup> *Report of the Comptroller-General of Prisons, New South Wales for the Period 1st July, 1933, to 30th June, 1935*, pp. 7-8.

<sup>98</sup> W. Rutherford, 10 May 1955, Special Batches, Head Office Correspondence, 1935-63, QSA, Series 9097, Item 293136. It is generally assumed that prisons departments only became sensitive to terminology in this way during the 1970s, when they began to describe themselves as departments of ‘corrective services’. But the creeping retreat from the traditional language of the

## PRISON CAMPS AFTER THE SECOND WORLD WAR

The engine of prison reform had idled during the Second World War, and once peace returned, the original hopes for the camps seemed out of step with the times, and prisoners and officials became increasingly dissatisfied with them. By the 1950s, the reform impulse associated with the movement had been well and truly checked (except to a temporary extent in Queensland).<sup>100</sup> The buildings, farms and forests remained, and indeed a third wave of construction took place in the 1950s and 1960s, but penological theory was changing, as were both the prison population, and society as a whole.

Across Australia—and much of the world—prison populations rose sharply in the late 1950s. A number of states were unprepared and accommodation became perilously stretched.<sup>101</sup> Unrest became increasingly common behind the walls, and reformers became interested in new schemes or large-scale extensions of old ideas, particularly non-custodial options such as probation and parole. Generally, those prisoners selected for the camps had been the better-behaved, less troublesome types. With this type of offender now increasingly avoiding prison altogether, prison administrators were forced to send a more difficult class of prisoner to the camps, which became release valves for the overflowing prison populations.<sup>102</sup> Meanwhile, the privileges available to inmates at camps were no longer novel, and prisoners took them more or less for granted.<sup>103</sup>

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prison began decades earlier. On another occasion, Rutherford wrote: ‘great care is taken to avoid the use of the word Prison for psychological reasons’. W. Rutherford ‘State Farms in Queensland, Australia’, 5 January 1954, Special Subject Batch: Palen Creek State Farm, 1931-57, QSA, Series 9097, Item: 293153. For a similar semantic shift, see: ‘Annual Report of the Controller of Prisons for Year Ended 30th June, 1948’ in *Journals and Printed Papers of Parliament*, 1949, vol. CXLI, Government Printer, Hobart, p. 3.

<sup>99</sup> Rutherford to Shade, 30 May 1956, Special Batches, Head Office Correspondence, 1935-63, QSA, Series 9097, Item 293136.

<sup>100</sup> A few optimists continued to advocate the replacement of the prison by the camp, but they were few in number, and generally unheeded. This sentiment lingered longest in Queensland. See: ‘Report of the Comptroller-General of Prisons for the Year Ended 30th June, 1950’, JOL, p. 4; Barry, John Vincent, ‘What Are the Answers?’ in *The Conflict of Security and Rehabilitation: A Seminar on the Punishment of Crime*, NSW University of Technology, Sydney 1958, p. 94; ‘New Type of “Open” Prison’, *The Advertiser*, 1 June 1960.

<sup>101</sup> *Report of the Comptroller-General of Prisons, New South Wales, 1956 and 1957*, Government Printer, Sydney, 1958, p. 4.

<sup>102</sup> *Report of the Royal Commission into New South Wales Prisons*, vol. 9, Government Printer, Sydney, 1978, p. 148; E. Shade, 7 December 1966, Corriemungle Prison Camp: Record of Visits by the Inspector-General, 1957-1976, PROV VPRS 4983.

<sup>103</sup> See, for example ‘Jim Mc’, ‘Viewpoint’, *Neptune News*, July 1965, pp. 4-5, NLA; J. E. Thomas and Alex Stewart, *Imprisonment in Western Australia: Evolution, Theory and Practice*, University of Western Australia Press, Perth, 1978, p. 112.

According to former NSW Comptroller, John Morony, the new camps of the 1950s and 1960s were only built because of ‘the unavailability of large scale funds for prisons of greater security’.<sup>104</sup> Other prisons, such as that at Grafton in NSW, were set aside with increased security for the worst-behaved or ‘intractable’ prisoners. Thus, the post-war period saw the emergence of a spectrum of differentiated penal institutions, giving administrators a finely graded set of carrots and sticks with which to manage and manipulate inmate behaviour. When, for instance, in 1975, P. C., a prisoner at the McLeod Prison Farm displayed continued insolence to staff, the Governor J. D., told his superiors: ‘in my opinion [P. C.] is in need of a prolonged dose of ‘H’ Division, and unless he changes his attitude he is a certainty for it’.<sup>105</sup> Conversely, transfer to camp could be used as an inducement to good behaviour in the prison.<sup>106</sup> At the Cadell Training Centre, which opened in 1960, the carrot and the stick occupied the same site. Inmates at the minimum security prison farm laboured in the shadow of the walls of the maximum security prison immediately adjacent.<sup>107</sup>

A promotional film produced by the NSW Department of Prisons in 1956 outlined the range of institutions in NSW, focussing on the maximum security prison for intractable inmates at Grafton, the prison for first offenders at Goulburn, the Berrima Training Centre, and the Emu Plains Prison Farm:

The release preparations of Emu Plains, the impersonal unbending security of Grafton, the habit changing discipline of Goulburn, the communal training of Berrima; all these have their place in the design. All these have their place in the scheme to train prisoners for citizenship.<sup>108</sup>

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<sup>104</sup> John Morony, *The More Things Change: A History of Corrections in New South Wales*, J. Morony, Sydney, 1988, p. iv.

<sup>105</sup> Governor J. D. to Director of Prisons, 23 January 1975, McLeod Prison Farm, Governor’s Inward and Outward Correspondence, 1973-75, PROV, VPRS 11974. ‘H’ Division was a dreaded maximum security unit at Pentridge Prison. See also Leslie Newcombe, *Inside Out: The True Story of the Simmonds-Newcombe Gaol Escape*, Angus and Robertson, Sydney, 1979, p. 143; and Tony Reeves, *Mr Big: The True Story of Lennie Mcpherson and His Life of Crime*, Allen and Unwin, Sydney, 2005, p. 20.

<sup>106</sup> According to John Pratt, the New Zealand prison camps ended up serving similar purposes. Pratt, *Punishment in a Perfect Society*, Victoria University Press, Wellington, 1992, p. 157.

<sup>107</sup> *Cadell Training Centre*, n. p.

<sup>108</sup> ‘Men Without Faces’, NSW Department of Prisons, 1956, State Library of NSW. In 1953, a prisoner at the Mannus Afforestation Camp said the place was like ‘a holiday camp’, with conditions that vacationers would pay for. ‘The only things you can’t get here are blondes, bombs and beer’. But, he added: ‘That’s so long as we fall in line. If we don’t, well there are other places’. See: ‘Prison Without Bars’, *Sunday Herald*, 26 July 1953.

Bob Johnson, a journalist for *The Sun Herald* wondered ‘why there should be a place like’ Grafton Prison ‘in a civilised community’. The Prisons Department claimed ‘it makes possible the wide range of other gaols, training centres and prison camps’.<sup>109</sup> CGP Leslie Nott set aside Grafton for the state’s intractable prisoners in 1943 for this very reason. The dreaded ‘end-of-the-line’ prison ‘provided the underpinning for the relaxed discipline of the expanded prison camps’.<sup>110</sup>

In the end, the prison camps became little more than penal transit lounges, for prisoners en route to freedom from conventional prisons. One NSW prison officer described them as ‘decompression chambers’.<sup>111</sup> In these ways, the camp systems became integral adjuncts to the types of prisons it was once hoped they might replace. Instead of replacing the conventional prison, the camps ended up ensuring that the grim, high-walled keeps never went away.

## THE HISTORIOGRAPHY OF PENAL CHANGE

Several questions arise from this account of the history of the Australian prison camps. How are we to make sense of this narrative? What causes can be identified to explain these developments? As an exercise in prison reform, why did the camps emerge when they did, and why did they take their particular forms? What principles were the camps based on, and how did they work in practice? Given the extraordinary optimism on which they were based, how should we explain the problems the camps faced after the Second World War?

Next to nothing has been written about the history of the camps to date. Indeed, the history of imprisonment in Australia in general is a lightly worked field, and for the most part, the relevant works are of little assistance in answering these questions. Prison camps

<sup>109</sup> Bob Johnson, ‘Inside the Dreaded Grafton Gaol. Men in Cages’, *Sun Herald*, 20 January 1963. See also: ‘The Prison of Fear’, *Sunday Herald*, 9 August 1953; ‘Hope Moderates Fear at Grafton Gaol’, *SMH*, 10 September 1960. For a prisoner’s perspective on Grafton, see Darcy Dugan, ‘Brutality and Sadism at Grafton Jail’, *Sunday Telegraph*, 24 September 1967.

<sup>110</sup> Morony, *The More Things Change*, p. 527. See also: Morony, ‘The Issues Raised’, in *The Conflict of Security and Rehabilitation: A Seminar on the Punishment of Crime*, New South Wales University of Technology, 9-11 July, 1958, p. 13. Mark Finnane *Punishment in Australian Society*, Oxford University Press, Melbourne, 1997, pp. 141-43.

<sup>111</sup> See Larry Writer, *The Australian Book of True Crime*, Murdoch Books, Sydney, 2008, p. 262. See also ‘The total industry concept for a maximum security prison’, Copies of Papers Presented to the Seminar for Ministers of the Crown Concerned with Prison Administration, Sydney, 1969, SRNSW 5/3716.1.

have formed part of other countries' penal systems, and although the international literature offers many useful insights into the process of penal change, it provides no model for understanding the place of prison camps within this process.

The general lack of interest on the part of historians in the history of imprisonment in Australia is difficult to account for. The Australian colonies were founded as penal experiments, and the Australian historiography is awash with studies of convicts—their experiences, the reasons for their transportation, the brutality they suffered or did not suffer, and so on.<sup>112</sup> Curiously though, we remain remarkably ignorant of the history of domestic punishment in Australia after the end of the transportation period. It is not clear whether this is because historians regard the history of punishment to have effectively ended with the development of the penitentiary; or because 'common criminals' are seen to lack the romance or drama now associated with convicts; or because prison records are significantly more difficult to access than convict sources.<sup>113</sup> Reaching the sources is a real difficulty—even Royal Commissioners have found locating contemporary prison records a challenge.<sup>114</sup> Even after the records are located and permission to use them obtained, there are difficulties to be confronted. The partial, euphemistic, often self-serving nature of the sources makes penal institutions 'notoriously difficult subjects' for historians.<sup>115</sup> Yet, these difficulties have not deterred scholars working in penal history in other countries, or Australian historians working in other sensitive areas, such as the history of child welfare or Aboriginal history. Whatever the case, this neglect has left us with largely unrefined understandings of how and why our penal systems have evolved in the period since transportation ceased.

There is a small body of work on Australian penal history, but most of the texts are official accounts, written by current or retired departmental staff, or by commissioned

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<sup>112</sup> The following are merely a few of the better known titles; John Hirst, *Convict Society and its enemies*, Allen and Unwin, Sydney, 1983; L. L. Robson, *The Convict Settlers of Australia: an enquiry into the origin and character of the convicts transported to New South Wales and Van Diemen's Land 1787-1852*, Melbourne University Press, Melbourne, 1965; A. G. L. Shaw, *Convicts and the Colonies: a study of penal transportation from Great Britain and Ireland to Australia and other parts of the British Empire*, Faber, London, 1966.

<sup>113</sup> Mark Finnane, 'After the Convicts: Towards a History of Imprisonment in Australia' *Australia and New Zealand Journal of Criminology*, vol. 24, 1991, p. 105.

<sup>114</sup> *Report of the Royal Commission into New South Wales Prisons*, vol. 9, Government Printer, Sydney, 1978, p. 1651.

<sup>115</sup> John McGuire, 'Punishment and Colonial Society: A History of Penal Change in Queensland, 1859-1930s', PhD Thesis, University of Queensland, 2002, p. 149. For a succinct summary of the drawbacks of the sources for penal history, see Séan McConville, *English Local Prisons, 1860-90: Next Only to Death*, Routledge, London & New York, 1995, pp. 3-4.

authors, and they have their limitations.<sup>116</sup> According to Peter Lynn and George Armstrong, the authors of the official history of the Victorian prison system, their intents in writing the book were to ‘examine the development of the penal system and assess the men who wielded enormous power in administering it’.<sup>117</sup> This is not surprising, when it is remembered that Armstrong was once the governor of Victoria’s main prison, and Lynn was the Director of the Department of Prisons. Their narrative recounts the emergence of the practices and architecture best suited to dealing with the problem of criminal behaviour, following a line from the unenlightened past to the humanitarian present. Milestones along the road to ‘the development of a more humane system with improved facilities,’ are noted with satisfaction. but little attempt is made to understand the causes and effects of reform.<sup>118</sup> The experience of prisoners is at most a sidelight. Prison camps, of which Victoria has had several are barely mentioned, and of their origins and operations we learn almost nothing.

Of all the Australian penal systems, that of NSW is the most thoroughly chronicled. The official history of this system is John Ramsland’s *With Just But Relentless Discipline*. Ramsland is the Honorary Historian of the NSW Correctives Services Department, and the voice that he captures is, as in Lynn and Armstrong’s work, that of the administrators. Ramsland presents the only treatment of the history of prison camps in any state in Australia, but he relies almost exclusively on details from the Prisons Department’s annual reports. As a result, the establishment and operation of the camps is simply slotted into the smooth, progressive trajectory of enlightened reform: the camps were ‘well conceived experiments that continue to be used today’.<sup>119</sup> Discussed under the rubric, the ‘age of modernity’ (1913–1996), he says they were ‘stunningly successful, both in terms of productivity and the moral and physical health of prisoners’.<sup>120</sup> Ramsland makes no attempt to explain why and how the prison camps emerged at the time they did, beyond

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<sup>116</sup> Only the penal systems of NSW, Victoria and South Australia are surveyed in such works; the prisons systems of Queensland, Western Australia, and the Territories lack even officially sanctioned chronicles, although they are documented to an extent in the histories of individual prisons (also, for the most part, written by commissioned authors); see below for more on these.

<sup>117</sup> Peter Lynn and George Armstrong, *From Pentonville to Pentridge: A History of Prisons in Victoria*, State Library of Victoria, Melbourne, 1996, p. xvii. Emma Russell’s *Fairlea: the History of a Women’s Prison in Australia, 1955-96* CORE—the Public Correctional Enterprise, Melbourne, 1998 is a brief, commissioned history. Although light on historical analysis, it does a much better job at representing inmate thought and experience than Lynn and Armstrong’s work.

<sup>118</sup> Lynn and Armstrong, p. xvii.

<sup>119</sup> Ramsland, *With Just But Relentless Discipline*, p. 212, 229.

<sup>120</sup> Ibid, p. 229.

noting that it was a time of ‘great social experimentation’ generally, and that they were economically attractive and self-evidently sensible.<sup>121</sup>

John Morony’s self-published *The More Things Change* is an interesting contrast to Ramsland’s book. Morony served for many years as the leading prison official in NSW and he presented a deeper, more sympathetic understanding of penal history and prisoner experience, as well as a brief, but useful discussion of the NSW camp system. As his title suggests, Morony saw the history of punishment as cyclical rather than progressive. ‘Again and again one is faced with the fact that most, if not all penological innovations have already been tried, discarded and tried again’, he wrote.<sup>122</sup> Nevertheless, he offered no sustained analysis of penal change, and he buried his insights under a great mass of unsynthesised detail.

Jonathan Telfer’s *Duty of Care: A Brief History of Correctional Practices in South Australia* is a particularly awkward patchwork of facts. Like Morony, Telfer worked for many years within the penal system he wrote of, and he clearly cared deeply about it. ‘The history of imprisonment’, Telfer tells us, ‘is a history of change, augmented by threads of continuity’.<sup>123</sup> Unfortunately, these fine distinctions are quickly lost in the telling, under a blanket of confused detail from other secondary sources.

Similarly, Sean O’Toole’s *The History of Australian Corrections*, relies on little original research. It is also marred by anachronism, teleology and plain error. At the time of writing the book, O’Toole was the director of Learning and Development for the NSW Department of Community Services, and many passages in the book read as if lifted from contemporary mission statements. He writes, for instance, of ‘the challenges offered by difficult clients’ that come into the ‘care’ of departments of corrections. ‘At the close of the 20<sup>th</sup> century’, he adds

Australia’s correctional systems had changed profoundly to deliver a system of justice that meets the expectations of modern society... Corrections is now a human services business, not the punishment business that it once was.

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<sup>121</sup> Ibid, p. 209.

<sup>122</sup> Morony, *The More Things Change*, p. 10.

<sup>123</sup> Telfer, *Duty of Care*, p. 3.

The book is the only ‘authorised’ history to venture beyond the confines of a single state, and deserves to be commended for this reason. Not much more can be said in the book’s favour, as both historians and criminologists have noted. Based entirely on other secondary sources or official sources meant for public consumption, it is ‘history served up simply, untrammelled by troubling questions of interpretation, or the unsettling evidence of the archives’.<sup>124</sup>

Aside from the official histories, there is a branch of prison history, that is properly understood as a specialisation of architectural history. The most prominent practitioners of this work in Australia are Joan and James Kerr. Their book, *Out of Sight, Out of Mind*, is one of the few works in the field with a national scope, and it seeks to bridge the divide between convict history and prison history.<sup>125</sup> However, despite its claim to cover the period 1788–1988, the book leaps inexplicably from 1908 to 1963, and the Kerrs clearly did not regard prison camps as part of the history of penal architecture. Yet, as we shall see, neither the emergence of the prison camps, nor the history of Australian penal architecture generally, can be understood in isolation from each other.

There is a small, uneven collection of texts, mainly theses and articles, which can not be classified as either official or architectural histories. Some of these are fine pieces of scholarship. Many, however, recapitulate the difficulties of the official histories. A. R. G. Griffiths’ ‘A History of South Australian Prisons’, for instance, is unequivocally a narrative of the successful development of South Australia’s prison system—‘the triumph of optimism’. South Australia’s prison camps were, in Griffiths’ brief account, beacons of this progressive transformation.<sup>126</sup>

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<sup>124</sup> Mark Finnane, Review of *The History of Australian Corrections*, by Sean O’Toole, UNSW Press, Sydney, 2006, *History Australia*, vol. 4, no. 2, 2007, pp. 56.1-56.2; see also David Biles, Review of *The History of Australian Corrections*, by Sean O’Toole, UNSW Press, Sydney, 2006, *Australia and New Zealand Journal of Criminology*, vol. 40, no. 2, 2007, pp. 240-41.

<sup>125</sup> James Semple Kerr and Joan Kerr, *Out of Sight, out of Mind: Australia’s Places of Confinement*, S. H. Ervin Gallery, Sydney, 1988. See also James Semple Kerr, *Design for Convicts: An Account of Design for Convict Establishments in the Australian Colonies During the Transportation Era*, Library of Australian History, Sydney, 1984; and John Macarthur, ‘Inside and Outside the Separate System’, *Architecture Australia*, vol. 73, no. 4, 1984. It is puzzling that national and comparative analysis is so thin on the ground. As P. N. Grabosky observed, the Australian colonies/states offer ‘a natural laboratory for historical research. Six different criminal justice systems, all derived from the British model, each evolving ... over a period in excess of a century and a half, invite comparative analysis’. See Grabosky ‘On the History of Punishment in Australia in New Zealand’, *Australia and New Zealand Journal of Criminology*, vol. 24, 1991, p. 142.

<sup>126</sup> A. R. G. Griffiths, ‘A History of South Australian Prisons’, Master of Arts Thesis, University of Adelaide, 1964, pp. v, 165-66.

Paul Alliston's and Diane Payne's honours theses on the NSW prison system, both written in 1968, offer much the same picture of reform as Griffiths did: a grim past, steadily ameliorated by wise administrators. They also briefly cite the prison camps as proof of this process.<sup>127</sup> Merrilyn Lee Sernack Cruise's PhD thesis on the former NSW CGP Frederick Neitenstein offers a more sophisticated analysis, and Sernack Cruise is one of the very few historians who have refused to take at face value the claims made for the camps by their originators and supporters. Nevertheless, here too, reform is boiled down to the wisdom and energy of an individual—to 'leadership and style'.<sup>128</sup>

Various aspects of the penal histories of each state are explored in an assortment of scholarly articles. These are for the most part written in isolation, often by writers with little ongoing interest in the broader pictures of penal history, but they do offer useful insights into the process of penal change. Christopher Mead for instance, in his 1991 article on the NSW prison system from 1866-1914, shows how the motifs of humane, modern reform and the barbaric past are constantly reiterated in penal discourse, driving change for change's sake. An institution once regarded as 'the model of humane reform' such as Darlinghurst or Berrima prison, could in only a few decades become considered 'a shocking example of barbarity and inhumanity'.<sup>129</sup> A 'penal teleology', in which reform begins with the latest and most advanced 'blueprint' from overseas invariably renders pre-existing practices obsolete and 'desperately inadequate'. Thus 'one prison's failure meant another prison must succeed. The prison offered the possibility of change, but only ever the possibility'.<sup>130</sup> Mead's analysis informs chapter two of this thesis.

Other writers have assessed the causes as well as the cyclical nature of reform. Stephen Garton, for instance, has written a number of perceptive articles touching on the penal

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<sup>127</sup> Alliston, Paul Antony, 'Prison Reform in NSW, 1896-1914: From Retribution to Reformation; Changes in Official Attitudes', Honours Thesis, University of NSW, 1968, p. 67; Diane Payne, 'Prisons and Society: Changing Ideas of the Role of the Prison in NSW', Honours Thesis, University of NSW, 1968, p. 67. Alliston and Payne both misunderstood the penological principles the camps were based on; for more on this see chapter two. Other theses of interest to the historian include: Peter Brett, 'The Penal System of Western Australia: A Critical Study', Master of Laws Thesis, University of Western Australia, 1953; J. Saunders, 'Development of the Prison System in Western Australia', Graylands Teachers' College Thesis, Perth, 1960, State Library of Western Australia; Joy M. Ellis, 'Western Australian Prisons and Prisoners, from 1890 to 1964', Graylands Teachers' College Thesis, 1964, State Library of Western Australia.

<sup>128</sup> Merrilyn Lee Sernack Cruise, 'Penal Reform in New South Wales: Frederick Neitenstein, 1896-1909', PhD Thesis, University of Sydney, 1980, pp. 193, 589-90.

<sup>129</sup> Mead, Christopher, 'Tough but Fair: Some Practices of Imprisonment in NSW, 1866-1914', *Journal of the Royal Australian Historical Society*, vol. 77, no. 3, 1991, p. 64. See also A. W. Powell, 'The Trial Bay Project: An Aspect of Social Reform in New South Wales', *Journal of the Royal Australian Historical Society*, vol. 61, no. 3, 1975.

<sup>130</sup> Ibid, pp. 73-74.

history of NSW in the decades around the turn of the twentieth century, focussing particularly on the ways this history intersects with the histories of madness and eugenics in Australia. Reform, Garton shows, is driven not necessarily by leaders or figures with clear agendas, but by contradictory movements. There were many conflicting approaches to crime and punishment in the early twentieth century, he writes ‘yet some of the differing ideas coalesced into common reform strategies’.<sup>131</sup>

John McGuire’s 2002 PhD thesis on the processes of penal change in Queensland from 1859 to the 1930s puts flesh on the bones of Garton’s observation. On the basis of his meticulous survey of the primary evidence—a rarity in the Australian historiography—McGuire concluded that ‘penal trajectories were determined by more than just the will to reform’.<sup>132</sup> My thesis is squarely based on this insight—that reform proceeds in response to a range of conflicting pressures, some of which have little to do with penal policy.

More than any other scholar, Mark Finnane has sought to address the silence regarding the history of punishment in Australia. He is also one of the few in the field to link the histories of the prison and the convict period, and to critique teleological interpretations of prison history.<sup>133</sup> He makes only passing references to prison farms in his work on the subject, but he points the way towards plausible accounts of penal change. He asks:

under what influences has imprisonment changed? The macro-historical answer to this question must be traced over centuries... But we can also examine a more local process, in which changes in institutions and practices take place at an observable level—and in which resistance to change and the limits of change become visible.<sup>134</sup>

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<sup>131</sup> Garton, Stephen, ‘Crime, Prisons, and Psychiatry: Reconsidering Problem Populations in Australia, 1890-1930’, in Peter Becker and Richard F. Wetzel (eds.), *Criminals and Their Scientists*, Cambridge University Press, Cambridge, 2006, p. 57. Other works in the field by Garton include: ‘Bad or Mad? Developments in Incarceration in NSW 1880-1920’, in Sydney Labour History Group (ed.), *What Rough Beast? The State and Social Order in Australian History*, George Allen and Unwin, Sydney, 1982; ‘Neitenstein, Frederick William (1850-1921)’, in *Australian Dictionary of Biography*, vol. 10, Melbourne University Press, Melbourne, 1986; ‘Frederick William Neitenstein: Juvenile Reformatory and Prison Reform in New South Wales’, *Journal of the Royal Australian Historical Society*, vol. 75, no. 1, 1989.

<sup>132</sup> McGuire, ‘Punishment and Colonial Society’, p. 30.

<sup>133</sup> See, for instance: Mark Finnane, ‘After the Convicts’, pp. 105-117 and *Punishment in Australian Society*, pp. 82-83.

<sup>134</sup> *Punishment in Australian Society*, p. 140.

The history that emerges from such an approach is, Finnane adds, a history ‘whose lines do not travel in one direction, especially in the direction of progress’.<sup>135</sup> This injunction to observe the relationship between macro-historical processes and local specificities in analysing penal change has heavily informed the present study.

Other writers, not necessarily historians, have investigated very particular aspects of the history of imprisonment in Australia. Criminologists and legal academics have carried out some useful work.<sup>136</sup> J. E. Thomas and Alex Stewart supply a valuable section on the history of Western Australia’s penal system in their 1978 work, which includes a short discussion of Pardelup Prison Farm, the first prison farm in that state.<sup>137</sup> The historical sociologist, Jacqueline Z. Wilson has written movingly on escapes, graffiti in prisons, the fate of individual prisoners and the ways in which sites of decommissioned prisons have been transformed and remembered.<sup>138</sup> The histories of a number of individual prisons have been written, too. These contain many important snippets of information, but little in the way of interpretation of penal change. Some of these accounts are commissioned by departments of prisons/corrections, and others read like exercises in local civic pride—the writers are clearly trying to put a historic landmark in their town ‘on the map’, and the stories are therefore full of dogged perseverance and achievement, coloured with local detail.<sup>139</sup>

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<sup>135</sup> Ibid, p. 147.

<sup>136</sup> See, for instance Arie Frieberg and Stuart Ross, *Sentencing Reform and Penal Change: The Victorian Experience*, Federation Press, Sydney, 1999; David Grant, ‘Twenty Years of Prison History’, in David Biles (ed.), *Current International Trends in Corrections*, Federation Press, Sydney, 1988; ‘Appendix H: Imprisonment in New South Wales’, *Report of the Royal Commission into New South Wales Prisons*, vol. 3, Government Printer, Sydney, 1978; Philip Blake, ‘A Short History of NSW Prisons’, in *Corrective Services in New South Wales*, in Michael Dowding, John Griffin and Bill Cullen eds., Law Book Company, Sydney, 1988; Fiori Rinaldi, *Australian Prisons*, F. & M. Publishers, Canberra, 1977.

<sup>137</sup> Thomas and Stewart, *Imprisonment in Western Australia*, pp. 108-110. Other examples of a brief flowering of interest in Australian prisons at this time include: George Zdenkowski and David Brown, *The Prison Struggle: Changing Australia’s Penal System*, Penguin Books, Ringwood, 1982, and Tony Vinson, *Wilful Obstruction: The Frustration of Prison Reform*, Methuen, Sydney, 1982.

<sup>138</sup> Jacqueline Z. Wilson, ‘Racist and Political Extremist Graffiti in Australian Prisons, 1970s to 1990s’, *The Howard Journal of Criminal Justice*, vol. 47, no. 1, 2008; ‘In Prisons’, in Peter Beilharz and Robert Manne, eds., *Reflected Light: La Trobe Essays*, Black Inc, Melbourne, 2006; ‘Representing Pentridge: The Loss of Narrative Diversity in the Populist Interpretation of a Former Total Institution’, *Australian Historical Studies*, vol. 36, 2005; ‘Relics of a Desperate Act: Escape and Containment in J Ward’, *History Australia*, vol. 1, no. 1, 2003. For more on the issue of prison graffiti see Daniel Palmer, ‘In the Anonymity of a Murmur: Graffiti and the Construction of the Past at the Fremantle Prison’, *Studies in Western Australian History: Historical Traces*, vol. 17, 1997, pp. 104-15.

<sup>139</sup> Examples of the first type include: John Ramsland, *Most Healthily Situated? Maitland Gaol, 1840-1998*, Verand Press, Sydney 2001; Caroline Evans, *A ‘Pink Palace’? Risdon Prison, 1960-2004*, Department of Justice, Hobart, 2004; and Russell’s *Fairlea*. Examples of the second include: Mary Thompson, *Old Castlemaine Gaol*, M. Thompson, Chewton, 1995; Richard

Taken as a whole, the penal history of Australia, written by historians and others, is a disjointed body of work, or as McGuire, put it ‘a fractured assortment’ lacking a long view and bound to the limits of individual states.<sup>140</sup> Many important topics await their historian.<sup>141</sup> No particular ‘schools of thought’ can be identified, but as far as the issue of reform goes it may be said that if there is a pattern of interpretation, it is—despite the efforts of Garton, McGuire and Finnane—that penal reform has been a teleological, progressive process: a series of gradual, almost inevitable milestones on a road leading from an unforgiving past to a more humanitarian present. However, as we shall see, this interpretation cannot account for the emergence or the development of the Australian prison camps.

### *The international literature*

Although other countries have had their prison camp systems, the international literature offers no models to test in the Australian context. Just as Australian historians have been more attracted to transported convicts than to home-grown criminals, historians everywhere, it seems, are more interested in grim-walled penitentiaries than prison camps. As we shall see, however, works on the histories of other countries’ penal systems are invaluable for understanding particular elements of the history of the Australian camps.<sup>142</sup>

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Broome’s very useful, *Coburg: Between Two Creeks*, Coburg Historical Society, Melbourne, 2001, chapters five and ten; Mickey Dewar, *Inside-Out: A Social History of Fannie Bay Gaol*, Northern Territory University Press, Darwin, 1999; and Deborah Beck, *Hope in Hell: A History of Darlinghurst Gaol and the National Art School*, Allen and Unwin, Sydney, 2005.

<sup>140</sup> McGuire, ‘Punishment and Colonial Society’, p. 30.

<sup>141</sup> The most glaring gap in the literature is the history of women’s imprisonment. Russell’s *Fairlea* is a start, but much more work needs to be done on this topic; see Adrian Howe, *Punish and Critique: Towards a Feminist Analysis of Penality*, Routledge, London and New York, 1994, p. 156. Although minimum security institutions for women were established in the second half of the twentieth century, the prison camps considered in this dissertation were for male prisoners only. This is therefore a gendered history; it concerns men almost exclusively. This reflects the starkly gendered nature of historical prison reform: women’s prisons have rarely attracted the interest of reformers.

<sup>142</sup> The penal histories of Britain, the United States, New Zealand, Canada, Ireland, France and South Africa have been especially useful in this regard.

As in Australia, the dominant international narrative for many years emphasised ‘conscience as the motor of institutional change’, as Michael Ignatieff put it.<sup>143</sup> In the 1960s and 1970s however, historians started ‘to question the heretofore accepted explanation of the rise of the prison, an explanation stating that the prison, in comparison with the gallows and the whipping post, represented a burgeoning spirit of benevolence and humanitarianism.’<sup>144</sup>

Fruitful answers came from these questions. ‘The frozen landscape of the criminal justice system,’ Adam J. Hirsch writes, ‘when glimpsed in the light of history, melts quickly; conceptual continents drift, oceans of doctrine ebb and flow’.<sup>145</sup> Gradually pictures emerged of penal history ‘littered with unfulfilled promises, abandoned hopes, and discarded institutions’.<sup>146</sup> The thaw began with the work of three scholars in particular: David J. Rothman, Michel Foucault and Michael Ignatieff.<sup>147</sup> The details of the revisionist and counter-revisionist historiography they set in train are only of tangential relevance, and have been more than adequately covered elsewhere.<sup>148</sup> For present purposes, what is of interest in this historiography is a cluster of insights into the process of penal change.

As many historians have pointed out, there is a peculiar contradiction in the way the prison is commonly considered. The prison appears timeless. It is so firmly grounded in the administrative landscape of modern society it is easy to assume it has held this position for a great length of time. Yet, the prison is a modern invention. Imprisonment as

<sup>143</sup> Michael Ignatieff, ‘State, Society and Total Institutions: A Critique of Recent Social Histories of Punishment’, in Stanley Cohen and Andrew Scull (eds.), *Social Control and the State: Historical and Comparative Essays*, Basil Blackwell, London, 1985, p. 75.

<sup>144</sup> Norval Morris and David J. Rothman, ‘Introduction’, in Norval Morris and David J. Rothman (eds.), *The Oxford History of the Prison: The Practice of Punishment in Western Society*, Oxford University Press, New York and Oxford, 1995, pp. vii, xi.

<sup>145</sup> Adam J. Hirsch, *The Rise of the Penitentiary: Prisons and Punishment in Early America*, Yale University Press, New Haven, 1992, p. xi.

<sup>146</sup> Séan McConville, ‘The Victorian Prison: England, 1865-1965’, in Norval Morris and David J. Rothman (eds.), *The Oxford History of the Prison: The Practice of Punishment in Western Society*, Oxford University Press, New York and Oxford, 1995, p. 117.

<sup>147</sup> David J. Rothman, *The Discovery of the Asylum: Social Order and Disorder in the New Republic*, Little, Brown and Co., Boston, 1971; Michel Foucault, *Discipline and Punish: The Birth of the Prison*, Allen Lane, London, 1977; Michael Ignatieff, *A Just Measure of Pain: The Penitentiary in the Industrial Revolution*, Columbia University Press, New York, 1978.

<sup>148</sup> Ignatieff, ‘State, Society and Total Institutions’; Michael Meranze, *Laboratories of Virtue: Punishment, Revolution, and Authority in Philadelphia, 1760-1835*, University of North Carolina Press, Chapel Hill, 1996, ch. 1. Joseph A. G. Berkovits, “‘Us Poor Devils’: Prison Life and Culture in Ontario: 1874-1914”, PhD Thesis, University of Toronto, 2000, pp. 28-33. See also Pieter Spierenburg, *The Prison Experience: Disciplinary Institutions and Their Inmates in Early Modern Europe*, Rutgers University Press, New Brunswick and London, 1991, pp. 1-5, and McGuire, ‘Punishment and Colonial Society’, pp. 3-17.

a primary punishment—rather than simply a way of holding an individual accused of breaking a law until such time as his or her guilt or innocence has been determined—dates back little more than two hundred years.

It is easy to make the mistake that there was something inevitable about the evolution of the prison over the course of those two centuries. As Séan McConville observes, ‘the passage of time confers its own legitimacy. Chronology, even in this bloodiest of all centuries, is only too easily seen as progress’.<sup>149</sup> It does not follow that the prison must be a beneficent invention simply because it has replaced practices now regarded as barbaric, such as hanging and flogging. As Rothman noted, in characterising the emergence of prisons and asylums as ‘reforms,’ as many historians have done, we accept the arguments of their creators at face value. There was nothing inescapable about the emergence and evolution of the prison, and the dismal careers of these institutions should make the historian ‘suspicious of any simple link’ between these institutions and the idea of progress.<sup>150</sup>

While it is important to remove any assumption of inevitability from the history of penal change, it is equally important avoid localising change in the hands of only a few individuals. Patricia O’Brien, the author of a cogent history of French prisons, offers a salutary reminder of this danger. The ‘often unavoidable result’ of this approach is, she argued, ‘to centre on the good will and philanthropic impulses of the men and women who devised new and just punishments’.<sup>151</sup> This tends to obscure the historical relationships of prisons to society, and also marginalises the voices and experiences of prisoners and others involved in the penal system. O’Brien also insists that the reformers have their place. To overlook their contributions and to focus exclusively on the broader social forces driving penal change would be, she suggests ‘an error perhaps as great... Instead of rejecting the role of reformers in the process of punishment, we must define their place in it.’<sup>152</sup>

Other questions arise, once we suspend our belief in the idea of progress, and define the role of reformers: what purposes does the prison serve, and how and why does it change? A number of historians have seen ideologies of social control at the heart of the answers

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<sup>149</sup> McConville, ‘The Victorian Prison’, p. 130.

<sup>150</sup> Rothman, *The Discovery of the Asylum*, p. xiv.

<sup>151</sup> Patricia O’Brien, *The Promise of Punishment: Prisons in Nineteenth Century France*, Princeton University Press, Princeton, 1992, p. 29.

<sup>152</sup> Ibid.

to these questions. The prison presents itself as a response to crime, but it may also perform other, unacknowledged functions. Several Marxist accounts emphasise the role of the prison in managing surpluses in the labour market and instilling inmates with the mode of time discipline required by a capitalist economy.<sup>153</sup> This was largely the argument of two pioneering but under-recognised scholars, Rusche and Kirchheimer. The relationship they claimed between prisons and economics was perhaps a little crude, but the principle from which they derived this relationship was quite sophisticated. Punishment cannot be understood as a simple response to deviance. It is a much more complex, and in some ways, independent phenomenon:

The bond, transparent or not, that is supposed to exist between crime and punishment prevents any insight into the independent significance of the history of penal systems. It must be broken. Punishment is neither a simple consequence of crime, nor the reverse side of crime, nor a mere means which is determined by the end to be achieved. Punishment must be understood as a social phenomenon... We do not deny that punishment has its specific ends, but we do deny that it can be understood from its ends alone.<sup>154</sup>

Foucault developed Rusche and Kirchheimer's analysis in his landmark work, *Discipline and Punish*, agreeing that 'we must ... rid ourselves of the illusion that penality is above all (if not exclusively) a means of reducing crime'.<sup>155</sup> Prisons were developed by the state as one of a number of institutions that changed the nature of governmental power, he argued. Whereas the state once exercised power through exemplary spectacles against individual subjects, following the rise of the modern prison, individuals themselves became the state's agents through their own self-discipline. The aim was 'not to punish less, but to punish better; to punish with an attenuated severity perhaps, but in order to punish with more universality and necessity; to insert the power to punish more deeply into the social body'.<sup>156</sup>

While his work has been enormously influential, there are a number limitations to Foucault's analysis. Perhaps the greatest is his assumption that disciplinary practice accorded more or less exactly with disciplinary discourse. This assumption effectively

<sup>153</sup> Zdenkowski and Brown, *The Prison Struggle*, pp. 3-5.

<sup>154</sup> Georg Rusche and Otto Kirchheimer, *Punishment and Social Structure*, Russell & Russell, New York, 1968 (orig. publ. 1939), p. 5. See also McGuire, 'Punishment and Colonial Society', p. 3.

<sup>155</sup> Foucault, *Discipline and Punish*, p. 24.

<sup>156</sup> Foucault, *Discipline and Punish*, pp. 81-82.

removes the prison from history. Rothman offered one of the most cogent critiques of Foucault's thesis, arguing that Foucault had simply substituted one form of inevitability for another. Foucault's prison, he suggested,

assumes an inevitability in capitalist societies that makes reform at best foolhardy, at worst deceptive. But this approach is entirely static and thus misleading ... prisons ... do have a history that Foucault's mode of analysis cannot illuminate... The more one understands the alterations within the system, the more one explores motives, designs, and alliances, the less an air of inevitability hangs over the practice of punishment and the less compelling arguments of economic determinism become... In Foucault's world, the fit between a capitalist society and the prison is tight, as though rationality dominated throughout. In fact, the fit was much looser ... and this gap is important ... for getting the story straight ... change is possible and may be significant without being total. There is much more room for manoeuvre than a Foucault could ever imagine or allow.<sup>157</sup>

The so-called 'bond' between crime and punishment can be complex without serving totalitarian purposes. The counter-revisionist critiques that followed Foucault's book, including one written by Michael Ignatieff himself, adapted the ideas in the revisionist literature to suggest more complicated models of penal practice and change, showing that 'modernity is the site of a recurring battle between rationalizing intention and institutions, interests and communities which resist, often with persistent success'.<sup>158</sup> Accordingly:

Instead of looking for some hidden function which prisons actually succeed in discharging, we ought to work free of such functionalist assumptions altogether and begin to think of society in much more dynamic and historical terms, as being ordered by institutions like the prisons which fail their constituencies and which limp along because no alternative can be found or because conflict over alternatives is too great to be mediated into compromise.<sup>159</sup>

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<sup>157</sup> Rothman, *Conscience and Convenience: The Asylum and Its Alternatives in Progressive America*, Little, Brown and Co, Boston, 1980, pp. 10-11. See also Morris and Rothman, 'Introduction', p. viii

<sup>158</sup> Ignatieff, 'State, Society and Total Institutions', p. 96. See also Alison Bashford and Carolyn Strange, 'Isolation and Exclusion in the Modern World', in Bashford and Strange (eds.), *Isolation: Places and Practices of Exclusion*, Routledge, London, 2003, p. 9.

<sup>159</sup> Ibid, p. 83.

I have found Rothman's, Pratt's and Ignatieff's later remarks very useful in understanding the history of the Australian prison camps; Foucault's less so. It is not that ideologies do not shape penal institutions—they most certainly do, but it is a partial shaping. Competing ideologies and interests, pragmatism, and the sheer inertia of bureaucracy also play significant roles. In the absence of an elevated role for individual reformers, or for the abstraction of progress, the 'challenge of historical analysis'<sup>160</sup> forces us to construct explanations in which both the causes and the directions of change are many, and often contradictory. These explanations must, moreover, look well beyond the prison itself. As David Garland argues, 'penal institutions are functionally, historically, and ideologically conditioned by numerous other social relations and agencies, which are, in turn, supported and conditioned by the operation of penal institutions.'<sup>161</sup>

If we abandon humanitarianism as an all-dominant principle, this does not mean that we must shy to the opposite extreme, and attribute all change to the modern state's powerful appetite for control over its citizens. Both these forces are entangled in penal reform, and have created complicated, compromised institutions that are not easily understood. As John Pratt argues:

Penal systems would seem to be the product of incremental growth and refurbishment. Punishment ideologies may be mutually exclusive but, as far as their strategic impact is concerned, they are likely to be welded on to an already existing structure ... a compromise then has to be mediated with what remains.<sup>162</sup>

Such are the gleanings from the historiography that have informed my approach to penal history generally. Although they do not provide a model for the investigation of the Australian prison camps, they do offer a way of looking at the subject, and, perhaps most useful of all, a guide to the questions that need to be answered. Rothman framed them thus:

How does each generation arrive at its reform program? What elements come together to earn a proposed innovation the title of reform. Who makes up the

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<sup>160</sup> Rothman, 'Perfecting the Prison: The United States, 1789-1865', in Norval Morris and David J. Rothman (eds.), *The Oxford History of the Prison: The Practice of Punishment in Western Society*, Oxford University Press, New York and Oxford, 1995, p. 115.

<sup>161</sup> David Garland, *Punishment and Welfare: A history of penal strategies*, Gower Publishing, Hants, 1985, p. viii.

<sup>162</sup> Pratt, *Punishment in a Perfect Society*, p. 244.

cadre of reformers? Perhaps even more important, where do they find their constituents? How do their programs win enactment? And then a second order of questions emerges: what difference do the programs make? How consistently are they translated into practice? Put more forcefully, why is it that reforms so often turn out to be in need of reform?<sup>163</sup>

The next chapter begins the task answering Rothman's questions—of explicating the camps as an exercise in penal change. Prisons have a past and they have a future, but they also have an imagined future and an imagined past. These imaginings have had significant impacts on penal reform in the early twentieth century in general, and on the camps in particular.

The material legacy of the past also has to be considered. Chapter three teases out some of the ways in which the camps were a response to problems with the penal architecture created by earlier generations of reformers.

Penal history is related to labour history, and the origins of the camp movement had much to do with the politics and culture of prison labour, as chapter four shows.

Penal history is also related to environmental history, and there is a powerful link between the penology on which the camps were based and ways of thinking about landscape and redemption. Prisons are in and of places, after all. They have environmental presences: no landscape remains the same when a prison is built upon it. Obviously, this is particularly true when the prison happens to be attached to a farm or a plantation, and in fact these changes are linked. As an exercise of prison reform, the camps cannot be understood without analysing the relationship between reform and the environment; chapter five offers such an analysis.<sup>164</sup>

The camps not only provide ways to articulate the dynamics of penal reform, they also form a case study through which to reconsider the ways that changes in penal systems can be evaluated. Reform has, for the most part, been measured in simple, quantitative measures, such as reconviction rates, financial expense, and rates of escape. But there are other ways to think about success or failure in penal systems. Chapter six is a qualitative investigation of the theory and practice of rehabilitation from a historical perspective, and

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<sup>163</sup> Rothman, *Conscience and Convenience*, pp. 4-5.

<sup>164</sup> Chapters six and seven also touch on these issues.

it offers insights into the value and meaning of reform that statistical analyses of recidivism, useful as they are, never can. Likewise, detailed biographies of particular prisoners—such as that offered in chapter seven—can illuminate the effects of imprisonment on the life-course of the ex-prisoner. This is a point of view that prisoner files, with all their reports from superintendents, parole officers and psychologists, cannot offer.

Escapes are always an acute concern for penal administrators, and occur particularly frequently in those with lowered security. They are uniformly seen by the public and the media as system failures or scandals, but escapes too can be reconsidered, as chapter eight shows. Indeed, the history of escapes from prison farms suggests that a certain rate of escape may even be essential in a successful prison system.

The missing figure in most penal reform discourse is the guard. Historians have, for the most part, de-humanised and de-historicised prison officers. However, the effects of reform on prison guards are of vital importance, and vice versa. Chapter nine shows that prison camps provide a useful lens through which to observe the connections between prison reform and prison work. The camps also show that guards, often maligned as obstacles to reform and stereotyped as sadists, have in fact acted as vectors for change.

This thesis concludes with a brief reflection on penal history and contemporary correctional policy, based on the history of the camps.

## CHAPTER TWO

### Imagining the Future and Negotiating the Past: Prison Camps, Progressive Penology and the Convict Taint

At first glance the spread and development of the prison camps appears to be part of a familiar narrative of institutional and social improvement. Conditions at camp seemed a distinct advance on those in conventional prisons. Prisoners were known by name not by number. Their food was generally better than they had known before. They earned more remission. The work was healthier, the air fresher, the light better. They were less likely to be abused or assaulted by other prisoners or guards. They were permitted privileges such as fishing and swimming. They were allowed visits from local musical, sporting and religious groups. They wore modified uniforms and, at some camps, could dress in civilian clothes. All these measures fitted easily into a discourse of reason, progress, and humanity, which was in turn reinforced by low recidivism rates. Prison reform appeared to be marching into a bright new future.

The camps were connected to the progressive reform agenda, and they were linked with some of the most important developments in twentieth century penology. But they cannot be understood without also examining the effects of the past—real and imagined—on prison reform discourse and practice.

#### PROGRESSIVISM AND PENOLOGY

According to Michael Roe, in the aftermath of the traumatic depression of the early 1890s, there was in Australia a pervasive sense that the state must play a more active role in social and economic affairs, and liberate society's 'unused energies'. There was, Roe argued, 'a general consensus that ... the restoration of virtue must come through the body politic'.<sup>1</sup> Prisons offered perhaps the fullest expression of this article of faith. No other institution offered such scope for the elimination of waste and obsolete tradition and the

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<sup>1</sup> Michael Roe, *Nine Australian Progressives: Vitalism in Bourgeois Social Thought, 1890-1960*, University of Queensland Press, St Lucia, 1984, pp. 10, 13.

maximisation of human potential. In almost no other field did the state have such seemingly complete control over its subjects.

Progressivism is the term commonly applied to a movement that emerged in the late nineteenth century and blossomed in the early twentieth century. Progressives believed in and advocated the incremental state-led improvement of society by rational means. Such progress was seen as an inevitable: the past was bound to give way to a better future. Any impediments to this process were only temporary interruptions, rather than stable realities.

Prison reform was a subject of great interest for progressives around the world, and enlightened penal policy was understood as a marker of a civilised society. As Winston Churchill famously stated in 1910:

The mood and temper of the public with regard to the treatment of crime and criminals is one of the most unfailing tests of the civilisation of any country ... a desire and an eagerness to rehabilitate in the world of industry those who have paid their due in the hard coinage of punishment; tireless efforts towards the discovery of curative and regenerative processes; unfailing faith that there is a treasure, if you can only find it, in the heart of every man. These are the symbols, which ... mark and measure the stored up strength of a nation, and are sign and proof of the living virtue in it.<sup>2</sup>

It is no surprise then that leading figures of Australian progressivism, such as the feminist Rose Scott and the radical clergyman Charles Strong were involved in the prison reform movement and deeply interested in criminological matters. Those charged with the administration of the prisons were also strongly attracted to the tenets of progressivism.<sup>3</sup> In 1916, George F. Smith was a young officer in the NSW Prisons Department. Naming inebriety as one of the ‘great evils’ which would have to be conquered ‘before much progress is made toward a higher civilization’, Smith (who went on to lead a long and successful career in the Prisons Department) asked if the inebriate was

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<sup>2</sup> House of Commons (United Kingdom), 28 July 1910, Hansard Digitisation Project: [http://hansard.millbanksystems.com/commons/1910/jul/20/class-iii#S5CV0019P0\\_19100720\\_HOC\\_294](http://hansard.millbanksystems.com/commons/1910/jul/20/class-iii#S5CV0019P0_19100720_HOC_294) - accessed 28 January 2010.

<sup>3</sup> Norval Morris, ‘The Issues Raised’, *The Conflict of Security and Rehabilitation: A Seminar on the Punishment of Crime*, New South Wales University of Technology, Sydney, 1958, p. 16.

to be eliminated as unfit, to be cast aside as worse than useless, and allowed to drift to perdition in the alcoholic sewer that sweeps down in its putrefying flood the souls of men, or is he to be reclaimed and humanised, reformed, and sent forth again into the world a useful unit to aid in the State's advancement?<sup>4</sup>

Victoria was home to some of the most passionate adherents of progressive penology. Samuel Mauger was the chairman of the Victorian Indeterminate Sentences Board (ISB) from 1912 until his death in 1936.<sup>5</sup> While Victoria's early camps were staffed and maintained by the Department of Penal Establishments, Gaols and Reformatory Prisons, the ISB was responsible for overseeing camp operations. Until 1956 all inmates at the McLeod Settlement were under indeterminate sentences, and the release of such prisoners was entirely at the board's discretion.<sup>6</sup>

Mauger played an important role in several progressive causes, and he was also the architect of the prison camp movement in Victoria.<sup>7</sup> In a speech given in Warrnambool in March 1924 he illustrated his faith and hope in a world governed by reason. Above the door to the classification committee's room at Sing Sing Prison in New York, Mauger said, was a plaque inscribed with three words: 'science—charity—thrift'. These, he said were 'the key words of the new movement to better prison conditions'. The previous generation only prayed for better things, while the current generation, Mauger felt, could answer those prayers.<sup>8</sup> He told his audience that the words of the Persian poet, Omar Khayyam, found an 'echo' in his heart:

Ah love, could you and I with him conspire,

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<sup>4</sup> *Report of the Comptroller-General of Prisons, New South Wales for the year 1915*, Government Printer, Sydney, 1916, p. 79.

<sup>5</sup> John Lack, 'Mauger, Samuel (1857-1936)', in *Australian Dictionary of Biography*, vol. 10, Melbourne University Press, Melbourne 1986, pp. 451-53; Charles A. Preston, 'A Great Australian', unpublished manuscript, SLV, n.d. For more on the indeterminate sentence, and the ISB, see below.

<sup>6</sup> 'Annual Report of the Indeterminate Sentences Board for the Year Ended 30th June, 1917', in *Votes and Proceedings of the Legislative Assembly*, 1918, vol. 2, Government Printer, Melbourne, p. 6; *Annual Report of the Indeterminate Sentences Board for the year ended 30th June, 1957*, Government Printer, Melbourne, 1957, p. 4.

<sup>7</sup> He was very active in the anti-sweating movement and the campaign for minimum wages, promoted temperance and child welfare, and opposed gambling. In the 1892 election, he also stood as a candidate for the Progressive Political League, the predecessor of the Australian Labor Party. Lack, 'Mauger, Samuel'.

<sup>8</sup> Here Mauger was borrowing a phrase from the American Unitarian clergyman and abolitionist, Moncure Conway. Samuel Mauger, *Society & Prisons: An Address Delivered by Hon. Samuel Mauger, J.P., before the Congregation of the Australian Church, Melb., on Sunday, December 4th, 1921*, Ruskin Press, Melbourne, 1921, p. 12.

To grasp this sorry scheme of things entire;  
Would not we shatter it to bits and then  
Remould it nearer to the heart's desire?<sup>9</sup>



FIGURE 6. Samuel Mauger, c.1915<sup>10</sup>

<sup>9</sup> Mauger, 'Crime and Criminals', *Warrnambool Chronicle*, 14 March 1924.

<sup>10</sup> Souce: NLA, <http://nla.gov.au/nla.pic-an23358024> - accessed 1 February 2010.

For progressives like Mauger, there was little doubt that the state had such power. Around the world, prison populations shrank dramatically during the first decades of the twentieth century, and administrators were quick to interpret this as proof of the efficacy of their reforms.<sup>11</sup>

The farms and camps seemed a testimony to the increasing influence of humanity's better angels. Shortly after the Emu Plains Prison Farm opened, a local correspondent wondered how, at the same time Europe tore itself to shreds, efforts were underway

to harmonise or perhaps we should say modernise, and frame in kindlier grooves, the methods of governing applied to those adjudged to be offenders against the laws of the State and society ... the aim of the Prison Department is remedial in a truly benevolent sense, and shows how far the modern Democratic spirit has suffused the progressive ideas of the capable officers at the head of the State's social corrective system; and how far we have left behind the baleful methods of the past ... it is an experiment the success of which all true humanists the world over will hail with pleasure.<sup>12</sup>

In May 1918, *The Daily Examiner* called the Tuncurry camp 'a triumphant vindication of a humane and reformatory prison system'. It went on to say:

each effort to wipe out the eye-for-an-eye and tooth-for-a-tooth form of punishment, replacing it by a system of temporising justice not with vengeance, but with humanity and mercy, has been to the credit and the welfare of the State.<sup>13</sup>

Four years later, a correspondent for *The Newcastle Herald* also saw modern wisdom on the north coast's sand-dunes. 'No longer is it the fashion to treat or speak of the law breaker from the point of view merely of punishment', he wrote.

Those who think at all deeply on the question know that the confinee is very often in need of treatment for mental health rather than for anything else ... the

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<sup>11</sup> See for instance: *Report of the Comptroller-General of Prisons, New South Wales for the year 1918*, Government Printer, Sydney, 1919, p. 2; *Report of the Comptroller-General of Prisons, New South Wales for the year 1924*, Government Printer, Sydney, 1925, pp. 1-2; and 'Prisons Department, Information Contained in the Report for the Year ended 31st December, 1939', *Queensland Parliamentary Papers*, 1940, Government Printer, Brisbane, p. 1084.

<sup>12</sup> 'The Emu (State) Farm', *Nepean Times*, 26 November 1915.

<sup>13</sup> 'Afforestation and Prison Reform', *The Daily Examiner*, 10 May 1918.

methods employed [at Tuncurry] would fill the old-time penal disciplinarian with dismay, but they are eminently sane and practical all the same.<sup>14</sup>

The radical clergyman Charles Strong, after visiting the McLeod Settlement in the early 1920s, said it was

an Institution of which Victoria, indeed Australia, may be proud... The Settlement is the outcome of the New Penology, which strives to treat the prisoner as a man, and to reform and restore to good citizenship, rather than to retaliate and crush.<sup>15</sup>

Many perceived something inevitable about gradual improvement. ‘Decade followed decade, and punishment became more moderate’ one observer of the NSW prison system wrote in 1935, citing the decline in the state’s rate of incarceration.

A realization of the intensity of suffering which human beings had to bear became more general... To-day it is a revelation to look behind the scenes at how the modern prisons are run ... we have seen how cruelty, severity, and injustice have given place to kindness, sympathy, and justice.<sup>16</sup>

One columnist, after visiting Emu Plains in 1941, remarked that though the farm ‘was actually here in the present, it belonged to the better future’.<sup>17</sup>

Such observations were not restricted to NSW. Similar language attended the early operations of most prison camps in this period, across the country. When Pardelup Prison Farm opened in June 1927, *The West Australian* said the move was: ‘in keeping with modern movements of prison reform’, adding that ‘humane and intelligent’ principles were steadily replacing the ‘barbaric’ practices of the past.<sup>18</sup> Only a few months after the

<sup>14</sup> ‘Gaol Treatment. Humane Modern Methods’, *Newcastle Herald*, 18 October 1922. See also the NSW Prisoners’ Aid Association’s comments in *Report of the Comptroller-General of Prisons, New South Wales for the period 1st July, 1930, to 30 June, 1932*, Government Printer, Sydney, 1933, p. 11.

<sup>15</sup> Quoted in Samuel Mauger, *Do Reformatories Reform?*, Ruskin Press, Melbourne, 1923, p. 15.

<sup>16</sup> ‘Braemar’, ‘Prison Walls and Prisons without Walls’, *The Sydney Mail*, 31 July 1935. See also ‘From Gaol to Camp’, *SMH*, 26 January 1939.

<sup>17</sup> ‘Octimater’, ‘New Hope for the Wayward’, *Australian Woman’s Mirror*, 23 February 1943.

<sup>18</sup> ‘Prison Reform (leader)’, *The West Australian*, 24 June 1927, p. 10. Drew later added that Pardelup represented an attempt to ‘maintain progress in accordance with the most enlightened ideas on penology’. See J. M. Drew, *Prison Reform in Western Australia: The Pardelup Prison Farm*, Government Printer, Perth, 1928, n.p.

opening of the Kilderry Gaol Farm, *The Mercury* declared that the farm presented ‘a lesson in what is possible in regard to the rehabilitation of men’s characters under a modern prison system’.<sup>19</sup> In July 1938, the announcement of the opening of the Cooriemungle Prison Camp in Victoria, still drew out the language of progress. It was, according to *The Age*, ‘another stage in the welcome process of prison reform … welcome not only as a businesslike enterprise but as contributing to the noble process of human salvage’.<sup>20</sup> The same year, *The Herald* declared the McLeod Settlement represented ‘the longest step towards a civilised prison system that Victoria, and even Australia, has yet attempted’.<sup>21</sup> Late in his career, the Queensland CGP James Whitney reflected:

For many years it has been apparent to all criminologists and others who have witnessed and experienced the harsher methods of prison discipline that such treatment of unfortunates committed to prison was not conducive to the ultimate reformation of the prisoner… The Government … has seen fit to institute from time to time progressive reforms and more humane methods of prison treatment, culminating with the major reform in 1934 of the introduction of the ‘Prison Farm System’.<sup>22</sup>

Even those unconvinced of the benevolence claimed for the prisons knew the rhetorical power of the language of progressivism. ‘The people of this great nation’, wrote a former prisoner, ‘who boast of their freedom from tyranny, their glorious principles of justice and fair play, their splendid march along the road to a perfect state of civilization should know what is done to the friendless in their name’.<sup>23</sup>

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<sup>19</sup> ‘Prison Reform. Great Strides Made At Hayes Honour Farm’, *The Mercury*, 9 June 1938. A journalist who lived near the Kilderry site praised it as ‘one of the many progressive acts of our Labour Government’; see R. H. Reece to Attorney General, Eric Ogilvie, 18 September 1939, AOT, Attorney General’s Correspondence, 1937-71, AGD1/1/173 File: 19/13.

<sup>20</sup> ‘A Prison Camp’, *The Age*, 5 August 1938. See also ‘Prisons Old and New’, *Herald*, 29 July 1938.

<sup>21</sup> Jack A. Hetherington, ‘A Prison Without a Wall’, *The Herald*, 21 May 1938, p. 33. See also: Murphy Read, *Prison Reform*, Melville & Mullen, Melbourne, 1906, p. 20; ‘Reformer’, *Crime and Criminals: A Study of the Defects in Our Prison System*, G. W. Hall and Co., Sydney, 1923, pp. 19-21; for comments along similar lines made by an inmate years later see ‘Editorial’, *Neptune News*, Spring 1961, pp. 4-5, NLA.

<sup>22</sup> ‘Prison Farms in Queensland’, 6 October 1947, Special Subject Batch, Palen Creek State Farm, 1931-57, QSA, Series 9097, Item 293153. See also ‘Report of the Comptroller-General of Prisons for the year ended 30th June, 1951’, JOL.

<sup>23</sup> Rebecca Ross, *Gaol Life: Prison Administration in NSW. and the ‘Humane’ System Criticised*, Beatty, Richardson & Co, Sydney, 1910, pp. 4, also 8-9.

The camps were not only in tune with the general spirit of the times; they were a vehicle for some of the signature reforms of progressive penology.

The principle of ‘less eligibility’ was central to late-nineteenth-century prison management. It required that conditions in prison be worse than those in which the poorest free workers lived. Theorists held that if prison life were seen to be easier than life outside, the prison would lose its power as a deterrent, and those at the bottom of the industrial ladder would choose imprisonment over freedom. The principle operated more powerfully in Britain than in Australia, but no prison administration was immune to it. Progressive penology emphasised the rehabilitation of the offender over deterrence and was therefore incompatible with the principle; nowhere was this fact more visible than at the camps. Life was certainly easier in some ways for many inmates at camps than it was for impoverished free citizens, particularly during difficult economic times. Indeed, during the Great Depression of the early 1930s, camp inmates fared substantially better than unemployed workers at relief camps, much to the chagrin of the jobless.<sup>24</sup>

The camps also represented a modification of a penological axiom: certainty in punishment. Classical penologists, like Cesare Beccaria had sought ways to ensure penal equity—the punishment was to fit the crime. This required a rational gradient of punishment, whereby crimes of different degrees could be differentiated by their punishments. As financial penalties affected individuals differently depending on their wealth, fixed fines were an unequal punishment. Imprisonment initially appeared to be the perfect remedy to this dilemma. Time, since it was almost infinitely divisible, was the ideal medium for a rational gradient. Each crime could, in theory, carry its own particular punishment in a proportionate scale, with a fixed, logical relationship between the crime and its consequence.<sup>25</sup>

The Victorian Inspector General William Callaway was one of the early advocates of prison farms in Victoria, and he explicitly rejected classical penology’s emphases on certainty and proportionality. No matter how carefully calibrated the structure of sentences, imprisonment affected people differently. Some were crushed by a six-month stint, others did years relatively unscathed. Callaway thought human affairs could not be weighed and compared with sufficient exactitude. ‘Science has not yet devised an

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<sup>24</sup> ‘Prison Labour in Forests. Complaint by Unemployed’, *The Argus*, 15 March 1933; ‘Gaol Farms Facts Are Disclosed’, *Labor Daily*, 16 May 1934.

<sup>25</sup> Albert G. Hess, ‘Introduction’, in Hess (ed.), *Reports of the Prison Discipline Society of Boston*, vol. 1, 1826-30, Patterson Smith, Montclair, 1972, p. x.

instrument to make the punishment fit the crime', he said. In any case, he thought prisons should concern themselves with improving the prisoner rather than seeking to give effect to an impossible calculus, and, in Callaway's opinion, there were few tools better suited to the task of improving criminals than the prison camps.<sup>26</sup>

The camps, with their improved conditions and lowered security, were intended for good conduct prisoners. This seemingly minor detail actually represented the modification of another major principle of classical penology. Nineteenth century prisons relied heavily on classification schemes. These largely turned on the number of convictions recorded against a prisoner's name. First offenders were separated from those with two convictions, and so on. The problem with such classifications was that the number of convictions a prisoner had reflected the degree of their 'criminality' very poorly. The professional thief, caught for the first time after years of offending, was, for instance, lumped together with the bigamist who had committed no other crime. These classifications were based, moreover, on the behaviour of the offender before he or she came to prison. In 1924 the Superintendent of Hobart Prison described this system as antiquated: 'it avoids consideration of the most important factor of all—the individual himself'.<sup>27</sup>

Candidates for transfer to the camps were selected, in part, on the basis of good conduct and industry in prison. Once at camp, prisoners were eligible for more remission than prisoners in closed prisons. Or, if they were under indeterminate sentences, the date of their release was conditional on their behaviour. Thus, the nature and the duration of a prisoner's imprisonment was determined, to an extent, by their behaviour *after* their offence. This shift in focus from the crime to criminal represented, as John Pratt wrote in relation to the development of the New Zealand camp system, 'an altogether different economy of punishment'.<sup>28</sup> Prison camps allowed prisoners' character, their will and ability to reform to influence the nature and duration of their punishment. Of course, it was prison officials, not judges, who were in a position to assess prisoners' will and character. Thus the camps also facilitated a process described by Pratt as 'a creeping shift

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<sup>26</sup> 'Penal Establishments, Gaols, and Reformatory Prisons; Report and Statistical Tables for the year 1914', *Votes and Proceedings of the Legislative Assembly*, 1915, vol. 2, Government Printer, Melbourne, p. 8.

<sup>27</sup> Superintendent of Hobart Prison to Attorney General, 28 July 1924; copy in: Gall Estrays, Queensland State Archives, Series: 6786 Item: 267662.

<sup>28</sup> John Pratt, *Punishment in a Perfect Society*, Victoria University Press, Wellington, 1992, p. 167, and also p. 157. See also: John McGuire, 'Punishment and Colonial Society: A History of Penal Change in Queensland, 1859-1930s', PhD Thesis, University of Queensland, 2002, p. 92.

of the power to punish' from the judiciary to the executive, itself a defining feature of twentieth century penology.<sup>29</sup>

The press applauded the seemingly more scientific emphasis on the prisoner's needs and characteristics. The *Sydney Morning Herald* insisted that the 'classification of individuals must replace the old one of crime'.<sup>30</sup> Prisons, *The Age* declared in 1925, were to become clinics: 'concerned, not with crime, but with the criminal'.<sup>31</sup>

Uniformity of treatment was eroded by the camps in other ways which were not publicly acknowledged. As remote settlements, the camps required prisoners with certain skills, particularly in their first few years of operation. Any modestly well-behaved prisoner who knew how to erect a sturdy A-frame, cook a passable meal, or intelligently handle livestock, could expect to have his application for transfer to a camp looked upon favourably, or even have such a transfer suggested to him. Thus it was also the needs of the prison itself which came to compromise the principle of certainty.<sup>32</sup> In practice, the older principles of classical penology continued to influence the treatment of prisoners, but nevertheless penological theory had reached a significant turning-point.

### *Progressive penology and the medical metaphor*

For progressives, the imprimatur of science was a mark of authority. Prison administrators cloaked their increasing power over the punishment of prisoners in scientific terms, particularly those borrowed from medicine. This gave the new penology an air of impartial credibility and mitigated the impression that the punishment was becoming subject to arbitrary executive authority. As Rothman notes, it also permitted administrators 'an unprecedented latitude of action'.<sup>33</sup>

In the early twentieth century, criminology was only just cementing its status as a professional discipline. Like their colleagues in the other emerging humanistic disciplines, such as psychology and anthropology, criminologists and penologists were

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<sup>29</sup> Pratt, *Punishment in a Perfect Society*, p. 167. See also Foucault *Discipline and Punish*, p. 21.

<sup>30</sup> 'Penal Reform. Scientific Methods', *SMH*, 16 January 1923.

<sup>31</sup> 'The Curing of the Criminal', *The Age*, 31 October 1925.

<sup>32</sup> These issues are explored further in chapter four.

<sup>33</sup> David J. Rothman, *Conscience and Convenience: The Asylum and its Alternatives in Progressive America*, Little, Brown and Co., Boston, 1980, p. 58.

very concerned to establish the legitimacy and credentials of their craft. ‘Penology may be defined as the science of the protection of society from crime by the repression, reformation, and extirpation of criminals’, wrote Henry Boiles, author of one the leading penological texts of the day.<sup>34</sup>

More than any other field of science, medicine offered evidence of progressivism’s precepts, and reformers in other fields borrowed heavily from the language of modern diagnostics. Penologists and administrators found this language particularly useful, as Michel Foucault has demonstrated.<sup>35</sup> Criminality was characterised as a moral disease, and susceptible to treatment just like physical ailments. By the start of the twentieth century, following advances in epidemiology and public health, penologists imagined the elimination of the ‘disease’ itself. Boiles thought crime just one of many ‘once incurable and terrible diseases’ that would one day be added to the list of maladies tamed by science, including ‘smallpox, cholera, yellow and typhoid fevers, diphtheria, and tuberculosis’.<sup>36</sup>

The concept of crime as a moral illness entered Australian penology in 1896 with the appointment of Frederic Neitenstein as the CGP in NSW, a post he held until 1909. A regular correspondent with international experts, Neitenstein was arguably the most important conduit for criminological ideas in the colonies. His ‘authority in criminological opinion and penal administration was unchallenged in Australia.<sup>37</sup> He was familiar with the work of Boiles and other international penologists.<sup>38</sup> In his first report, Neitenstein characterised the ‘prison as a hospital for the treatment of moral diseases’. They were, he admitted, rather unsuccessful as such, but ‘Criminal therapeutics have special difficulties to encounter’. Prison officials, unlike doctors, could not prescribe the length of the patient’s treatment. That was fixed by the courts and the prison officials

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<sup>34</sup> Henry M. Boiles, *The Science of Penology: The Defence of Society Against Crime*, G. P. Putnam’s Sons, New York & London, 1901, p. 5; see also Rothman, *Conscience and Convenience*, p. 58.

<sup>35</sup> Michel Foucault, *Discipline and Punish: The Birth of the Prison*, Penguin, London, 1977, pp. 18-19. The use of medical metaphors in criminology and penology arose in the work of theorists such as seminal Italian criminologist, Cesar Lombroso, but the connection can be traced back much further. Plato described the criminal as a sick man, whose recovery must be a public concern; see Pratt, *Punishment in a Perfect Society*, pp171-72; and Torsten Eriksson, *The Reformers: An Historical Survey of Pioneer Experiments in the Treatment of Criminals*, Elsevier, New York, 1976, p. 2.

<sup>36</sup> Boiles, *The Science of Penology*, p. 14; see also: Wines, *The State of the Prisons*, p. 619.

<sup>37</sup> Mark Finnane, *Punishment in Australian Society*, Oxford University Press, Melbourne, 1997, pp. 68-69.

<sup>38</sup> See Frederick Neitenstein, *Report on Prisons, Reformatories, Asylums, and other institutions in Europe and America*, Government Printer, Sydney, 1904, p. 99.

were forced to release their charges back into the community at the end of the term imposed by the judge, regardless of whether a cure had been effected. Prisons, moreover, were forced to treat cases beyond their specialty. Into prison rolled the drunk, the insane, the vagrant and the defaulter. None of them could rightly be described as suffering from the kind of ailment that plagued the rapist, the thief and the murderer. Prisons, Neitenstein maintained, could only function as effective hospitals for the treatment of the disease of crime.<sup>39</sup> Medicine and penology, in the words of Bashford and Strange, ‘dovetailed as tactics to define and manage problem populations’.<sup>40</sup>

Medical language took root in penal discourse around the country, appearing frequently in the press and in official documents. ‘It is obvious’ wrote a special correspondent in the *Sydney Morning Herald* in 1923,

that the old statutes and codes were, generally speaking, drawn up before preventive medicine and psychology had developed the facts with regard to the causes and possible treatment of crime and delinquency.<sup>41</sup>

The Queensland CGP William Pennefather felt the objective of punishment was not to bring about a moral transformation in the offender, but to cure an illness, and the prison was to become, in words he borrowed from Neitenstein, ‘a hospital for the treatment of moral diseases’.<sup>42</sup> In Western Australia, the Justice Minister Thomas Walker cited a passage from Morrison’s ‘Crime and its Causes’: ‘The will is stricken with disease and the man is dashed hither and thither, a helpless wreck on the sea of Life’.<sup>43</sup> John Drew himself offered a variation on the theme, figuring crime as an illness of the body politic, rather than the individual criminal. ‘If the nation is to be great’ he wrote, before he

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<sup>39</sup> Frederick Neitenstein, *Prisons, Report on for the year 1896*, Government Printer, Sydney, pp. 44, 55. Neitenstein’s penology, and its relationship to the prison camps is discussed below.

<sup>40</sup> Alison Bashford and Carolyn Strange, ‘Isolation and exclusion in the modern world’, in Alison Bashford and Carolyn Strange, (eds.), *Isolation: Places and Practices of Exclusion*, Routledge, London, 2003, p. 4.

<sup>41</sup> ‘Penal Reform. Indeterminate Sentence’, *SMH*, 22 January 1923. See also Paul Alliston, ‘Prison reform in NSW, 1896-1914: From Retribution to Reformation; Changes in Official Attitudes’, Honours Thesis, University of New South Wales, 1968, pp. viii-ix.

<sup>42</sup> McGuire, ‘Punishment and Colonial Society’, p. 114.

<sup>43</sup> Drew, *Penological Reform*, p. 20. See also ‘A Human Touch for Our Prisons’, *The Herald*, 29 November 1924. Only a few months after Mauger gave his speech, the Superintendent of Hobart Gaol wrote to his Attorney General, insisting ‘if the nation is to be truly great, there must be...an advancement which aims at the social uplifting of its people, which seeks out the causes of moral and physical degradation, and removes the social ulcer in whatsoever form it appears’. ‘Report on the Removal and Reorganisation of the Hobart Gaol’, 28 July 1924, Gall Estrays—Prison Farms, QSA, Series 6786 Item 267662.

established the Pardelup Prison Farm, it is necessary to seek out ‘the causes of moral and physical degradation’ and to remove ‘the social ulcer in whatever form it is discovered’.<sup>44</sup>

A few penologists carried the metaphor to fanciful extremes. Writing in the *Sydney Morning Herald* for instance, one would-be reformer imagined the prison of the future, in which ‘walls, cells and bars would be replaced by attractive, hospital like buildings, and the armed guards by nurses’.<sup>45</sup> Although overblown, such language reflected the increasing authority of the social scientist. The cult of the expert and the metaphor of the hospital led to the further distancing of the public from the punishment of crime—their interest could be cast as distasteful and unhelpful.

Prison camps were seen as the precursors of the criminal clinics of the future. Even in 1927, thought Sydney’s *Daily Telegraph*, ‘one might be pardoned for mistaking the Prison Farm’ at Emu Plains ‘for a species of sanatorium’ for the benefit of ‘jaded, nerve-wracked city folk’.<sup>46</sup> Another observer remarked on the ‘crime sanatorium’ at Tuncurry, ‘unknown to most people’ but ‘where offenders are “treated” rather than punished:

This exotic domain represents the last word in the treatment of those social invalids who are suffering from one of the many phases of what Bernard Shaw calls the disease of crime.<sup>47</sup>

### *The indeterminate sentence*

Prison camps appear part and parcel of the modern progressive prison reform agenda in part because they were closely associated with a key penological innovation of the time—the indeterminate sentence. Although there were a number of variations on the idea, the fundamental principle was that through imprisonment, under the right circumstances, the ‘criminality’ that led a person to prison could be erased. However, as with recovery from illness, the length of the convalescence varied from patient to patient. Following this logic to its conclusion, proponents of the indeterminate sentence felt that

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<sup>44</sup> Drew, *Penological Reform*, p. 20.

<sup>45</sup> ‘Penal Reform. Scientific Methods’, *SMH*, 16 January 1923. See also Pratt, *Punishment in a Perfect Society*, pp. 177, 185.

<sup>46</sup> ‘Making Men of Prisoners. The Emu Plains Farm’, *Daily Telegraph*, 13 September 1927.

<sup>47</sup> ‘The Treatment of Crime’, *Evening News*, 20 October 1922. See also George Bernard Shaw, *The Crime of Imprisonment*, Greenwood Publishers, New York, 1969, pp. 85-86.

the duration of the sentence should be unfixed, and that the prisoner should be released only when the penal authorities were satisfied of his or her ‘cure’.<sup>48</sup>

Penologists such as Henry Boiles argued that if crime were akin to illness, then fixed time sentences were ‘as irrational as the employment of a doctor for a serious ailment on a time contract’.<sup>49</sup> No self-respecting doctor would accept the instructions of a non-specialist in determining when a patient was fit for discharge from the hospital, and those who favoured the indeterminate sentence failed to see why prison officials should let themselves be told when to discharge their ‘patients’. Many administrators and penologists felt that, under a truly scientific criminal justice system, all sentences would be indeterminate.<sup>50</sup>

The indeterminate sentence was developed first in England by Frederic Hill and his brother, Matthew Davenport Hill, and first implemented by the famous American penologist, Zebulon Brockway in the 1870s. Thereafter it was exported to Australia and New Zealand, where it remained a popular concept until well into the second half of the twentieth century.<sup>51</sup> In the words of one of its historians, it was ‘associated with a reformist, progressive, liberal or enlightened position on crime and corrections for about a century’.<sup>52</sup>

Although most Australian prison systems at least flirted with the use of the indeterminate sentence, it was in Victoria, the state most receptive to American innovations, that it was most extensively used. William Callaway, the Inspector General of Prisons in the early years of the twentieth century was a strong supporter. Admitting that the prospect was

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<sup>48</sup> The indeterminate sentence should not be confused with the indefinite sentence commonly applied in the United States, where the sentencing judge specifies minimum and maximum periods of time to be served by the prisoner.

<sup>49</sup> Boiles, *The Science of Penology*, p. 141.

<sup>50</sup> Ibid, p. 156. See also: ‘Penal Establishments, Gaols, and Reformatory Prisons; Report and Statistical Tables for the year 1911’, *Votes and Proceedings of the Legislative Assembly*, 1912, vol. 1, Government Printer, Melbourne, p. 7; ‘Penal Establishments, Gaols, and Reformatory Prisons; Report and Statistical Tables for the year 1943’, *Votes and Proceedings of the Legislative Assembly*, 1944-45, pp. 3-5; United Nations Department of Social Affairs, *The Indeterminate Sentence*, United Nations, New York, 1954.

<sup>51</sup> Enthusiasm for the indeterminate sentence ran higher in the United States than in Britain. The leading British penologist, William Tallack, thought indeterminacy ‘a mere euphemism for that which is vague and arbitrary’. Tallack, *Penological and Preventative Principles*, Wertheimer, Lea & Co., London, 1896, p. 193. See also Evelyn Ruggles-Brise, ‘An English View of the American Penal System’, *Journal of Criminal Law and Criminology*, vol. 3, 1912-13, pp. 360-61.

<sup>52</sup> Marvin Zalman, ‘The Rise and Fall of the Indeterminate Sentence’, in Kermit L Hall, ed, *Police, Prison, and Punishment: Major Historical Interpretations*, Garland Publishing, New York, 1987, p. 671.

somewhat utopian, he wrote, ‘if the prison were conducted on the same line as a hospital and every sentence were indeterminate discharge being a guarantee of cure, there would be solid grounds for public confidence’.<sup>53</sup> Callaway went on:

The fundamental principle is not that the punishment should fit the crime but that it should fit the criminal. He is imprisoned not for what he did but for what he was. The indeterminate sentence says to him ‘you are imprisoned because your violation of the law has shown that you are unfit to be free’.<sup>54</sup>

The Victorian ISB was established by legislation in 1907. Described as ‘the first major change in the sentencing structure’ of the state, the sentence remained on the Victorian law books until 1956.<sup>55</sup> Sentencing regimes in most Australian jurisdictions provided for a prisoner to be liable for an indeterminate sentence only after a number of previous convictions of a certain severity within a specified time. In some states, a prisoner could only be subject to an indeterminate sentence after the court had declared him or her to be a habitual criminal. The law in Victoria went further. It permitted a judge to impose an indeterminate sentence upon the first conviction. By subjecting criminals to reformatory treatment at the first possible opportunity, it was hoped to reduce the rate of recidivism and the ranks of habitual criminals. Victoria’s indeterminate sentence regime was, by virtue of this provision, one of the most extreme in the world, a fact in which the ISB took some pride. In 1910, Charles Topp, the board’s first chairman, having recently inspected penal regimes around the world, said: ‘In no other country which I visited has the indeterminate sentence been given so extended an operation as under our law’.<sup>56</sup> Fourteen years later, the board felt that the indeterminate sentence was ‘the foundation of the rational treatment of a criminal’.<sup>57</sup> In 1925, in response to criticisms made in the press, Mauger declared: ‘The habitual fears it, denounces it as un-British, and adversely

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<sup>53</sup> ‘Penal Establishments, Gaols, and Reformatory Prisons; Report and Statistical Tables for the year 1911’, *Votes and Proceedings of the Legislative Assembly*, 1912, vol. 1, Government Printer, Melbourne, p. 7.

<sup>54</sup> ‘Penal Establishments, Gaols, and Reformatory Prisons; Report and Statistical Tables for the year 1910’, *Votes and Proceedings of the Legislative Assembly*, 1911, vol. 1, Government Printer, Melbourne, p. 5.

<sup>55</sup> Arie Frieberg and Stuart Ross, *Sentencing Reform and Penal Change: The Victorian Experience*, Federation Press, Sydney, 1999, p. 12.

<sup>56</sup> *Report, by the Chairman, Indeterminate Sentences Board, on Reformatory Prisons and Institutions in Europe and America and on Legislation in Connexion Therewith and with Habitual Criminals*, Government Printer, Melbourne 1910, p. 4.

<sup>57</sup> ‘Annual Report of the Indeterminate Sentences Board for the year ended 30th June, 1924’, *Votes and Proceedings of the Legislative Assembly*, 1924, Government Printer, Melbourne, p. 860.

criticises those who administer it. He finds, however, that there is only one road to freedom'.<sup>58</sup>

For many prisoners in Victoria, the road to freedom, such as it was, passed through the McLeod Settlement. Prior to the establishment of the camp on French Island in 1916, the ISB had agitated for some time for a camp along the lines of that at Tuncurry. Indeed, members of the board did not feel that their work was properly begun until the purchase of the French Island property.<sup>59</sup> The ISB saw the indeterminate sentence and the reformatory prison as important, linked elements of a modern penal system, 'the outstanding features of our prison system to-day'.<sup>60</sup> The entire first contingent sent to French Island were indeterminate sentence men, and for much of the camp's history, it was reserved for such prisoners. The American penologist, Robert H. Gault, thought prison farms 'the necessary complement to the plan of indeterminate sentence'.<sup>61</sup>

Other states experimented with the indeterminate sentence. The Western Australian *Prisons Act 1918*, was largely modeled on the Victorian system, and the same legislation provided for the establishment of both reformatory prison farms and an Indeterminate Sentences Board. Many of the prisoners held at Pardelup Prison Farm were under indeterminate sentences.<sup>62</sup>

In 1924 the Superintendent of Hobart Gaol called for the establishment of a prison farm, so that the indeterminate sentence, which was already on the state's law books, could be properly applied.<sup>63</sup> In 1936, Controller Mullen praised the sentence (despite the fact that there were only seven individuals serving one), saying it forced the prisoner 'to work out

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<sup>58</sup> 'Annual Report of the Indeterminate Sentences Board for the year ended 30th June 1925', *Votes and Proceedings of the Legislative Assembly*, 1925, vol. 2, Government Printer, Melbourne, p. 254.

<sup>59</sup> See: *Report, by the Chairman, Indeterminate Sentences Board*, p. 27; and 'Annual Report of the Indeterminate Sentences Board for the year ended 30th June, 1935', unpublished typescript, State Library of Victoria, p. 2.

<sup>60</sup> 'Annual Report of the Indeterminate Sentences Board for the year ended 30th June, 1919', *Votes and Proceedings of the Legislative Assembly*, 1919, vol. 2, Government Printer, Melbourne, p. 141.

<sup>61</sup> Gault, Robert H, 'A Necessary Complement to the Indeterminate Sentence', *Journal of the American Institute of Criminal Law and Criminology*, vol. 4, no. 6, 1914. See also Finnane, *Punishment in Australian Society*, pp. 81-82.

<sup>62</sup> See Pardalup [sic] Prison Farm, Indeterminate Sentences Board Visits, 1927-51, SROWA Chief Secretary's Correspondence Files, WAS 675, Con 752, 1927/1548.

<sup>63</sup> Superintendent, Hobart Gaol to Attorney General, Eric Ogilvy, 28 July 1924, copy in: Gall Estrays— Prison Farms, QSA, Series 6786, Item 267662. See also 'Annual Report of the Controller of Prisons for the Year 1935-36', *Journals and Printed Papers of Parliament*, 1936, CXV, no. 34, Government Printer, Hobart, p. 2.

his own salvation'.<sup>64</sup> Mullen thought that only at a prison farm could such prisoners get 'the treatment designed by the Act'. By the time the farm at Hayes was finally established there were only three prisoners under indeterminate sentences in Tasmania.<sup>65</sup> But the sentence remained on Tasmania's law books until the 1970s. Ironically, when it was finally abolished it was described as 'archaic' and 'out of touch with the supposedly enlightened age'.<sup>66</sup>

In NSW, Neitenstein was greatly impressed by the indeterminate sentence.<sup>67</sup> At his urging, Parliament passed legislation enabling the sentence, but it was infrequently applied by the courts.<sup>68</sup> Undeterred, Neitenstein admitted that there was 'much in all this to shock established habit and long custom, but that the new idea is making headway is certain'.<sup>69</sup>

Ultimately, the indeterminate sentence failed to make much headway outside Victoria, but in practice, wherever it was implemented, administrators felt that prison camps were the logical place to confine prisoners subject to it.

The prisoners themselves were of course, not so sure. In 1924, *Smith's Weekly* reported that Victorian inmates likened an indeterminate sentence to 'a greasy pole'; one could laboriously climb to the top, only to be pushed back to the bottom again.<sup>70</sup> Many prisoners preferred to think of their sentences as 'debts' of certain fixed values that were 'paid off' by time in prison. Inspector General Akeroyd felt the average criminal thought little of a fixed one year sentence, and would 'take such a risk cheerfully'. The indeterminate sentence was a 'different matter', and it was no coincidence as far as

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<sup>64</sup> Ibid.

<sup>65</sup> 'Annual Report of the Controller of Prisons for the Year 1936-37', *Journals and Printed Papers of Parliament*, 1937, CXVII, no.44, Government Printer, p. 2.

<sup>66</sup> 'Gaol Farm at Hayes to be Enlarged', *The Examiner*, 25 September 1973; and 'Prison System Study', *The Examiner*, 23 March 1974.

<sup>67</sup> Neitenstein, *Report on Prisons*, 1904, p. 8; and Neitenstein, *Prisons, Report on for the year 1896*, p. 44.

<sup>68</sup> In 1924, with his final report, Urquhart called for a 'more general application' of the indeterminate sentence, and in 1926, the NSW CGP George Steele was still calling for more widespread use of the sentence in his state. Referring to a resolution at a recent international congress of prison administrators, he stated that the indeterminate sentence was a vital tool in the 'struggle against recidivism' and that it was 'the necessary consequence of the individualization of punishment, and one of the most efficacious means of social defence'; see *Report of the Comptroller-General of Prisons, New South Wales for the Year 1925-26*, Government Printer, Sydney, 1926, p. 4. See also 'Annual Report of the Indeterminate Sentences Board for the Year Ended 30th June, 1927', in *Votes and Proceedings of the Legislative Assembly*, 1927, vol. 2, Government Printer, Melbourne, p. 314.

<sup>69</sup> Neitenstein *Report on Prisons*, 1904, p. 9.

<sup>70</sup> 'Failed! How the Indeterminate Act Works in Victoria', *Smith's Weekly*, 26 September, 1925.

Akeroyd was concerned that ‘the great bulk of would-be prison reformers’ turned out to be prisoners who had served indeterminate sentences, and that their main aim was to abolish the sentence.<sup>71</sup>

The ways prisoners referred to the indeterminate sentence are revealing. To many, it was known simply as ‘the key’. In describing it thus, prisoners parodied the official explanation of the sentence. While theoretically the sentence placed the key to freedom in the prisoner’s hands, the term also reflected the inmates’ belief that the indeterminate sentence was a locked cage to which the key had been thrown away.<sup>72</sup> Either way, a prisoner had no way of knowing when he or she might be released, and that was the greatest hardship of the sentence.

Inmates at the McLeod Settlement and the Castlemaine prison farm during the 1920s, sometimes referred to the sentence as ‘Kathleen Mavourneen’, after the famous nineteenth-century song of parting:

It may be for years, and it may be forever,  
Oh! why art thou silent thou voice of my heart?  
It may be for years, and it may be forever,  
Then why art thou silent Kathleen Mavourneen?<sup>73</sup>

In September 1921, *The Argus* reported that ‘Kathleen’ irked the young prisoners at McLeod and Castlemaine, but older prisoners, who were familiar with life in Pentridge hailed her ‘as a blessing’.<sup>74</sup> The relatives of offenders who received indeterminate sentences were not so sanguine. In 1929, four young men were sentenced in Melbourne

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<sup>71</sup> ‘Penal Establishments, Gaol, and Reformatory Prisons; Report and Statistical Tables for the year 1924’, *Votes and Proceedings of the Legislative Assembly*, 1925, vol. 2, Government Printer, Melbourne, p. 841.

<sup>72</sup> ‘Annual Report of the Indeterminate Sentences Board for the year ended 30th June, 1919’, p. 140.

<sup>73</sup> Composed by the British musician, Frederick Nichols Crouch in 1837, the song became popular in the United States, and later became the inspiration for a controversial motion picture. See ‘Treatment of Criminals, Successful Reformatory Methods’, *The Argus*, 13 September 1921. See also Finnane, *Punishment in Australian Society*, p. 80.

<sup>74</sup> Ibid. Not all of those under ‘the key’ made it to McLeod or Castlemaine though. Some remained stuck in Pentridge Prison, others were released only to return. John Dihm began service as a guard at Pentridge in 1937. Later, he recalled ‘it was nothing for a man to do three or four keys running: out, in, out, in. It was hopeless yet a lot of these blokes were good blokes. Some of them started as boy keys’. See Broome, Richard, *Coburg: Between Two Creeks*, Coburg Historical Society, Melbourne, 2001, p. 270. For another, later, prisoner’s perspective on the indeterminate sentence, see Leslie Newcombe, *Inside Out: The True Story of the Simmonds-Newcombe Gaol Escape*, Angus and Robertson, Sydney, 1979, p. 154.

on charges of larceny. Two of the men, who had prior convictions, were handed indeterminate sentences. When the mother of one heard Judge Woinarski say he intended to send them to Castlemaine or McLeod, she stood up and declared ‘You will not send him’. Then running towards the bench, she cried ‘Do not take him away from me, do not send my boy away. He is my support’.<sup>75</sup> But Woinarski was an enthusiast for the sentence, and was unmoved. In 1924, after a former inmate from McLeod was brought up on new charges before him, Woinarski had complained ‘The worst of French Island is that men are allowed to leave there too soon’.<sup>76</sup>

Frank Posselt took up service as the Education Officer at the McLeod Settlement in 1955, just before indeterminate sentences were abolished. He saw little sign of science, or of reform. The inmates were unkempt, unshaven and wore tattered old football jumpers. They were uninterested in the work and thoroughly depressed. Many served sentences of lengths wildly disproportionate to the offence of which they had been convicted. The possibility of corruption or arbitrariness on the part of officials was ever-present, and prisoners under the sentence were even more dependent on the goodwill and favour of their captors than prisoners with fixed sentences. When the board refused to promote a prisoner to a higher grade, or grant his release, Posselt said, ‘they’d be absolutely seething... I’ve seen them go absolutely bonkers’. After the sentence was done away with the following year, Posselt saw things change at McLeod:

They shaved regularly each day, they’d wear their work clothes during the day and come 4 or 5 when they finished work, they’d shower and get into their cell clothing ... they started to take an interest in themselves whereas before, they felt nothing.<sup>77</sup>

‘The rehabilitative dream of the indeterminate sentence’ turned out, as Arie Freiberg and David Biles write, ‘to be something of a penological nightmare’. The medical metaphor ‘completely ignored the socio-political nature of crime and its relation to society’, and the deleterious psychological effect of indeterminate detention on inmates.<sup>78</sup> As the historian

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<sup>75</sup> ‘Scene in Court. Woman’s Appeal to Judge’, *The Argus*, 20 February 1929.

<sup>76</sup> “Allowed to Leave Too Soon”. Judge Woinarski”, *The Argus*, 5 March 1924.

<sup>77</sup> Quoted in Ruth Gooch, *Frontier French Island*, Prahan Mechanics Institute Press, Melbourne, 2006, p. 197.

<sup>78</sup> Frieberg, Arie, and David Biles, *The Meaning of ‘Life’: A Study of Life Sentences in Australia*, Australian Institute of Criminology, Canberra, 1975, p. 24.

of the Canadian penal system, Joseph Berkovits writes: ‘Thanks to metaphors, the language of rehabilitation could be beautiful, but the reality was not’.<sup>79</sup>

## THE LEGACY OF FREDERIC NEITENSTEIN

The camps’ reputation as a quintessentially progressive reform derives, partly, from their mis-association with Frederic Neitenstein. Once the relationship between Neitenstein’s ideas and the camp movement is clarified, the effects of the imagined past and future on prison reform discourse becomes more readily apparent.

Neitenstein’s reputation in his time was a shining one, and so it remains today. Many have seen him as the complete bureaucrat. Diane Payne called him ‘persistent, humanitarian, eclectic and pre-eminently sensible’. He was so devoted to his work that when questioned about his recreations, he listed ‘reform and philanthropy’.<sup>80</sup> His reputation and authority on these matters derived in large part from the remarkable drop in the NSW prison population during his term at helm of the NSW Prisons Department.<sup>81</sup> Of the comptrollers who succeeded him, John Ramsland claimed, ‘none were as impressive as Neitenstein’, although Ramsland conceded that none of the others shared Neitenstein’s opportunities in working during the ‘the golden years of social reconstruction that marked out Australia as the most progressive democracy in the world in the first decade of the 20<sup>th</sup> century’.<sup>82</sup> Neitenstein has also been credited as the ‘man

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<sup>79</sup> Joseph A. G. Berkovits, “‘Us Poor Devils’: Prison Life and Culture in Ontario: 1874-1914”, PhD Thesis, University of Toronto, 2000, p. 81. By the second half of the twentieth century, medical analogies were increasingly seen as quaint markers of an out-dated penology. In 1968, for instance, Norval Morris stated that ‘the analogy between the doctor’s “treatment” and the court’s or penal administrator’s “treatment” is imperfect. The subject of medical diagnosis is better defined than is the social disease of crime, and in the former the patient consents to treatment while the criminal does not’. See Morris, ‘Prison in Evolution’, *Seminar on Prisons and the Treatment of Adult Offenders with Special Reference to South Australia*, University of Adelaide, Adelaide, 1968, p. 34. See also Norval Morris and David J. Rothman, ‘Introduction’ in Morris and Rothman (eds.), *The Oxford History of the Prison: The Practice of Punishment in Western Society*, Oxford University Press, New York and Oxford, 1995, p. xiii.

<sup>80</sup> Diane Payne, ‘Prisons and Society: Changing Ideas of the Role of the Prison in NSW’, Honours Thesis, University of NSW, 1968, p. 65; Stephen Garton, ‘Neitenstein, Frederick William (1850-1921)’, *Australian Dictionary of Biography*, Melbourne University Press, Melbourne, 1986, pp. 674-5.

<sup>81</sup> Ramsland argued that the drop of 632 in the prison population over the twenty years prior to 1916 ‘demonstrates the success of Neitenstein’s reforms in achieving modernisation of the New South Wales prison system’. See: *With Just But Relentless Discipline: A Social History of Corrective Services in New South Wales*, Kangaroo Press, Kenthurst, 1996, p. 186.

<sup>82</sup> Ramsland, *With Just But Relentless Discipline*, p. 189.

who removed the convict taint from the prisons of New South Wales'.<sup>83</sup> In July 1930, the NSW Minister for Justice, John R. Lee told the Howard Prison Reform League: 'Probably, in the whole of the annals of the Public Service of this State there was never an appointment more justified than his'.<sup>84</sup>

Changes instituted by Neitenstein in the regime of prison labour have been interpreted to suggest that the camps were an extrapolation of his principles. Immediately upon assuming control of the NSW Prisons Department, Neitenstein instructed the governors to put any spare land attached to their gaols under cultivation by prison labour. In his first annual report as Comptroller-General, he wrote:

A new departure was made during the latter part of the year in putting under cultivation such of the spare grounds as were attached to the gaol establishments. So far this has met with much success. The work is not only healthy and active for the prisoners, but is likely to effect some saving in the cost of provisions, as many gaols can now grow all their own vegetables.<sup>85</sup>

Some of the characteristics of the camps can be perceived in Neitenstein's agricultural labour program. Trusted prisoners were allowed to work beyond the walls of the prison, although they were always supervised. The work was valued as healthy, economical and reformative. It was hoped that it might open a new life for prisoners, after their release, away from the city. Most who have written on the subject have assumed the camps grew out of these initial reforms.<sup>86</sup> Diane Payne described prison camps as 'a criterion of his personal influence and importance'.<sup>87</sup>

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<sup>83</sup> Merrilyn Lee Sernack Cruise, 'Penal Reform in New South Wales: Frederick Neitenstein, 1896-1909', PhD Thesis, University of Sydney, 1980, p. 563.

<sup>84</sup> John R. Lee, 'Modern Methods of Prison Reform: Notes of a Lecture by Hon. John R. Lee Delivered to the Howard Prison Reform League', 7 July 1930, pp. 22, 26-27, University of NSW Library LM/ KB350/L6/1.

<sup>85</sup> Neitenstein, *Prisons, Report on for the year 1896*, p. 3. The various governors were unanimous in their opinion that the change would benefit both prisoners and prisons. The Gaoler at Grafton, for instance, thought that there was 'no more direct way of benefiting or reclaiming prisoners than by training them to a knowledge of the right methods of tilling the soil' *Ibid*, p. 17. The following year, F. E. Bloxham, the Governor at Goulburn, thought the practice particularly good for 'weaning off a prisoner from the erroneous idea so many have, that there is only one place for him—the city'. See Frederick Neitenstein, *Prisons; Report for 1897*, Government Printer, Sydney, 1898, p. 10.

<sup>86</sup> See, for instance: Ramsland, *Just But Relentless Discipline*, p. 209, 218.

<sup>87</sup> Payne, 'Prisons and Society', p. 67.

We must recognise that reforms that seem of a piece to us today did not necessarily appear this way to contemporaries, and not everything that we would now describe as improvements were part of the same agenda. Frederick Neitenstein was certainly one of Australia's most energetic prison reformers, but far from being an extension of his program, the camps were a contradiction of it. The possibility of establishing a camp in NSW was first floated in 1906 by the then Premier Joseph Carruthers. Neitenstein himself quashed the proposal. He felt that without the organising structure of prison architecture there could be no way to stop criminals contaminating each other, no way to quarantine the seeds of deviance.<sup>88</sup> 'Modern penologists are in agreement', he wrote 'as to the moral dangers to be apprehended from the association of prisoners. In the early days of this State we had practical experience of the shocking evils arising from such association.' Such camps would be 'hotbeds of immorality'.<sup>89</sup>

Neitenstein favoured the use of carefully controlled agricultural work in conventional prisons, by small groups of specially selected prisoners under close supervision by armed guards. And he did so largely on financial grounds, and only at the prompting of his deputy, Samuel McCauley.<sup>90</sup> Neitenstein did not support the proposition that prisoners should be confined in association, unsupervised or lightly supervised, working on farms or in the bush.<sup>91</sup> Trying to reform prisoners under such conditions was, he said, akin to 'washing linen in dirty water'. The camps were in fact based on a penology that pre-dated Neitenstein's administration.

### *Walter Crofton and the Trial Bay Prison*

Walter Crofton was the first chairman of directors of Irish Prisons. Appointed to the post in 1854, when the cessation of transportation to the colonies made the development of a new form of incarceration necessary, Crofton introduced a prison regime that became known as the 'progressive stage system'.<sup>92</sup> Prisoners' good conduct and industry were

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<sup>88</sup> See 'Cheap Gaol Labor. Prisoners at Tree-Planting', *Daily Telegraph*, 11 May 1911.

<sup>89</sup> Ibid. See also Neitenstein, *The Reformed Prison System of New South Wales*, 1906, p. 1, cited in Sernack Cruise, 1980, p. 325. See also chapter five.

<sup>90</sup> *Report of the Comptroller-General of Prisons, New South Wales for the year 1917*, Government Printer, Sydney, 1918, p. 21.

<sup>91</sup> See chapter three for more on Neitenstein's views on association.

<sup>92</sup> Crofton's scheme was itself a modification of the 'marks system' implemented first by Alexander Maconchie the Superintendent of the Norfolk Island prison colony in the early 1840s. In this context, the word 'progressive' does not refer to progressivism as a movement, but to the prisoners' advance through the stages of the system. See Enoch Wines, *The State of the Prisons*

rewarded with progress through various stages, beginning with solitary confinement, passing through labour in public works gangs, and finishing with work on a prison farm near Lusk, not far from Dublin, where prisoners worked under conditions that approximated civilian life. The system also included provisions for individualisation of treatment, education for the inmates, supervised release, and assistance for prisoners in finding employment when they left prison.<sup>93</sup> Having visited the Lusk prison farm, the leading American penologist Enoch Wines wrote: ‘here then is a prison which is not a prison, being without bars, bolts or encircling walls; yet in twenty years there have not been twenty escapes... Truly Lusk is a magnificent triumph of reason and humanity’.<sup>94</sup> The recidivism rate was around ten per cent, and the farm was also said to make a clear profit.<sup>95</sup> The ‘Irish System’, as Crofton’s scheme became known was taken up and championed by English penal reformers such as Mary Carpenter and Matthew Davenport Hill, and Crofton himself became one of the leading penal reformers of his day. His ideas were discussed at international congresses and many felt his system signaled the future of penology.<sup>96</sup>

Crofton’s ideas made their first appearance in Australia in the later decades of the nineteenth century, through Harold MacLean, the NSW Sheriff, and later CGP. Appointed in 1865, Maclean visited the UK and Ireland in 1870 and came away most impressed with Crofton’s prison farm.<sup>97</sup> The Trial Bay labour prison at Lagers Point on the NSW north coast was modelled largely on Crofton’s ideas.<sup>98</sup> Opened in 1886, the prison was to combine reformatory prison treatment with productive labour on public works that did not interfere with private enterprise. This was to be achieved by putting the

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*and of Child-Saving Institutions in the Civilized World*, Patterson Smith, Montclair, 1968 (orig. publ. 1880), pp. 32-33; John Vincent Barry, *Alexander Maconochie of Norfolk Island: A Study of a Pioneer in Penal Reform*, Oxford University Press, Melbourne, 1958.

<sup>93</sup> Patrick Carroll-Burke, *Colonial Discipline: The Making of the Irish Convict System*, Four Courts Press, Dublin, 2000, p. 123.

<sup>94</sup> Wines, *The State of the Prisons*, p. 236.

<sup>95</sup> Carroll-Burke, *Colonial Discipline*, p. 194.

<sup>96</sup> Lawrence Goldman, *Crofton, Sir Walter Frederick (1815-1897)* Oxford University Press, 2004, <http://www.oxforddnb.com/view/article/65325> - accessed 13 August 2008; Séan McConville, *A history of English prison administration, volume I, 1750-1877*, Routledge & Keegan Paul, London, 1981, pp. 441-43. See also Walter Crofton, *A Few Remarks On ‘The Convict Question’*, William Bernard Kelly, Dublin, 1857; Mary Carpenter, *Reformatory Prison Discipline, as Developed by the Rt Hon Sir Walter Crofton in the Irish Convict Prisons*, Longmans, Green, Reader, and Dyer, London, 1872.

<sup>97</sup> Suzanne Edgar, ‘Maclean, Harold (1828-1889)’, in *Australian Dictionary of Biography*, vol. 5, Melbourne University Press, Melbourne, 1974, pp. 183-84.

<sup>98</sup> Neitenstein, *Report on Prisons*, 1904, p. 60; Christopher Mead, ‘Tough but Fair: Some Practices of Imprisonment in NSW, 1866-1914’, *Journal of the Royal Australian Historical Society*, vol. 77, no. 3, 1991, p. 65; Mark Finnane, *Punishment in Australian Society*, pp. 81-82; Sernack Cruise, ‘Penal Reform in NSW’, pp. 54-57.

prisoners to work constructing a breakwater. The north coast was subjected to frequent severe storms and there were no safe waters between Port Stephens and Moreton Bay. In the years 1862-66 alone, eighty-nine vessels and 243 lives had been lost on this stretch of coast, so the Harbours and Rivers Department was keen to create a safe haven in the bay using prison labour. The idea appealed to the Premier, Henry Parkes. He had led a select committee inquiry into NSW's prisons in 1861 which recommended the extension of public works by prisoners. Maclean saw an opportunity to put the Lusk principles into operation. Parkes approved Maclean's plans to house prisoners in huts, and set them to work building the breakwater free of all restraint except their word. Construction was delayed though, and work did not begin until 1877, and was not finished until 1886.<sup>99</sup> In the meantime, Parkes lost office. His successor, John Robertson, 'did not share Maclean's faith in open prisons'. At Robertson's insistence, the plan was changed, and the prison was built on conventional lines, complete with cellblocks built from the local pink granite.<sup>100</sup>

Despite Robertson's intervention, the Trial Bay prison bore traces of Crofton's scheme, for a time at least. Maclean declared the prison was 'destined to fill an exceptionally important place' in the colony's prison system. Prisoners laboured beyond the prison walls, and some were permitted a number of privileges. Well behaved prisoners were granted licences which permitted them to live in wooden barracks, still within the prison wall, in groups of five. They were permitted to swim and fish as long as they did not cross the borders of the prison reserve. They could also apply for leave of absence for up to seven days.<sup>101</sup> Of 693 license holders discharged up to 1893, only seventy-two or just under fourteen per cent had been reconvicted, and the prison was hailed as the most progressive step made to date in NSW penal reform.<sup>102</sup>

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<sup>99</sup> A. W. Powell, 'The Trial Bay Project: An Aspect of Social Reform in New South Wales', *Journal of the Royal Australian Historical Society*, vol. 61, no. 3, 1975, p. 185.

<sup>100</sup> Ibid, p. 191. See also Marie H. Neil, *Trial Bay Gaol: Public Works Prison and Wartime Detention Camp*, Macleay River Historical Society, Kempsey, 2006.

<sup>101</sup> Mead, 'Tough but Fair', p. 67.

<sup>102</sup> Ibid, p. 68.

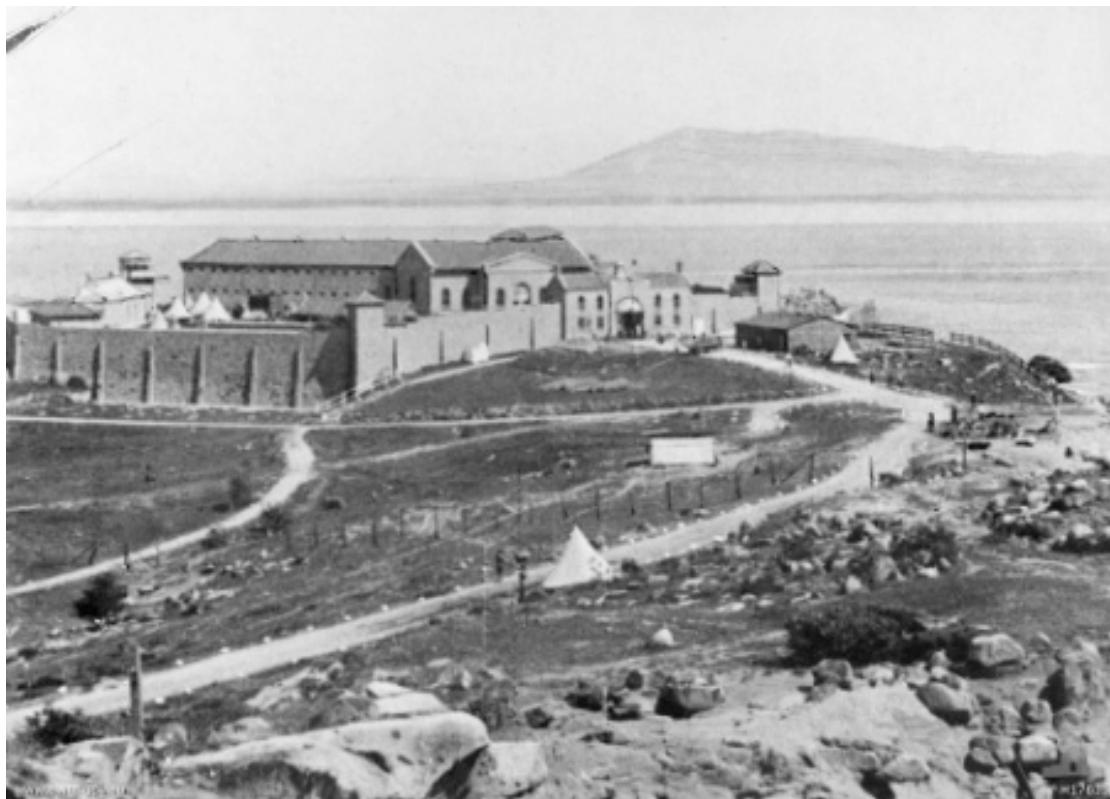


FIGURE 7. Trial Bay Prison buildings, 1917<sup>103</sup>

Maclean died in 1889, however, and under his successors, George Miller and Frederick Neitenstein, things changed. Licenses and leave of absences were no longer granted. The wooden barracks were demolished and all prisoners were held in the stone cellblocks. At the end of each day, all inmates now heard the iron bars clang behind them. The amount of labour demanded of inmates was increased and the rate of pay for their work reduced. Friction between the Prisons and the Habours and Rivers departments increased.<sup>104</sup> Ultimately, the breakwater proved a failure. An engineering nightmare, it was continually washed back into the sea by the storms it was supposed to withstand. Less than 300 metres were built in fourteen years, and the small sheltered area created was badly silted up.<sup>105</sup> In 1903 a violent tempest ripped forty-five metres of rock from the wall ‘and

<sup>103</sup> Source: Australian War Memorial, <http://cas.awm.gov.au/photograph/H17635> - accessed 20 February 2010.

<sup>104</sup> John Longford, ‘Trial Bay Prison’, *Under Lock and Key*, 10 March 1894, pp. 3-5.

<sup>105</sup> A similarly frustrating experiment with water, rock and convict labour took place in Tasmania in the 1830s. Hundreds of convicts were set to work building a causeway across the River Derwent at Bridgewater. Rock was hewn from the quarry, crushed, and wheeled to the riverbank. ‘As each load was tipped into the soft mud it promptly sank’, writes Hamish Maxwell-Stewart. ‘It was the most soul-destroying labour—ton after ton of rock disappeared in to the tidal flats’; see Maxwell-Stewart, *Closing Hell’s Gates: The Death of a Convict Station*, Allen and Unwin, Sydney, 2008. p. 261.

reduced the remainder to a shapeless mass'.<sup>106</sup> Frederick Neitenstein, the CGP at the time, was strongly opposed to the Crofton system, and the evils he believed it caused by congregating the labouring prisoners. He took the opportunity to do away with what he considered an expensive and unsound institution. He called it 'a great relief to the general policy of the Department'. In any case, by this time, steamships had largely replaced sailing craft on the coast, so the need for the breakwater had dissolved. The experiment at Trial Bay had lasted only seventeen years and had cost £186,000.<sup>107</sup> Still, it was the real precursor to the camps, not Neitenstein's gardens. Having rid the NSW prison system of Maclean's Crofton-inspired folly, Neitenstein believed it to be near-perfect, and was not loathe to say so.<sup>108</sup>

## PRISON CAMPS AND THE TAINT OF THE PENAL PAST

Neitenstein's opposition to the camps was based partly on his understanding of the NSW convict past. Perceptions of the convict era have played a crucial but neglected role in Australian prison reform discourse. The future dreamt of by progressive reformers turns out, on closer inspection, to say less about what that future might look like than it does about administrators' and politicians' fervent wishes to avoid being seen to repeat the mistakes of the past.

Scientific penology defined itself largely by contrast with the old 'criminal codes', which were, as Henry Boiles wrote,

in the light of twentieth century intelligence, a conglomeration of penalties of various degrees of atrocity, irrationality, absurdity and inutility. They are relics of blind social struggles against social evils, useful chiefly as antiquities, to be collected with thumb-screws, iron boots, racks and torture wheels in museums.<sup>109</sup>

The stigma of convictism has made the aversion to the penal past particularly acute in Australia. Penologists were in near-universal agreement on the evils of the Australian

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<sup>106</sup> Powell, 'The Trial Bay Project', p. 196.

<sup>107</sup> Powell, 'The Trial Bay Project', p. 195.

<sup>108</sup> See 'Prison Reformer', *SMH*, 25 April 1921. The real impetus behind the camps came from Neitenstein's successor, Samuel McCauley, and from the parliamentarians William Holman and David Hall.

<sup>109</sup> Boiles, *The Science of Penology*, pp. 6-7.

convict system. William Tallack thought the British practice of transportation of convicts to penal settlements as one of the great crimes committed by any society in history.<sup>110</sup> As noted in chapter one, the historiography of punishment in Australia is oddly disconnected, with little work linking the convict age and the post-transportation period. As a consequence, it is difficult to see how the convict legacy conditioned later penal policy. In reality, the two periods are connected in important and interesting ways, as Mark Finnane has observed.<sup>111</sup>

The convict taint was grist to the mill for prison reformers around the country. In Victoria at the turn of the century, the Reverend Charles Strong celebrated the transformation of the criminal law ‘since penal settlements disgraced Australia’. But, he asked, quoting Charles Dickens:

Are we to believe that there is no further evolution, and that laws and methods which came to us from an earlier, a less enlightened and aristocratic age, do not need to be reviewed and revised by us today?

‘We want’, Strong said, ‘our penal system dragged into the light of day’.<sup>112</sup>

Nearly twenty years later, as Pentridge Prison seethed with unrest, the spectre of Van Diemen’s Land made an appearance in the Victorian parliament. William Edgar, a Member of the Legislative Council, stood brandishing a large padlock which he claimed had once fastened the door of the condemned cell at Port Arthur, and declared that ‘the prison system had not improved with the march of progress’.<sup>113</sup> The following year, *The Age* was still calling for progress through the abandonment of the past:

The abominable deeds perpetrated under the sanction of past penal laws probably make the most hateful reading to be found in the annals of civilization... Every day it is becoming more certain that the old pathways of reform must be forsaken, the old instruments must be discarded... Punitive discipline has been fully tried, and has been found wanting... The new call is for greater sympathy,

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<sup>110</sup> Tallack, *Penological and Preventative Principles*, pp. 62-65.

<sup>111</sup> Finnane, *Punishment in Australian Society*, p. 29.

<sup>112</sup> Charles Strong, ‘Prison Reform’, *The Age*, 17 July 1901.

<sup>113</sup> ‘Pentridge Trouble. Penal Methods Discussed’, *The Argus* 21 November 1921. For similar rhetoric in NSW, see ‘Reformer’, *Crime and Criminals*.

greater understanding, greater faith in the capacity of the least promising piece of humanity to respond to the higher appeal.<sup>114</sup>

The popular image of a brutal penal past rested on four central tropes: floggings, leg-irons, the dark cells and the broad arrow.<sup>115</sup> More than anything else, the abolition of these features of prison life was held up as proof of progress. The broad arrow had been ‘relegated to the past’, crowed a Sydney journalist who visited Parramatta Prison in 1926.<sup>116</sup> In 1917, NSW CGP Samuel McCauley noted proudly that ‘Floggings have not been inflicted for many years, dark cells and solitary confinement have been discarded... Prisoners are now treated as human beings’.<sup>117</sup> In 1921, looking back and looking forward, Neitenstein made a vague reference to ‘the ideal prison’ in which he said ‘a man has his faults remedied by scientific methods’. The only indication he could give as to what this might look like was to say what it was not: ‘the gag and the lash went by the board ... for the same reason that the dark cell went—because they were fool methods. I could never see any sense in them. These things only tended to develop the animal in man.’<sup>118</sup> What is of interest in this remark, and many others just like it, are the peculiar assumptions that abandoning past practices alone stands as proof of progress, and that change itself is virtuous.<sup>119</sup>

Thus, it is unsurprising that the evils of the convict system were regularly evoked to underscore the humanity of the prison camps all around Australia. ‘What a change has taken place since the savagery of our forefathers’, Thomas Walker, a Member of the

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<sup>114</sup> Leader, *The Age*, 3 September 1923. See also: ‘The Curing of the Criminal’, *The Age*, 31 October 1925, and ‘Prisons Old and New’, *Herald*, 29 July 1938.

<sup>115</sup> This symbol was used to indicate that the object on which it appeared belonged to the British government. It was commonly seen on bricks, military equipment, and the clothing of convicts.

<sup>116</sup> ‘Walled Out of World’, *The Sun*, 14 March 1926.

<sup>117</sup> *Report of the Comptroller-General of Prisons, New South Wales for the year 1917*, Government Printer, Sydney, 1918, p. 7. Nearly four decades later, an offender asked to be flogged instead of being given a prison sentence. The NSW Prisons Department reported, with a touch of pride, that it had been so long since the last flogging had been administered that there were no members of staff who knew how to properly inflict one. See: ‘No Prison Man Able To Give Whipping’, *SMH*, 30 October 1954.

<sup>118</sup> ‘Prison Reformer’, *SMH*, 25 April 1921. See also: ‘Prisons Systems. New Zealand’s Claim’, *SMH*, 6 November 1922; and Jack Garvey, *The Indelible Stamp*, F. H. Tietjen, Sydney, c.1900, p. 1.

<sup>119</sup> See also John Ellard, ‘Some Major Lessons to Be Learned from the History of Corrections’, in David Biles (ed.), *Current International Trends in Corrections*, Federation Press, Sydney, 1988, p. 25.

Western Australian Legislative Assembly, said, celebrating the opening of the Pardelup Prison Farm.<sup>120</sup>

Emu Plains symbolised the perceived evolution particularly well. Not only was it the site of Australia's first prison farm, but, during the convict period, an infamous agricultural station had been located there. The coincidence lead many to believe the two institutions occupied the same land. This was not the case, but the juxtaposition was irresistible for many commentators.<sup>121</sup> 'There are many years between the old convict system and the farm at Emu Plains', one journalist gushed, shortly after the farm opened, 'but who would go back?' The convict past pressed heavily at Emu Plains, and even now 'leg irons and handcuffs are occasionally turned up in the soil' as an 'echo of a grisly past'. But the new prison was a tribute to William Holman's 'humanity and breadth of vision'.<sup>122</sup> Four years later, the writer J. H. M. Abbot visited the farm and found that there,

Nothing but redemption is aimed at... How far it is removed from the old brutalising system of prison management, which for so long disgraced New South Wales, one has only to look into the records, and to visit Emu Plains, to realise.<sup>123</sup>

Justice Minister William McKell visited the farm the following year. He was impressed by location, where the young inmate could gaze over

the river flat, where the Nepean wanders, through tree-lined banks, and watch the sun rising behind the hills, and lighting up one of the prettiest bits of river landscape in Australia. It is a long stride from Pinchgut and the old convict days.<sup>124</sup>

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<sup>120</sup> In: Drew, *Penological Reform*, p. 20. For an example of similar sentiments expressed by a prison guard, see E. J. Mohan, 'Prison Memories', *Penology*, August 1924, p. 1.

<sup>121</sup> See, for instance: Loraine Stacke, *Chained to the Soil on the Plains of Emu: A History of the Emu Plains Government Agricultural Establishment, 1819-1832*, Nepean District Historical Society, Penrith, 2000, p. xiv. In the folk imagination Emu Plains was associated with the worst of the convict system, an impression perhaps due, in part, to 'The Plains of Emu', a famous early nineteenth song of exile and suffering, which included the refrain 'And endless my thrall on the Plains of Emu'. In fact the original farm was both humane and successful; see Grace Karskens, *The Colony: a History of Early Sydney*, Allen and Unwin, Sydney, 2009, p. 91.

<sup>122</sup> On the Land. Farm and Station', *SMH*, 26 October 1915.

<sup>123</sup> J. H. M. Abbott, 'Emu Plains', *The Town and Country Journal*, 15 January 1919.

<sup>124</sup> 'Making Men. State Prison Farm', *The Sun*, 21 July 1920. See also *Report of the Comptroller-General of Prisons, New South Wales for the Year 1926-27*, Government Printer, Sydney, 1927, pp. 2-3.

According to *The Advertiser*, the camps and farms were proof that NSW had cast off the shackles of its past to become ‘the leader in the southern hemisphere so far as the humane treatment of offenders is concerned’.<sup>125</sup>

Similar rhetoric coloured penal discourse In Western Australia, where the memory of convictism remained most fresh.<sup>126</sup> When the Pardelup Prison Farm opened, John Drew pronounced it an opportunity for prisoners ‘to redeem the past’. But in a sense, it was the state of Western Australia that sought to redeem its past. Pardelup was founded on an old colonial property. According to Drew, the property’s pioneering history was particularly felicitous: ‘The men … are continually confronted with examples of conquest over very great difficulties and hardships’. Having invoked the pioneering period, however, Drew was careful to draw a line between the modern, scientific, progressive system the prison farm represented and the dark days when estates like Pardelup were cut from the bush by convict labour:

At the time the old settlement was being fashioned from the forest, many men, under the ban of society for offences of a very trivial nature, compared with the offences for which men today are segregated from their fellowmen, were treated with all the harshness and cruelty of a prison system, the thought of which, even now, makes one shudder … and had any scheme for the establishment of a State prison farm, on lines similar to those upon which the farm at Pardelup has been established, then been put forward, it would have been killed by ridicule before its germ of humanitarianism had had time to penetrate the less advanced social conscience of the day. If Pardelup provides evidences of determination and successful pioneering, it also provides a symbol of time’s changing processes and advancements.<sup>127</sup>

In South Australia, just months after the Kyeema Prison Camp opened, *The Advertiser* rejoiced that ‘the solitary confinement of which relics remain in the prison ruins at Port Arthur, has, happily, disappeared with the savagery of the old criminal code.’<sup>128</sup> If proof were needed of the historical distance between old prisons and new, it could be found in

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<sup>125</sup> ‘Prison Camp System’, *The Advertiser*, 18 May 1937.

<sup>126</sup> Tasmania also felt the legacy of the convict past keenly; see Michael Roe, ‘A. G. Ogilvie and the Blend of Van Diemens Land with Tasmania’, *Bulletin of the Centre for Tasmanian Historical Studies*, vol. 1, no. 2, 1986.

<sup>127</sup> J. M. Drew, *Prison Reform in Western Australia: The Pardelup Prison Farm*, Government Printer, Perth, 1928, n.p.

<sup>128</sup> ‘Solitary Confinement’, *The Advertiser*, 7 June 1932.

‘the recently established prison camp, Kyeema’.<sup>129</sup> Three years later, Roger Jackett of Fullarton visited the camp. In the visitors’ book he wrote: ‘How can you compare this with the old method? Wonderful’.<sup>130</sup>

### *The Swish of the Lash at Kuring-gai Chase*

The effect of popular understandings of Australia’s penal past on prison reform is neatly illustrated by an abortive experiment in the early 1930s, based on the results at NSW’s prison camps. These Depression years were difficult ones for administrators, politicians and prisoners, as they were for society generally. As the ranks of the unemployed swelled, so too did the prison population, which was already on the rise due to the effects of the *Vagrancy (Amendment) Act 1929*—popularly known as the Consorting Act—which prohibited social contact between known offenders. Whereas 291 people were behind bars for every 100,000 people in State during the financial year 1927–28, this had risen to 308 the following year.<sup>131</sup> By the midpoint of 1931, the prisons were groaning with 402 imprisoned per hundred thousand in the general population. In the same period, the total number of prison entries rose from 7092 to 10,135.<sup>132</sup> By December 1930, all the state’s prison camps were full.<sup>133</sup>

In early 1930, Justice Minister Jack Lee proposed to put a number of prisoners to work constructing a scenic drive through the Kuring-gai Chase National Park.<sup>134</sup> The prisoners would be housed in floating camps—the hulks of two old destroyers, the ‘Swan’ and the ‘Parramatta’, which were to be moored in Cowan Creek on the Hawkesbury River.<sup>135</sup> The proposal was supported by Kuring-gai Council, but it ignited a storm of protest in the press.<sup>136</sup> The *Labor Daily* claimed that the Bavin Government wanted, ‘to hear the swish of the lash, and the clank of the chains of the unfortunate creatures at the mercy of

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<sup>129</sup> Ibid.

<sup>130</sup> ‘Official Visitors’ Book: Kyeema Prison Camp’, 1932-53, 22 October 1935, SRSA GRG54/179.

<sup>131</sup> *Report of the Comptroller-General of Prisons, New South Wales for the years 1927-29*, Government Printer, Sydney, 1930, p. 1.

<sup>132</sup> *Report of the Comptroller-General of Prisons, New South Wales for the period 1st July, 1930, to 30 June, 1932*, Government Printer, Sydney, 1933, p. 1.

<sup>133</sup> ‘Prison Farms Full’, *SMH*, 18 December 1930. See also ‘Gaols Filled Due to Consorting Act’, *SMH*, 28 May 1930.

<sup>134</sup> ‘Use of Prison Labour. Suggestion to Government’, *SMH*, 3 February 1930. The area is now referred to as Ku-ring-gai Chase. I have kept to the spelling used in the 1930s.

<sup>135</sup> ‘Prison Labour. For Road Construction’, *SMH*, 20 February 1930.

<sup>136</sup> ‘Kuring-gai Chase Roads. Council Favours Prison Labour’, *SMH*, 17 April 1930.

persons in authority'. With the exception of some of the southern states in the USA, 'every civilised community' in the world regarded 'prison labour upon public works ... as detestable'. The hulks came under particular fire: 'The Directors of the Convict System may have regarded that hulk as a "floating camp" but most other persons considered it to be a 'floating hell'".<sup>137</sup>

Together with trade unionists, the trustees of the park led a determined opposition to the proposal. Describing it as 'a vicious and retrograde step', one of the trustees denounced the plan as a 'recrudescence of the chain-gang system'.<sup>138</sup> *The Daily Guardian* encouraged the trustees: 'Stick to your guns; keep prison labour and prison hulks out of your beautiful panorama of stream and hill'. Calling for the work to be carried out by free labour, the editor went on to ask 'why choose one of the loveliest scenes in all the world ... to be the setting for two convict hulks?' It would only evoke the 'degrading legends' of the past.<sup>139</sup> In parliament, Lee came under attack from other members who called the idea 'an outrage against all the feelings of the majority of the community'.<sup>140</sup>

Arthur Griffith, one of the trustees, also thought that given the proximity of the Chase to the city, residents of Sydney 'would make trips to see "chain gangs" at work'.<sup>141</sup> He later admitted that the productive employment of prisoners in the open was 'undoubtedly wise and humane' but insisted that such labour should be employed only beyond the metropolitan area'.<sup>142</sup> Lee did not deny that the prisoners would excite general interest, but argued that with the eyes of the public on them, prisoners would be less likely to attempt to escape and would perform the work to a higher standard. Lee saw no difference between the Cowan Creek camp and the other prison camps. 'You can go to Emu Plains any day and shake hands with prisoners over the fence', he later said in Parliament.<sup>143</sup> Lee attempted to cast the proposal as a simple extension of the policy of William McKell, his predecessor, but McKell saw a significant difference. The camps at Tuncurry and Bombala were, he said, set aside as penal areas. At Cowan Creek, prisoners would be 'working on a public road to which no one could be denied access', and would

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<sup>137</sup> 'Reviving the Convict System', *Labor Daily*, 22 February 1930.

<sup>138</sup> 'Kuring-gai Chase. Scenic Road Proposal. Trustees Disagree', *SMH*, 6 May 1930.

<sup>139</sup> 'Keep the Prison Labor Out of Kuring-gai', *Daily Guardian*, 21 February 1930.

<sup>140</sup> 'Prison Labour. For Road-making. Minister's Statement', *SMH*, 27 February 1930.

<sup>141</sup> 'Prison Labour. Kuring-gai Chase Trustees Perturbed', *SMH*, 20 February 1930.

<sup>142</sup> Arthur Griffith, 'Prison Labour in Kuring-gai Chase', *SMH*, 19 August 1930.

<sup>143</sup> 'Prison Labour. For Road-making. Minister's Statement', *SMH*, 27 February 1930.

be housed in hulks, ‘which in itself was a departure from the prison camp principle already adopted by the State’.<sup>144</sup>

Lee had few supporters. A motion in favour of the scheme was carried at a public meeting of the Howard Prison Reform League on 25 March, but only by a slender margin.<sup>145</sup> Among the press, *The Sun* was one of the few mastheads to support the scheme. ‘There is no lash and no triangles’, it said, ‘no brutal prison commandants of sadist proclivities to make the prisoners’ life a hell … there is not the slightest analogy between the life of the convicts in these camps and that of the convicts who built our first roads’. The afforestation camps had shown that such camps were not degrading, but rather eagerly sought by the prisoners. The idea should be recognised ‘as a step forward in penal practice, rather than a step back’. Opposition to the scheme on these grounds, *The Sun* opined, was a disguise for a different objection: that of free labour. Pointing out that the road would not and could not be built by free labour, abandoning the camp would be ‘to condemn the prisoners to go on knitting socks and winding balls of yarn, without helping the unemployed to one meal’. The men who put forward this argument, *The Sun* argued, looked not for ‘logic’ but for ‘any stick to beat their dog’.<sup>146</sup>

Prisoners had in fact been building roads for a long time, out of sight of the public. At the Brookfield Afforestation Camp, near Bombala, prisoners had been engaged on road work, as prisoners at Tuncurry had been, years earlier. Lee had the officer-in-charge at Bombala submit a report on the attitudes of prisoners there to road work. ‘Far from considering that they were going back to the days of convict customs’, the officer wrote:

nine tenths of the prisoners at this camp volunteered for and were most eager and anxious to be placed in the road gang. Despite the fact that this gang is by far the hardest worked of all, I almost daily have requests from prisoners working on other jobs to be considered for the first vacancy on the road. A prisoner came down to the office a few days ago and thanked me for changing him from the nursery, where the work is comparatively light, to the roads. He said that his health was greatly improved, and that he was eating and sleeping better than he had done for years. The prisoner said that he was quite content to work for the remainder of his sentence with a pick and shovel. This was from an intelligent

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<sup>144</sup> Ibid.

<sup>145</sup> ‘Howard League Supports Minister’s Road Scheme’, *SMH*, 25 March 1930.

<sup>146</sup> ‘Those Convict Hulks’, *The Sun*, 26 February 1930. For more on the Cowan Creek camp and the politics of prison labour, see chapter four.

and well-educated man, and goes to prove that the prisoners themselves do not consider that they are in any way going back to the days of the broad arrow.<sup>147</sup>

Despite the vocal opposition, prisoners were working from the hulks as of late August 1930.<sup>148</sup> At that time, overcrowding in the prison system was so severe that seventy healthy prisoners at Long Bay were sleeping in the lock hospital. Three hundred prisoners had absolutely no work to keep them occupied, and the government hoped that as many as two hundred of these could be employed at Cowan Creek.<sup>149</sup> But by March 1931, public opinion had set firmly against the scheme, and the camp was closed, having held an average of only ten prisoners at a time. Much of the material from the camp was sent to Emu Plains, where it was used to build extra accommodation.<sup>150</sup>

The incident quickly became a dim memory, remembered by only a few. The Reverend James Barrett of Bombala had a keen interest in penal reform. He recalled the episode at Cowan Creek well. ‘The cry of “hulks” a year or so ago’, he wrote, ‘wasted government money and stopped an interesting experiment in road making by prison labour’.<sup>151</sup> According to former NSW CGP, John Moroney, the camp failed, despite its similarity to the prison farm at Emu Plains, ‘because of its similarity to, and evocation of, happenings 100 years earlier’.<sup>152</sup>

The camp may have been short-lived, but the effects of its fate lingered on in the management of prisons in NSW. Stung by the Cowan Creek incident, the Prisons Department became extremely cautious about employing prisoners on public works, or at least public works in places the public might notice. In October 1932 the department was approached by the Oberon Shire Council. One of the public roads within the shire led to the Oberon Afforestation Camp and was in a bad state. The council felt that since the traffic along the road was largely vehicles on prison business, that the department should carry out the necessary repairs. William Hinchy, the Comptroller-General, and Lewis Ormsby Martin, the Minister for Justice both felt the request could not be acceded to. It

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<sup>147</sup> ‘Prisoners at Road Work. A Rockhampton Failure’, *SMH*, 22 February 1930.

<sup>148</sup> ‘Kuring-gai Chase. Prisoners at Work’, *SMH*, 26 August 1930.

<sup>149</sup> *Ibid.*

<sup>150</sup> *Report of the Comptroller-General of Prisons, New South Wales for the period 1st July, 1930, to 30 June, 1932*, Government Printer, Sydney, 1933, p. 1; ‘Kuring-gai Chase. Prison Labour Abandoned’, *SMH*, 10 March 1931.

<sup>151</sup> A. J. Barrett, ‘Bombala Afforestation Camp’, *Bombala Times*, 30 June 1939. See also: ‘C.T.’, ‘Emu Plains Reformatory Farm’, *The New South Wales Police News*, 1 November 1932, pp. 7-9.

<sup>152</sup> John Morony, *The More Things Change: A History of Corrections in New South Wales*, J. Morony, Sydney, 1988, p. 52.

would, Hinchy felt, ‘lead to trouble with the local unemployed’, while Martin, well aware of the fate of Cowan Creek observed that ‘it is against public policy to use prisoners to make or repair public roads’.<sup>153</sup>

There was something in the image of prisoners at road-making that unnerved prison reformers and concerned citizens alike. While they agitated for prisoners to be employed at farming and forestry beyond prison walls, or quarrying and manufacturing within them, very few would speak approvingly of road-making in public. Road-making was, like the broad arrow and leg-irons, so redolent of a past best forgotten, that it trumped all other considerations.<sup>154</sup>

## CONCLUSION

In many ways, the experience of prisoners at camps across the country did in fact resemble that of the convicts. Royal Commissioner Justice Nagle acknowledged as much, in his 1978 report, where he said that ‘despite the claimed innovation of the “open” prison system … it was, in some respects, no more than a return to practices which had existed 100 years earlier.’<sup>155</sup> The farm and forestry camps could be brought under what Michel Foucault called ‘the veil of administrative decency’.<sup>156</sup> Out of sight of the city, they soothed urban, middle class Australian anxieties, rather than confronting them as the Cowan Creek road gang did. In this fracture we can begin to discern some of the contradictions and complications of penal reform.

On the one hand the camps represent some of the great technocratic experiments of twentieth-century penology: a therapeutic focus, individualisation of treatment, indeterminate sentences, and minimum security institutions. Seen in this light, the farms and camps seem a thoroughly modern innovation. On the other hand, they hark back to earlier, nineteenth-century modes of imprisonment, as well as to nostalgic myths of agrarianism.<sup>157</sup> But it was politically impossible to look to the past for models in

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<sup>153</sup> NSW Precedent Book, 1931-34, p. 68, SRNSW 5/1099.

<sup>154</sup> The fact that the best known examples of road-making by prisoners in the twentieth century came from the supposedly backward southern states of America must have also made the practice unpalatable.

<sup>155</sup> *Report of the Royal Commission into New South Wales Prisons, 1976-77*, vol. 1, Government Printer, Sydney, 1978, pp. 36-37.

<sup>156</sup> Foucault, *Discipline and Punish*, pp. 262-63.

<sup>157</sup> These myths are explored in detail in chapter five.

formulating penal policy, especially the convict past. Administrators found themselves forced to represent proposed changes, including prison camps, in ways that avoided comparison with the convict system. In early twentieth century Australian prison discourse there could be no place for reform understood as return.

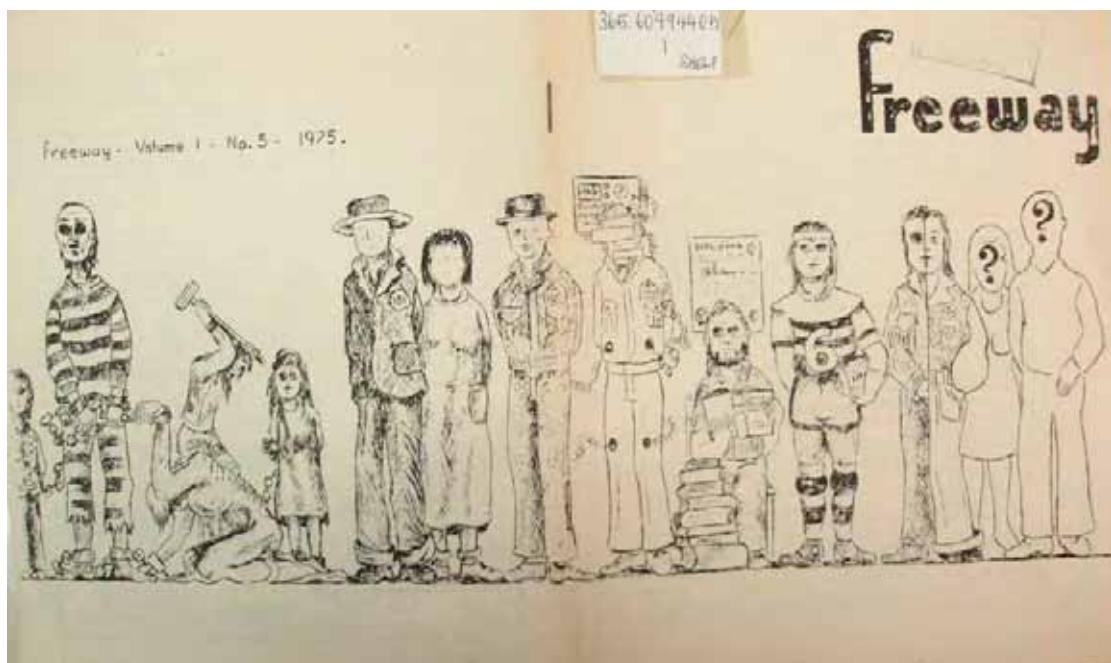


FIGURE 8. A prisoner's interpretation of the march of penal progress<sup>158</sup>

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<sup>158</sup> from the NSW prisoners' magazine, *Freeway*, vol. 1, no. 5, 1975.

## CHAPTER THREE

### Changing Spaces: Prison Camps and Penal Architecture

*Tensions are inevitable in prisons, tensions caused by the walls themselves.*

John Morony, former NSW Comptroller-General of Prisons (1988)<sup>1</sup>

In 1992 David Grant, an administrator with executive experience in three Australian penal systems, wrote: ‘Prison design is an exercise in material penal philosophy’. Since ideas change more rapidly than buildings, looking at the physical fabric of a penal system was, he thought, akin to ‘looking back into the past, in the same way that examining the night sky is looking back into the history of the universe’.<sup>2</sup>

We have seen how ideas circulating outside the prison—the imperatives of progressive politics and the spectre of the penal past—shaped the prison farm movement and the nature of prison reform in general. This chapter, and the next, trace the pressures arising from within: problems of prison design and management. If penal systems have not followed an orderly march towards increasingly enlightened standards, then the question arises: what did drive change? The argument of this chapter is that change was driven by prison managers’ persistent failure to solve one of their most fundamental problems: how to arrange bodies in space within the prison. Important consequences flowed from the degree to which a prison’s architecture separated prisoners, and permitted their association. Over the course of more than two hundred years, separation and association have each been considered as both obstacles and aids to ‘reformation’, and the principles of prison design have varied accordingly. If it is to be properly understood as an exercise in penal reform, the establishment of the camps must be seen in the context of this evolving debate.

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<sup>1</sup> John Morony, *The More Things Change: a history of corrections in New South Wales*, J. Morony, Sydney, 1988, p. iii.

<sup>2</sup> David Grant, *Prisons: The Continuing Crisis in New South Wales*, Federation Press, Sydney, 1992, p. 58. Grant’s remarks echoed the remarks made by the famous British criminologist, Max Grünhut, half century before: ‘important ideas concerning prison discipline find their visible expression in prison architecture’. He saw the large and solid buildings of the nineteenth century as ‘a lasting mark of a movement of the past’. Grünhut, *Penal Reform: A Comparative Study*, Patterson Smith, Montclair, 1972 (orig. publ. 1948), pp. 192–92.

Historians of penal architecture have shown how, in the first half of the nineteenth century, the penitentiary was born of a faith in the power of architecture as a ‘moral science’. Older gaols lacked a specialised architecture, and did not permit attempts to separate or classify prisoners. New penitentiaries, such as Pentonville Prison in London, sought to address these problems through a radical reconfiguration of penal space. The dirty, cramped dungeons in which great, noisy groups of prisoners were herded gave way to clean, silent, ruthless cells inhabited by single inmates. The plans for Jeremy Bentham’s famous panopticon also sprang from this line of thought. Historians have traced how these new buildings embodied great hopes for the reformation of criminals—hopes which faded long before the buildings were abandoned, but not before the ideas on which they were based were transmitted to the Australian colonies.<sup>3</sup>

By the end of the nineteenth century, administrators both in Australia and around the world recognised serious problems with the architecture of cellular confinement. Some looked to address these difficulties by modifying internal arrangements, but as Mark Finnane has noted, the buildings themselves came to be seen as the ‘enemy of discipline and rehabilitation rather than as an aid to the original, inspiring principles of modern penitentiary design’.<sup>4</sup>

As the penitentiary’s design principles waned, architects lost interest in the work of building prisons. Historians too have been uninterested in the history of penal architecture beyond the end of the nineteenth century. The interest of historian and architect alike only rekindles during the second half of the twentieth century when administrators sought escape-proof prisons for intractable prisoners, as well as new architectural forms to

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<sup>3</sup> Robin Evans, *The Fabrication of Virtue: English Prison Architecture, 1750-1840*, Cambridge University Press, Cambridge, 1982; James Semple Kerr, *Design For Convicts: An Account of Design for Convict Establishments in the Australian Colonies During the Transportation Era*, Library of Australian History, Sydney, 1984; James Semple Kerr, *Out of Sight, Out of Mind: Australia's Places of Confinement*, S. H. Ervin Gallery, Sydney, 1988; Sean O'Toole, *The History Of Australian Corrections*, UNSW Press, Sydney, 2006, pp. 14-15; C. J. Taylor, ‘The Kingston, Ontario Penitentiary and Moral Architecture’, *Histoire Sociale – Social History*, vol. 12, 1979, pp. 385-408; Séan McConville, ‘The Architectural Realization of Penal Ideas’, in Leslie Fairweather And Séan McConville (eds.), *Prison Architecture: Policy Design and Experience*, Architectural Press, Oxford, 2000, pp. 1-15; Richard Ross, *The Architecture of Authority*, Aperture Foundation, New York, 2007, Thomas A. Markus, ‘Can History Be a Guide to the Design of Prisons?’, *Architecture of Incarceration*, Academy Editions, London, 1994, pp. 13-9; Iona Spens, ‘Introduction’, *Architecture of Incarceration*, pp. 8-11.

<sup>4</sup> Mark Finnane, *Punishment in Australian Society*, Oxford University Press, Melbourne, 1997s, p. 64.

obscure the penal identity of prison buildings.<sup>5</sup> Prison camps have scarcely featured in these narratives.

At first glance, there seems to be little to say about the architecture of prison farms. Huts and tents require no architect to design, and many prison camps were constructed entirely by prison labour. However, by excluding the camps from the history of penal architecture, historians have implied that the architecture of the camps, rudimentary as it is, has little or nothing to do with the penological promise of the camps.

The major work on the history of Australian penal architecture, Joan and James Kerr's *Out of Sight, Out of Mind*, omits the years 1908-1963 without explanation, despite purporting to cover the period 1788-1988.<sup>6</sup> The hiatus more or less coincides with the ebb in confidence in penal architecture, and with the period in which great hopes were held for prison camps. This omission reflects the Kerrs' focus on penal architecture as a form of heritage. Like many heritage scholars, they were more interested in large, early, elaborate constructions than later, simple or flimsy structures.

Prison camps do have an important place in the story of penal architecture, and should be woven into it. Their unsophisticated structures should not blind us to the fact that they embodied penological principles of association and separation just as much as more complex buildings. The camps were a response to the perceived problems of the penitentiary; they were a new chapter in the history of penal architecture.

## ‘THE INSTIGATOR OF VIRTUE’: PENITENTIAL ARCHITECTURE

The walls, bars, cages, radial wings, and central observation points of the modern prison immediately identify the nature and purpose of the structure. Yet prisons have not always had such an immediately recognisable form. In pre-modern confinements such as the stock, the cage and the pillory, the captivity of prisoners was a spectacle. The Houses of Correction established in the early seventeenth century were the first penal institutions to remove the offender from public view and public space, but they were not purpose-built

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<sup>5</sup> See Spens, ‘A Simple Idea’, p. 11.

<sup>6</sup> Kerr and Kerr, *Out of Sight, Out of Mind*.

structures.<sup>7</sup> They were usually ‘colonizations of existing sites and structures’ such as palaces and gatehouses, and had no special qualities as places of punishment.<sup>8</sup>

By the late eighteenth century, when the famous sheriff and philanthropist John Howard launched his investigations into the state of England’s prisons, the Bridewells were seen as relics of failure, and the gaols were in a truly appalling state.<sup>9</sup> London’s infamous Newgate gaol was renowned as a place of horror, so rife with disease and disorder that physicians refused to attend patients within. Daniel Defoe experienced the place first-hand in the early eighteenth century, and the eponymous heroine of his novel, Moll Flanders, was confined there too. She thought:

the hellish noise, the roaring, swearing and clamour, the stench and nastiness, and all the dreadful afflicting things that I saw there, joined to make the place seem an emblem of hell, and itself a kind of entrance to it.<sup>10</sup>

Reformers such as Howard thought the ills of the old gaols could be remedied by better architecture. Prison reform and prison design were thus coupled from the start. As Robin Evans argues in his ground-breaking book, *The Fabrication of Virtue*, between 1750 and 1850

the prison became the central object of penal reform and architecture became associated with the prison as never before—this provided the ideal conditions for the perfecting of techniques that sought to make architecture the instigator of virtue.<sup>11</sup>

The squalor and licentiousness that surged unchecked in dungeons like Newgate would be eliminated through rational design. The power to control relationships between prisoners, and also between prisoners and keepers, would be taken from the hands of corrupt, ineffective gaolers, and vested in solid, impersonal walls. The only obstacles that

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<sup>7</sup> These were commonly known as Bridewells after the original at Bridewell Palace in London. From the sixteenth century, they housed vagabonds, beggars and criminals convicted of minor offences.

<sup>8</sup> Evans, *The Fabrication of Virtue*, pp. 50, 56. Reformers thought that work rather than isolation would transform the inmates of the Bridewells. For more on this see chapter four. See also Séan McConville, *A history of English prison administration, Volume I, 1750-1877*, Routledge & Keegan Paul, London, 1981, p. 22.

<sup>9</sup> *Ibid.*, p. 48.

<sup>10</sup> Peter Ackroyd, *London: the Biography*, Vintage, London, 2001, p. 251. See also McConville, *A history of English prison administration*, pp. 19-20, 50-51.

<sup>11</sup> Evans, *The Fabrication of Virtue*, p. 1.

Howard and his fellow reformers acknowledged were ‘neglect and bad buildings’.<sup>12</sup> Theirs was a self-consciously new endeavour. Thomas Bowdler was, along with Howard, appointed to a commission charged with organising a design competition for the new prisons. ‘Our undertaking is so different from anything that was ever built in this country’, he told one of the participating architects, that an individual might be ‘very fit for building a church or palace and very unfit for being architect to the penitentiary houses’. In these new buildings, prisoners would be ‘delivered into a measured, regulated, silent world, dominated by an architecture of inescapable relationships’.<sup>13</sup>

### *Forms of separation, 1780s-1830s*

Separation was the cornerstone of the new architecture. Separating prisoners from each other, and placing them one to a cell, was the best and surest way to prevent the spread of both the dreaded gaol fever, and unwanted communications. Howard himself thought association of prisoners ‘irreligious, inhuman and impolitic’.<sup>14</sup>

Until the early eighteenth century, solitary confinement had been recognised as a terror. Condemned prisoners were subjected to it in an attempt to break their spirits before the procession to the gallows at Tyburn.<sup>15</sup> But reformers re-invented solitude as an instrument of reformation. The dread that prisoners felt at the prospect of prolonged solitude was taken as a function of guilt, and proof of the wisdom of enforced seclusion. The prominent Gloucester prison reformer Sir George Onesiphorus Paul declared ‘Separation both day and night is the principle of all improvement … there is no possible degree of separation that will not bring with it additional perfection: — it favours every species of reform’.<sup>16</sup>

The reformers’ efforts bore fruit in the form of the *Penitentiary Act, 1779* which prescribed solitude as the initial stage of a felon’s sentence. But protests were quickly

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<sup>12</sup> Ibid, pp. 92-93.

<sup>13</sup> Evans, *The Fabrication of Virtue*, pp. 92-93; Michael Ignatieff, *A Just Measure of Pain: The Penitentiary in the Industrial Revolution*, Columbia University Press, New York, 1978, p. 95. See also: Henry Mayhew and John Binney, *The Criminal Prisons of London and Scenes of Prison Life*, Frank Cass & Co Ltd, London, 1968, (orig. publ. 1862), p. 97.

<sup>14</sup> Quoted in Enoch Wines, *The State of the Prisons and of Child-Saving Institutions in the Civilized World*, Patterson Smith, Montclair, 1968, (orig. publ 1880), p. 14.

<sup>15</sup> Evans, *The Fabrication Of Virtue*, pp. 75-76.

<sup>16</sup> If fully maintained, Paul thought separation ‘the most sovereign corrector of a hardened heart’. G. O. Paul, *Considerations of the Defects of Prisons*, London, 1784, p. 5.

raised against the innovations, and despite the Act, solitary confinement ‘tarnished by the excesses of its enthusiasts’ was used less, and praised less, in the United Kingdom in the early decades of the nineteenth century.<sup>17</sup>

Experiments with different forms of separation continued on the other side of the Atlantic. One American reformer who strongly advocated the use of solitary confinement was George Smith. He argued that, confined alone, each prisoner ‘will necessarily be made the instrument of his own punishment; his conscience will be the avenger of society’.<sup>18</sup> At Pittsburgh and Auburn, for a time, the Americans practised extreme forms of solitary confinement. Eighty prisoners at Auburn were subject to extreme isolation in cells only seven by three and half feet, with truly disastrous consequences.<sup>19</sup> The inmates were physically and psychologically ruined, and the experiment had to be called off. Alexis de Tocqueville and Gustave de Beaumont visited Auburn shortly after the experiment in the course of their official tour of the United States, and later wrote: ‘In order to reform them they had been submitted to complete isolation; but this absolute solitude ... is beyond the strength of man ... it does not reform, it kills’.<sup>20</sup>

The administrators at Auburn retreated from extreme isolation. From 1823, prisoners laboured in silent association before retiring to individual cells for the night. This new regime became known as the Auburn or silent system, and for much of the first half of the nineteenth century administrators and reformers in the United States argued its merits against the separate or Philadelphia system.

The Philadelphia system derived its name from the Eastern Penitentiary in Philadelphia, Pennsylvania, where it was first fully implemented. Unlike the silent system, it involved complete separation of the prisoners from each other, meals and labour taking place within the individual cell. It differed somewhat from the earlier experiments with solitary confinement, as prisoners were to receive regular visits from chaplains, doctors and warders, but the essential principle remained the same. Advocates of the system believed that only through stripping the world and its distractions from the offender would the introversion necessary for reform be inculcated. This, of course, could only be achieved

<sup>17</sup> Ignatieff, *A Just Measure of Pain*, p. 168; Wines, *The State of the Prisons*, p. 18; McConville, *A history of English prison administration*, p. 109.

<sup>18</sup> David J. Rothman, *The Discovery of the Asylum: Social Order and Disorder in the New Republic*, Little, Brown & Co., Boston, 1971, p. 85.

<sup>19</sup> Wines, *The State Of The Prisons*, p. 27.

<sup>20</sup> Gustave de Beaumont and Alexis de Tocqueville, *On the Penitentiary System of the United States and its Application to France*, Trans F. Lieber, Philadelphia, 1833, p. 5.

with the aid of a specialised, impenetrable form of architecture.<sup>21</sup> The contest between the silent and separate systems was one of the defining features of nineteenth century penology, but from today's vantage point the two models seem simply variations on a theme.<sup>22</sup> Advocates for both systems shared a belief that, if properly ordered, walls, doors and gates could create spaces in which the deviant's soul might be changed.<sup>23</sup>

### *'A simple idea in architecture': Bentham's panopticon*

The Americans eventually exported separation back to England. In the meantime, however, British reformers had not ceased to ponder the possibilities of penal architecture. In the 1790s Jeremy Bentham, a great opponent of convict transportation, hit upon one of his grandest ideas. He sought to understand how 'the human condition as a whole' might be 'controlled and made certain by design'.<sup>24</sup> This question became Bentham's consuming preoccupation, and, in the plans for his famous panopticon, he believed he had found the solution.

The panopticon was a new iteration of the faith in architecture's power to reform prisoners and the prison. It was based less on the physical separation of prisoners than on their continued, implicit surveillance and self-discipline.<sup>25</sup> The building was to be circular, with levels of individual cells ranged around the circumference, in which the prisoners slept, worked and ate. The inward wall of each cell faced the centre of the prison, and was a grid of bars rather than a stone wall, opening the cell to view from an observation tower in the centre of the structure. The tower's windows were too small for inmates to be able to see whether or not the tower was occupied, so they would be forced to assume that it was. Thus the labour of disciplining the prisoner was transferred from the guard to the inmate himself. (See Figure 9).

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<sup>21</sup> There were, according to the influential Boston Prison Discipline Society, 'principles in architecture, by the observance of which great moral changes can be more easily produced among the most abandoned of our race' (quoted in Norval Morris and David J Rothman, 'Introduction', *The Oxford History of the Prison: the Practice of Punishment in Western Society*, Oxford University Press, New York and Oxford, 1995, p. 106).

<sup>22</sup> Wines recognised this; see *The State of the Prisons*, p. 27.

<sup>23</sup> See: Taylor, 'The Kingston, Ontario Penitentiary and Moral Architecture' and Randall McGowen, 'The Well-Ordered Prison: England, 1780-1865', in Morris and Rothman, (eds.), *The Oxford History of the Prison*, p. 96.

<sup>24</sup> Quoted in Evans, *The Fabrication of Virtue*, p. 196.

<sup>25</sup> Bentham advocated solitary confinement in his first panopticon plan, but later dropped it, having learned of its dangers. See Evans, *The Fabrication of Virtue*, p. 74.

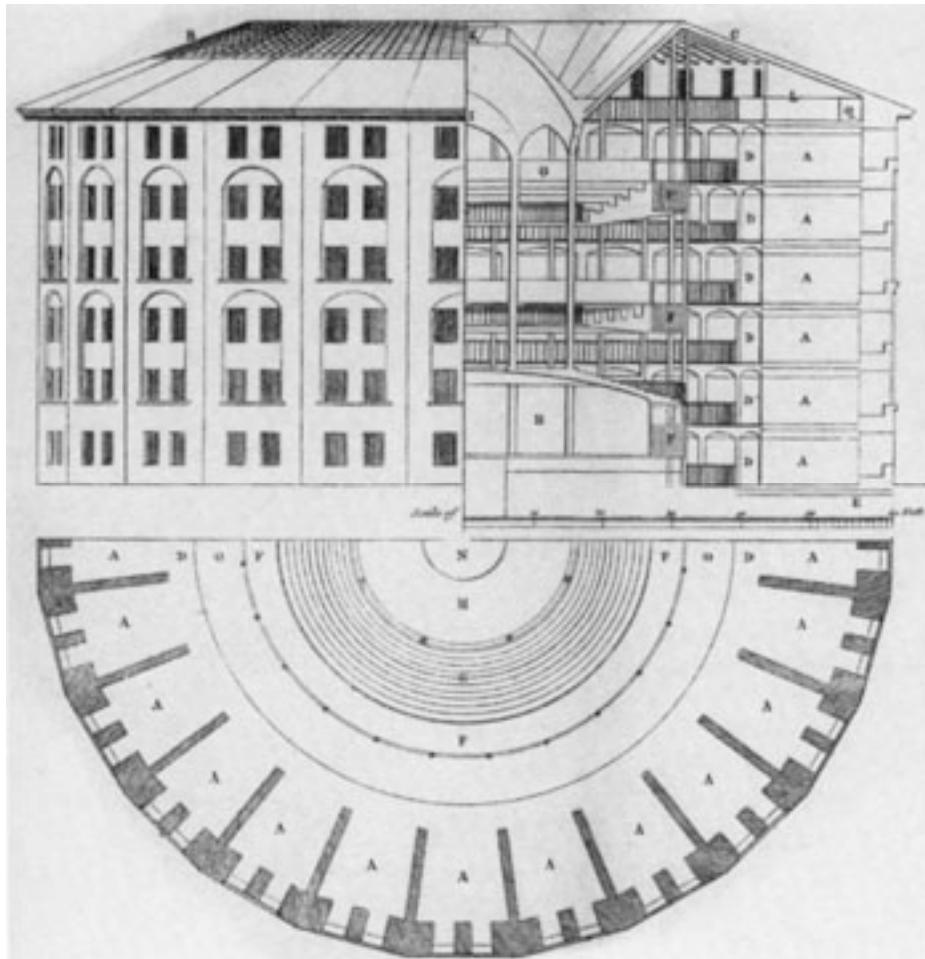


FIGURE 9. Sketches from Jeremy Bentham's plans<sup>26</sup>

Once described as ‘a strange compound of semi-sound principles and impracticable details’ the panopticon was never built as Bentham imagined it in England or Australia.<sup>27</sup> Nevertheless, it demonstrated the extent to which architecture embodied the hopes of the first generation of prison reformers.<sup>28</sup> ‘What would you say,’ Bentham asked in 1803,

if by the gradual adoption and diversified application of this single principle, you should see a new scene of things spread itself over the face of civilized society—morals reformed, health preserved, industry reinvigorated, instruction diffused, public burdens lightened, economy seated as it were upon a rock, the

<sup>26</sup> Source: *The Collected Works of Jeremy Bentham*, vol. 4, Edinburgh, William Tait, 1843, p. 172.

<sup>27</sup> Wines, *The State of the Prisons*, p. 16. See also McConville, *A history of English prison administration*, pp. 112-13. The development of closed circuit television made the design redundant.

<sup>28</sup> See also Kerr and Kerr, *Out of Sight, Out of Mind*, p. 1.

gordian knot of the poor laws not cut but untied—all by a simple idea in architecture.<sup>29</sup>

Even on paper, the panopticon's 'ruthless radial geometry'<sup>30</sup> prefigured the structure that would influence nineteenth-century Australian prison design more than any other: Pentonville Prison.<sup>31</sup>

### *'A kind of chrysalis': Pentonville Prison*

Pentonville was located in the heart of London, but its roots lay in Philadelphia. In the United States, the Auburn, or silent system had become the most widely used model of imprisonment, but English observers were more impressed by the Philadelphia experiment. Solitude, first tried and then discarded in the old country, was modified and exported back to Britain, where 'it was greeted as if it were a novel and untried thing'.<sup>32</sup>

Pentonville opened in 1842, and its design philosophy centred on the individual cell. Prisoners worked and ate in their cells, leaving only to go to visit the exercise yards or the chapel. A small sliding window in the middle of the cell door permitted the prisoner to be observed, but not to see the observer in return. Speech was forbidden and prisoners wore masks when moving about the prison, in order to prevent them recognising each other. It was a place where a prisoner might be 'alone with God and a wounded conscience'.<sup>33</sup> The prison's designer, Captain Joshua Jebb of the Royal Engineers, had

brought the art of designing the solitary cell to a new perfection. At Pentonville it was the key to the whole institution, a kind of chrysalis within which the transmutation of the criminal mind was to take place.<sup>34</sup>

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<sup>29</sup> Quoted in Taylor, 'The Kingston, Ontario Penitentiary and Moral Architecture', p. 400.

<sup>30</sup> Evans, *The Fabrication of Virtue*, p. 131.

<sup>31</sup> As Michael Ignatieff has pointed out, while architectural historians ponder the differences between the panopticon and Pentonville, their similarities are more significant. 'In both, the criminal was separated from the outside world by a new conception of social distance epitomized by uniforms, walls, and bars.' Ignatieff, *A Just Measure of Pain*, p. 113.

<sup>32</sup> Evans, *The Fabrication of Virtue*, pp. 318, 321-23.

<sup>33</sup> Daniel Ritchie, *The Voices of Our Exiles: Stray Leaves from a Convict Ship*, John Menzies, Edinburgh, 1854, p. 4. See also: Evans, *The Fabrication Of Virtue*, p. 327; Mayhew and Binney, *The Criminal Prisons*, p. 102.

<sup>34</sup> Evans, *The Fabrication of Virtue*, p. 354.

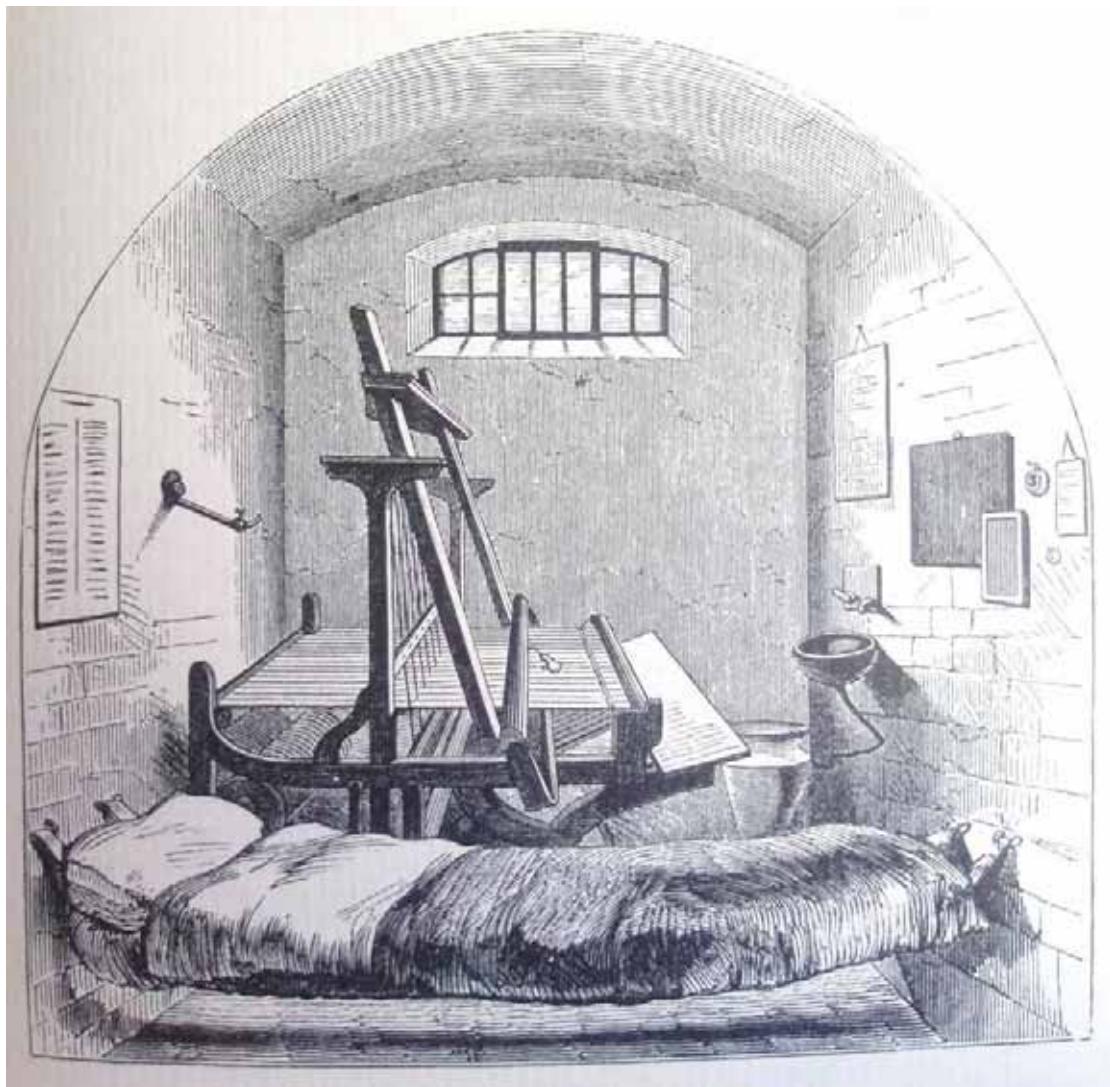


FIGURE 10. Separate cell at Pentonville Prison<sup>35</sup>

The construction of Jebb's prison marked high tide for the belief in penal architecture. It accorded with 'a widespread perception of the evils of unmediated intercourse and a concomitant belief that goodness could only flourish in its own space'.<sup>36</sup> And it was a repudiation of the old structures, such as Newgate and the Bridewells, where 'corruption and profanity were concentrated into one place and incidentally exhibited as a parody of evil'. In Pentonville, 'everything was arranged to prevent the genesis and spread of vice'.<sup>37</sup>

<sup>35</sup> Source: Mayhew and Binney, *The Criminal Prisons*.

<sup>36</sup> Ibid, p. 419.

<sup>37</sup> Ibid, p. 4.

It was believed that the separate cell would strip the false, deviant personality of the prisoner, leaving a tabula rasa, on which a new self might be inscribed. According to Pentonville's chaplain:

A few months in the solitary cells renders a prisoner strangely impressionable. The chaplain can then make the brawny navvy cry like a child; he can work on his feelings in almost any way he pleases; he can so to speak, photograph his thoughts, wishes and opinions ... and fill his mouth with his own phrases and language.<sup>38</sup>

In its early years, Pentonville was often called ‘the Model Prison’. The early reformers’ vision seemed realised.

### *The architecture of separation comes to Australia, 1840s-1870s*

As James Kerr writes, ‘innovative penal theory formed no part of any Australian architectural brief: ideas always remained an essential import’.<sup>39</sup> Faith in the power of penitential architecture was transmitted to Australia through the plans for Pentonville<sup>40</sup> and, at the point when most of the Australian colonies became self-governing, ‘the dominance of the separate system as the normal mode of punishment was undisputed’.<sup>41</sup>

When drawing up plans for new prisons, colonial architects were required to consult with Jebb, in his capacity as Surveyor General of Prisons. Indeed, many Australian penal institutions were designed by members of Jebb’s own corps, the Royal Engineers.<sup>42</sup> George Barney and George Gipps were particularly influential in this regard. Both men were Royal Engineers who arrived in Australia towards the end of the convict period.

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<sup>38</sup> Ignatieff, *A Just Measure of Pain*, pp. 197-98, 204. See also Christopher Mead, ‘Tough But Fair: Some Practices of Imprisonment In NSW, 1866-1914’, *Journal of the Royal Australian Historical Society*, vol. 77, 1991, p. 58.

<sup>39</sup> Kerr and Kerr, *Out of Sight, Out of Mind*, p. 9.

<sup>40</sup> Its effects were transmitted in the bodies of prisoners too. Many convicts sentenced to transportation spent a preliminary period in separate confinement at Pentonville before boarding ships bound for the Australian colonies.

<sup>41</sup> Finnane, *Punishment*, p. 44.

<sup>42</sup> Ibid, pp. 23-24.

Each was also strongly influenced by the Society for the Improvement of Prison Discipline (SIPD), one of leading promoters of the study of penal architecture.<sup>43</sup>

Pentonville was the template for many of Australia's largest prisons, including the separate prison at Port Arthur in Tasmania, the penitentiaries at Darlinghurst, Maitland, Bathurst and Berrima in NSW, Pentridge in Victoria, and Fremantle in Western Australia.<sup>44</sup> A small short-lived separate prison was also built on Norfolk Island by Alexander Maconochie.<sup>45</sup> Maitland Gaol, designed by Colonial Architect Mortimer William Lewis, opened in 1844 and was described as a 'a colonial vision of a miniature Pentonville'.<sup>46</sup> Although none were as grand as the original, the colonial versions were all based on the same principles of separation and isolation.

William Champ was Commandant at Port Arthur when its Separate Prison was under construction. In 1857 he took up the post of Inspector General of Victorian Penal Establishments, following the murder of his predecessor, John Price. His 'special project' was the construction of a separate prison, misleadingly referred to by Champ himself and several historians as 'the Panopticon'. It opened in 1859, and shortly afterwards Champ reported that 'the softening effects ... of solitude and separation from evil communications have already exhibited themselves'.<sup>47</sup> According to Mark Finnane, Champ's prison was 'as identifiable a picture of mid-Victorian penal discipline as one could obtain from any of Joshua Jebb's guides to the construction and management of prisons'.<sup>48</sup>

The most extreme application of the architecture of separation in Australia took place in NSW. In 1870, Harold McLean, the Sheriff, thought it difficult to imagine 'a more effective discipline, a more deterring punishment, and a larger measure of reformation' than that achieved through separation:

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<sup>43</sup> Wines, *The State of the Prison*, p. 19. Richard Bourke, Gipps' predecessor as Governor of NSW was also much impressed by the SIPD. See Finnane, *Punishment*, p. 62 and Kerr, *Design For Convicts*, p. 171.

<sup>44</sup> Kerr and Kerr, *Out of Sight, Out of Mind*, pp. 37-42. See also *Proceedings of the Royal Commission into New South Wales Prisons*, vol.9, Sydney, 1978, p. 139 qq.7718-20.

<sup>45</sup> Kerr and Kerr, *Out of Sight, Out of Mind*, pp. 51-52.

<sup>46</sup> John Ramsland, *Most Healthily Situated? Maitland Gaol, 1840-1998*, Verand Press, Sydney, 2001, pp. 9-10.

<sup>47</sup> Peter Lynn and George Armstrong, *From Pentonville to Pentridge: a History of Prisons in Victoria*, State Library of Victoria, Melbourne, 1996, pp. 50-52.

<sup>48</sup> Finnane, *Punishment*, p. 45.

It is striking to witness criminals passing through years of such a discipline. But the good effects are apparent and well established. Communication with one another being prohibited, a stop is put during imprisonment to corrupting influences; and seclusion, the essence of imprisonment, is secured, thus entirely doing away with what may be termed the social intercourse of prison life.<sup>49</sup>

The principles of the separate system, as Maclean understood them were codified in NSW in the *Prisons Act 1874*.<sup>50</sup> But as early as 1866, Maclean had designated Berrima Gaol a Model Prison. Thereafter, for the first nine months of their sentences, prisoners at Berrima were not permitted to send or receive letters. As at Pentonville, they laboured alone in their cells with only a Bible for distraction. They exercised in yards for an hour a day, wore masks about the prison, and were severely punished for any infraction of the regulations.<sup>51</sup> Maclean felt none could question the design and management of Berrima, as it was ‘abreast of the most advanced European ideas’ and ‘the cornerstone of the penal system of the Colony’.<sup>52</sup>

### *The decline of separation*

By the early twentieth century, the Model Prison at Berrima was seen as a relic of failure. In the course of four decades, the design principles that had promised to improve both prisons and prisoners came to be seen as not only antiquated, but positively callous. This remarkable reversal of penological thought, leads directly to the establishment of the prison camps.

The architecture of separate confinement had its critics from the start. In 1799, Samuel Coleridge had recoiled from the practice.<sup>53</sup> The American experiments with solitude also found their critics. De Tocqueville and de Beaumont were not the only visitors to the New World to be horrified by isolating prisoners in this way. Charles Dickens held ‘this

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<sup>49</sup> Quoted in ‘Manual For Staff Instruction and Guidance’, NSW Department of Prisons, 1956, p. 230, ML.

<sup>50</sup> ‘Manual For Staff Instruction’, p. 230.

<sup>51</sup> *Report of the Royal Commission Appointed on the 2nd July, 1878, to Inquire into and Report upon the General Management and Discipline of the Gaol at Berrima, Together with the Minutes of Evidence and Appendices*, Government Printer, Sydney, 1878.

<sup>52</sup> Mead, ‘Tough But Fair’, p. 63; Merrilyn Lee Sernack Cruise, ‘Penal Reform In New South Wales: Frederick Neitenstein, 1896-1909’, PhD Thesis, University of Sydney, 1980, p. 36.

<sup>53</sup> Quoted In Evans, *The Fabrication of Virtue*, p. 192.

slow and daily tampering with the mysteries of the brain to be immeasurably worse than any torture of the body'.<sup>54</sup>

Pentonville too raised concerns about the effects of separate confinement on prisoners' physical and mental health. Accounts of madness there surfaced as early as 1843.<sup>55</sup> Mayhew and Binney reported that the Model Prison turned out 'upwards of ten fold more madmen' than any other prison in England or Wales.<sup>56</sup> Alone in their cramped, viewless cells, prisoners' 'personalities were turned terribly against them in a setting that could have been an ossuary for the living'.<sup>57</sup>

Recidivism rates remained unchanged.<sup>58</sup> In fact, the Model Prison had not even succeeded in keeping its inmates separate or silent,<sup>59</sup> but the elaborate and very expensive buildings remained. Evans writes:

Orderly and solitary they still were, but drained of all purpose these qualities became inexplicable and timeless ... Where there had been disorder, licence and corruption through intercourse there was now an unrelenting repetition of futile tasks performed within the close bleak perspective of converging walls.<sup>60</sup>

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<sup>54</sup> Charles Dickens, *American Notes and Pictures from Italy*, Oxford University Press, London, 1957, (orig. publ. 1842), p. 99. In 1844, a physician at the Rhode Island state prison, described the Philadelphia system as 'a slow corroding process carrying its subject to the derangement of both body and mind'. Wines, *The State of the Prisons*, p. 26.

<sup>55</sup> Evans, *The Fabrication of Virtue*, p. 386

<sup>56</sup> Mayhew and Binney, *The Criminal Prisons*, p. 104, and pp. 112-15, 127, 141.

<sup>57</sup> McConville, 'The Architectural Realization of Penal Ideas', p. 10. See also McConville, *A history of English prison administration*, pp. 208-09; Priestley, *Victorian Prison Lives*, p. 4; William Tallack, *Penological and Preventative Principles*, Wertheimer, Lea & Co, London, 1896, p. 136.

<sup>58</sup> Mayhew and Binney, *The Criminal Prisons*, p. 107.

<sup>59</sup> Prisoners found a range of ways to communicate, to pass information and the recognition of each others' presence. Even in prisons ostensibly operating under the 'silent system', such as the Kingston penitentiary in Canada, prisoners

Talked to each other surreptitiously through holes in the cell walls, in the work shop and during chapel service and in the dining hall. They sang individually and they sang together and they even sang while they danced. They sang and they shouted all the way to the punishment cells and continued singing and shouting there, only louder. They gossiped, shouted, cursed, whistled, coughed, pretended to cough and imitated different varieties of animals...finally, when prisoner could not cause disruptions with their mouths, they used their eyes. They stared silently, strangely and steadily at the guards. Joseph A G Berkovits, "Us Poor Devils": Prison Life And Culture In Ontario: 1874-1914', PhD Thesis, University Of Toronto, 2000, p. 169. See also Priestly, *Victorian Prison Lives*, pp. 46, 87, 94-95, 201, 226, 197; and Ignatieff A *Just Measure of Pain*, p. 178.

<sup>60</sup> Evans, *The Fabrication of Virtue*, p. 400.

From the 1850s, as official disillusionment deepened over the apparent failure of the penitentiary, architects became uninterested in penal reform.<sup>61</sup> Isolation and separation gradually became tools for an explicitly punitive form of prison discipline. But prison reformers remained, and they attached their hopes to new architectural forms. It was during this period that interest in the Mettray Agricultural Colony quickened, while in Ireland, observers were struck with the results at the Lusk Farm, where prisoners lived in moveable iron huts.<sup>62</sup> Walter Crofton, its founder, still believed separation to be an essential component of imprisonment but its purpose was now explicitly to punish and to cow; reform was only held to have a place and be possible in the ‘intermediate’ stage at the farm or the quarry.<sup>63</sup>

Between 1866 and 1913, penal administrators in Australia became progressively more aware of the defects of intense and prolonged separation, and less convinced of the evils of association. Senior administrators, ex-prisoners, concerned citizens and former guards alike thought it cruel and unnecessary.<sup>64</sup> In 1877, the Victorian Inspector General George W. Duncan toured a number of foreign counties. During his time in the United States, Duncan, who had until this point been a staunch advocate of separation, inspected the Philadelphia Penitentiary. The extreme application of separation he witnessed there planted doubts in his mind.<sup>65</sup> By the end of his term in office, Duncan was deeply skeptical as to the value of separation. In 1880 he admitted that he did not believe ‘that seclusion would make the man or woman so isolated stronger to resist evil ... outside the prison walls’.<sup>66</sup>

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<sup>61</sup> See Rothman, *The Discovery of the Asylum*, p. 243.

<sup>62</sup> A group of magistrates from Yorkshire, after visiting Lusk reported that ‘all the usual features of a prison may be said ... to be conspicuous by their absence’. Quoted in Mary Carpenter, *Reformatory Prison Discipline, as Developed by the Rt Hon Sir Walter Crofton in the Irish Convict Prisons*, Longmans, Green, Reader, and Dyer, London, 1872, pp. 39-40.

<sup>63</sup> Evans, *The Fabrication of Virtue*, p. 391. In this way, Crofton anticipated mid-twentieth-century administrators in Australia (see chapter one).

<sup>64</sup> Walter Rodway, *Songs & Poems By Dr Walter Rodway, Composed During His Imprisonment*, J. L. Holmes, Sydney, 1884; Joe Bragg, *Confessions of a Thief*, Brooks, Mann & Co, Sydney, 1889; John Bradshaw, *Twenty Year's Experience of Prison Life in the Prisons of New South Wales*, Sydney, c1900); Jack Garvey, *The Indelible Stamp*, F. H. Tietjen, Sydney, c1900; John H. Longford, *Under Lock and Key*, March 1894. See also Paul Alliston, ‘Prison Reform In NSW, 1896-1914: From Retribution To Reformation; Changes In Official Attitude’, Honours Thesis, University of NSW, 1968, pp. 1-7.

<sup>65</sup> Lynn and Armstrong, *From Pentonville To Pentridge*, p. 100.

<sup>66</sup> *Penal Establishments and Gaols: Report of the Inspector General for the year 1879*, Government Printer, Melbourne, p. 7. On Norfolk Island, the Superintendent, Alexander Maconochie, also became disenchanted through experience with the separate system. Kerr and Kerr, *Out of Sight, Out of Mind*, pp. 51-52.

Berrima was singled out for particular concern, and it was the subject of a Royal Commission in 1878. The commissioners found that the governor of the prison, William Small ‘had a hasty temper’ and resorted to the gag and spread-eagling too frequently, but they were not persuaded that there was a problem with the separate system itself. Public and popular opinion held otherwise. John Longford, former warder at Darlinghurst thought no punishment as severe as separate treatment. Prisoners, he said ‘have been known to suffer untold hardships in the endeavour to escape it’.<sup>67</sup> Questions were asked in Parliament about the frequency of suicide attempts and self-mutilations under the system.<sup>68</sup>

In England, the landmark 1896 Gladstone Report rejected total separation, and prompted renewed calls for its abandonment in NSW. However, Maclean’s successor, George Miller, clung pugnaciously to the principles of separate treatment. In June 1896, near the end of his term, he defended the system in the face of sustained public concern. To do away with separation, he stated

would simply be a ruinously retrogressive step, throwing the department back a century, to the time when the great prison reformer Howard became a strong advocate of it after his experience of the horrors of association of prisoners … I cannot conceive anything which would have a worse effect upon the prisoners of this colony … Some say separate treatment is unnatural. This may also be said of any form of confinement within prison walls. But society must be protected from criminals … A man who is not a criminal by nature prefers cellular separation to being placed in association with criminals. It is the real criminal, who wants to be among ‘pals’ who hates it, and pretends that it injures him mentally and physically.<sup>69</sup>

Never again would such claims be made for the reformatory value of separation in NSW. Neitenstein followed Miller as CGP, and at first he thought separation ‘the true basis of effective prison management’. But his experience forced him to acknowledge its limits. He conceded that in practice it could verge dangerously on outright solitary confinement.

<sup>67</sup> Longford, *Under Lock and Key*, 3 March 1894, p. 6.

<sup>68</sup> ‘Solitary Confinement’, *Parliamentary Debates*, 2 November 1898, vol. 95, Government Printer, Sydney, p. 2014; ‘Criminals in Gaols’, *Parliamentary Debates*, 7 November 1900, vol. 107, Government Printer, Sydney, p. 4849.

<sup>69</sup> George Miller, ‘The Administration of Justice: Further Reports Respecting the Separate Treatment of Prisoners’, 8 October 1896, *Votes and Proceedings of the Legislative Assembly*, 1896, vol. 2, Government Printer, Sydney, p. 1043.

He sought a compromise. The result was the ‘restricted association’ system of prison management. Prisoners were to be separated for meals and rest, but were to be allowed limited, supervised association during times of work and exercise, and this association was to hinge on a system of classification to prevent so-called ‘incorrigibles’ from contaminating hopeful cases.<sup>70</sup> From October 1897, following continued public outcry about the effects of separate confinement, even Berrima was placed under the restricted association system.<sup>71</sup> ‘The plan aimed’, Neitenstein wrote,

at limiting the association without going too far in the direction of solitary confinement. It was felt that a too rigid seclusion would be unnatural, and would bring about evils of its own ... [the prisoner with a sincere desire to reform] will have the companionship of his fellows while at work, but he will secure a wholesome privacy at meals and at all other times.<sup>72</sup>

Neitenstein became increasingly aware of the problems of separate treatment as he spent more time at the helm of the Prisons Department.<sup>73</sup> By the time he retired, real separation was almost unknown in the state’s prisons, except purely as a punishment.<sup>74</sup> In 1916 new prison regulations were promulgated abolishing mandatory separate treatment for young prisoners. ‘Now when the prisoner arrives at the gaol he is immediately set to work, generally in the open air’, the *Sydney Morning Herald* reported approvingly.<sup>75</sup> In 1917, the ‘liberty stage’ was abolished. This had formed the last month of a prisoner’s sentence, during which he was returned to separate confinement, to prepare spiritually to re-enter society.<sup>76</sup> Berrima was closed the year after Neitenstein retired. The falling prison population, combined with changes in the use of separate treatment ‘rendered the use of

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<sup>70</sup> Sernack Cruise, ‘Penal Reform in NSW’, pp. 157-58.

<sup>71</sup> Ibid, p. 179.

<sup>72</sup> Frederick Neitenstein, *Prisons; Report for 1897*, Government Printer, Sydney, 1898, p. 61 (Appendix 4).

<sup>73</sup> On his return from a trip abroad, Neitenstein wrote: ‘while the evils arising from association have been fully recognised in New South Wales, the evil likely to arise from unduly prolonged isolation have not been lost sight of’. Neitenstein, *Report on Prisons, Reformatories, Asylums and other Institutions in Europe, and America*, Government Printer, Sydney, 1904, p. 4. See also: J. S. Dunnet, ‘Snapshots of Gaol Life in New South Wales’, *The Red Funnel*, vol. 7, no. 3, 1908, p. 236.

<sup>74</sup> Sernack Cruise, ‘Penal Reform In NSW’, p. 193. For the development of separate confinement as punishment in Victoria, see Lynn and Armstrong, *From Pentonville to Pentridge*, p. 115.

<sup>75</sup> ‘Prison Reform. New Methods at Long Bay’, *SMH*, 5 February 1916.

<sup>76</sup> *Report of the Comptroller-General of Prisons, New South Wales for the year 1917*, Government Printer, Sydney, 1918, p. 7.

this establishment unnecessary', Samuel McCauley said.<sup>77</sup> Berrima quickly became emblematic of a dark, vindictive past.<sup>78</sup> By 1930, the NSW Minister for Justice, John R. Lee could look back at the closing of Berrima with almost smug satisfaction:

It had for some time stood for the final stage of prison punishment and degradation, and a prisoner committed to that Institution was always looked upon as beyond the pale of ordinary measures of reform. Its abolition marked the final passing of coercive measures.<sup>79</sup>

Outside NSW too, the architecture of separation was discredited. In Western Australia it was used as a part of reformatory discipline until 1912. Its use for this purpose was then discontinued on the grounds it 'was found to derange the minds of some of the prisoners subjected to it'.<sup>80</sup> Only four years after the practice was discontinued, Chief Secretary J. M. Drew asked:

Of what use is it to preach charity, forbearance and goodwill to a broken creature who has been through the tortures and suffered the barbarism of the 'cage' and the 'separate' cell; to subject an unfortunate to those devices of the devil and expect him to learn from them the Divine attributes of meekness and charity?—the pity of it!<sup>81</sup>

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<sup>77</sup> *Report of the Comptroller-General Of Prisons, New South Wales for the year 1909*, Government Printer, Sydney, 1910, p. 3. A new medium security training centre was eventually opened within old walls at Berrima in 1949.

<sup>78</sup> Mead, 'Tough But Fair', p. 64; 'Old Berrima Gaol', *Daily Telegraph*, 7 June 1913.

<sup>79</sup> John R. Lee, 'Modern Methods of Prison Reform', Notes of a Lecture by Hon. John R. Lee Delivered to the Howard Prison Reform League, 7 July 1930, p. 24, University of NSW Library, LM/ KB350/L6/1. See also Rodway, *Songs and Poems*, Garvey, *The Indelible Stamp*, Bradshaw *Twenty Year's Experience*. For prisoners' condemnation of penitential architecture generally, see the testimony given by the ex-prisoner Grant Hervey in: Minutes of evidence taken before the Board of Inquiry regarding Pentridge Penal Establishment, August 1920, p. 551, Supplementary Inward Registered Correspondence, 1841-1979, PROV VPRS 1226 P0000/130 (for more on Hervey, see chapter seven); Vance Marshall, *Jail From Within*, The Wentworth Press, Sydney, 1969, (orig. publ. 1919), p. 32 ;and James Francis Dwyer, *Leg-Irons On Wings*, Georgian House, Melbourne, 1949, p. 94.

<sup>80</sup> J. Saunders, 'Development of the Prison System in Western Australia', Graylands Teachers' College Thesis, Perth, 1960, p. 24 (State Library of Western Australia). Thomas Mott Osborne thought penitentiaries such awful places that 'the wonder is not that so many men have gone insane in prisons, but that so many have remained sane'. Thomas Mott Osborne, *Prisons and Common Sense*, J. B. Lippincott, Philadelphia, 1924, p. 28. See also Les Nicholas, Autobiographical writings of a prisoner: 'The Life and Experiences of a Modern Prophet', c.1917, p. 34, SRNSW 5/1520.

<sup>81</sup> J. M. Drew, *Penological Reform in Western Australia*, Government Printer, Perth, 1916, p. 6, also p. 19.

At French Island, habitual criminals mingled freely with younger criminals. This had, Samuel Mauger said, ‘no ill-effect. The reformatory creates the reform atmosphere’.<sup>82</sup> The mother of a young man discharged from Emu Plains in 1918 wrote to McCauley to express her ‘sincere and heartfelt gratitude for placing him in the company of those who under more congenial surroundings have done more for him in showing him the future path of honor than years of detention in a confined prison’.<sup>83</sup>

By the 1930s, the separate system was comprehensively discredited as a reformatory tool. The Victorian Inspector General, Joseph Akeroyd, thought the system, ‘once looked upon as the reformative part of the prison system, has now been discarded and is used only as a punitive measure’.<sup>84</sup> A century and a half earlier, reformers such as Howard had acknowledged only neglect and bad buildings as the obstacles to reform. The greatest difficulties arose, as far as Akeroyd was concerned though, from the ‘obsolete and unsuitable buildings’ built to enable separate confinement.<sup>85</sup> The prison was once again trapped in its own form.

Early twentieth-century reformers looked on the penitentiaries as Howard had upon Newgate, and saw in prison camps a deliverance. Writing in 1934, a Queensland reformer argued:

The truth of the matter is that prison life in Queensland harks back to the barbarous dark ages ... the whole separate cell system as adopted in this State is hopelessly antiquated and needlessly cruel ... We have progressed far in many directions in Queensland, but prison reform is not one. In other parts of Australia there are prison camps, where the men have the advantage of continual

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<sup>82</sup> Samuel Mauger, *Do Reformatories Reform?*, Ruskin Press, Melbourne 1923, p. 7.

<sup>83</sup> *Report of the Comptroller-General of Prisons, New South Wales for the Year 1918*, Government Printer, Sydney, 1919, p. 8.

<sup>84</sup> ‘Penal Establishments, Gaols, and Reformatory Prisons; Report and Statistical Tables for the year 1933’, *Votes and Proceedings of the Legislative Assembly*, 1935, vol. 1, Government Printer, Melbourne, p. 1118. For signs of a similar reversal of thought in South Australia, see ‘Treatment Of Criminals’, *The Advertiser*, 11 June 1932, p. 14.

<sup>85</sup> ‘Penal Establishments, Gaols, and Reformatory Prisons; report and statistical tables for the year 1943’, *Votes and Proceedings of the Legislative Assembly*, 1944-45, vol. 1, Government Printer, Melbourne, p. 5. See also: ‘Penal Establishments, Gaols, and Reformatory Prisons; report and statistical tables for the year 1929’, *Votes and Proceedings of the Legislative Assembly*, 1930, vol. 1, Government Printer, Melbourne, p. 1176. See also ‘Report of the Royal Commissioner on the Hobart Gaol’, in *Journals and Printed Papers of Parliament*, 1943-44, CXXIX, No. 8, Government Printer, Hobart, p. 31.

association and a healthy out-of-doors life, but conditions at Boggo Road have scarcely altered in half a century. Is not it about time something was done?<sup>86</sup>

Isolation and separation, once seen as the foundation of reformatory discipline, were now seen as the root of many of the prison's problems, and proof of a benighted past. Meanwhile, association, Newgate's original sin, was rehabilitated as an essential element of modern penology.<sup>87</sup>

## NOR IRON BARS A CAGE: THE ARCHITECTURE OF PRISON CAMPS

The history of penal architecture has been examined at length for two reasons. First, to show the faith and resources invested in the idea that reform hinged upon separation and isolation. Second, to demonstrate how the prisons that were built to separate and isolate created a new set of problems, and came to be regarded with the same indignant outrage that the first reformers reserved for prisons in which congregation was the norm. This reversal generated new prison design principles, which are clearly embodied in the camps.

Sernack Cruise has correctly argued that Neitenstein's restricted association system was a response to the problems of separation. No historian though, has recognised that the camps represented a further step in this direction. In this manner, huts, tents, dormitories were an innovation in penal architecture.<sup>88</sup>

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<sup>86</sup> ‘Reformer’, ‘Prisoners Who Never See The Moon or Stars’, *Brisbane Sunday Mail*, 11 February, 1934. See also Jack Creagh, ‘Crime and Drunkenness (No. 6). A Scheme For Saving Prisoners’, *Grit*, 24 March 1938, p. 3. In 1940, the Tasmanian Attorney General declared that ‘the spectacle of prisoners being housed in ancient buildings should no longer be permitted to continue’. L. Mullen, evidence presented to Parliamentary Standing Committee on Public Works re: new gaol proposal, Gaols File (19/2/1937), AOT, Attorney General’s Correspondence, 1940, AGD1/1/187.

<sup>87</sup> Although Neitenstein's attitude toward association changed over time, he was never comfortable with the idea of prison camps. Writing as ‘Lex’, Neitenstein or one of his sympathisers protested at the introduction of the camps in NSW, clearly worried about what a group of men working up a sweat in the bushes might get up to: ‘The gathering together for months and years at a time of a number of unmarried men, or men whose wives are necessarily separated from them, is a sizeable enough menace to morality in itself. Proper supervision is impossible in the circumstances’. ‘Lex’, ‘The Employment of Prison Labor’, *The Bulletin*, 11 December 1913.

<sup>88</sup> John Pratt suggests that ‘architects had long since lost what interest they originally had in this field—as if any involvement would tarnish them as well as the prisoners’. Pratt, ‘The Disappearance of the Prison: an Episode in the “Civilising Process”’, in Bashford and Strange (eds.), *Isolation: Places and Practices of Exclusion*, Routledge, London, 2003, pp. 33-34.



FIGURE 11. Tents at road-making camp, Tuncurry c.1930<sup>89</sup>

Camp architecture and layout was basic and often improvised. Many camps were built entirely by prison labour. At Tuncurry, prisoners at a satellite camp slept in tents until 1933 (see Figure 11).<sup>90</sup> The first contingent of prisoners sent to Kyeema Prison Camp, in March 1932, had to clear the site for the camp, and make the road to it, before they could erect their own huts.<sup>91</sup> Heavy rains set in before the timber for the huts arrived. In response to a plaintive report from the OIC, the Comptroller-General wrote:

When ordering tents was told no flys available, but assured tents sound and water-proof. If you have the stretchers folded and put at one end of the tent, using one as a stand for the folded bedclothes of the occupants, there will be plenty of room in each tent for the men to take their meals. One stretcher can be used as a table temporarily. Stores department have no further tents ... Shelter for the cook

<sup>89</sup> Source: NSW Department of Corrective Services..

<sup>90</sup> *Report of the Comptroller-General Of Prisons, New South Wales for the year ended 30 June 1933*, Government Printer, Sydney, 1934, p. 7.

<sup>91</sup> CGP H. Whittle to OIC R. Lister, Kyeema Prison Camp, 16 March 1932, Letter Books, Comptroller Gaols & Prisons, vol.1, 1929-32, letter 387, SRSA GRS/2751/1.

can be made by putting up a frame, thatching room and sides with broom. Use wire to lace the broom, then cover with the big tent fly.<sup>92</sup>

Local residents eventually took pity on their new neighbours, and lent them sheets of galvanised iron.<sup>93</sup> Tents were sent to Stone River State Farm in Queensland shortly after it opened in 1945, but when they arrived it was discovered that they were missing several important parts.<sup>94</sup> Conditions were only a little better for the first batch of prisoners sent to Hayes Prison Farm, in 1937. They were forced to live in an old apple-packing shed and shower under a kerosene tin for the first few weeks.<sup>95</sup> Afterwards, they were accommodated in dormitories—individual huts were not built at Hayes until 1949.<sup>96</sup>

Even once the prisoners were out of make-shift quarters, problems with accommodation remained. By the early 1940s, the buildings at the McLeod Settlement, which had been constructed by prison labour, were described as ‘flimsy wooden “lean-to’s” and a ‘distinct menace in case of fire’. This was a very real possibility, since the camp’s lighting was still provided by lamps and candles.<sup>97</sup> The outbuildings were constructed on ‘a framework of saplings’ with walls and roofs of galvanised iron, much of which was salvaged from a blaze at Pentridge in 1924.<sup>98</sup> When local residents complained that prisoners were free to roam around the island, they were told that the prisoners’ huts were so dilapidated they could not be effectively locked.<sup>99</sup> In the Legislative Assembly,

<sup>92</sup> Whittle to Lister, Kyeema Prison Camp, 30 March 1932, Letter Books, Comptroller Gaols & Prisons, vol.1, 1929-32, letter 416, SRSA GRS/2751/1.

<sup>93</sup> Whittle to Lister, Kyeema Prison Camp, 12 April 1932, Letter Books, Comptroller Gaols & Prisons, vol.1, 1929-32, letter 438, SRSA GRS/2751/1.

<sup>94</sup> OIC L. T., Monthly Report, February 1945’, 4 March 1945, Prisons Department, Special Subject Batches, Stone River, 1944-62’, QSA Series: 9097, Item: 293179.

<sup>95</sup> Anon., Proposal to confine the criminally insane at Hayes gaol farm, including a short history of Hayes gaol farm, 1942, n.p. AOT, Gaols File 20/9, Attorney General’s Correspondence, AGD/1/211; also ‘Prison Without Locks at Gaol Farm’, *The Mercury*, 27 July 1970.

<sup>96</sup> ‘Annual Report of the Controller of Prisons for year ended 30th June, 1949’, *Journals and Printed Papers of Parliament*, 1949, vol. CXLI, no.37, Government Printer, Hobart, pp. 1, 5. The dormitories were a source of on-going discontent for inmates at Hayes. Their personal belongings could not be secured and theft was common. See: prisoner file ‘J. T. G’. Gaols Department, Prisoners’ Individual Files, 1891-1960’ AOT G.D. 61/1/17 File 811/221.

<sup>97</sup> *Annual Report of the Indeterminate Sentences Board for the year ended 30th June, 1943*, Government Printer, Melbourne, 1943, p. 4, (SLV); ‘Penal Establishments, Gaols, and Reformatory Prisons; report and statistical tables for the year 1944’, *Votes and Proceedings of the Legislative Assembly*, 1945-47, Government Printer, Melbourne, p. 11.

<sup>98</sup> ‘New Reformatory Prison at French Island’, *The Herald*, 27 December 1944. In prisoner folklore, the early conditions at McLeod were truly frontier-like. In 1964, one inmate on the island confidently claimed that ‘only one substantial meal was provided to the prisoners; for their other meals they had to fend for themselves either by fishing or rabbiting. The men’s sleeping quarters comprised of humpys [sic] that were scattered all over the colony’. See ‘Mcleod Prison Farm’, *Neptune News*, August 1964, pp. 20-21, CVRC.

<sup>99</sup> ‘French Island Settlers’, *The Age*, 20 October 1944.

Thomas Tunnecliffe declared the settlement possessed ‘some of the most outrageous and primitive buildings that the mind of man could conceive’.<sup>100</sup> A rebuilding program was drawn up for the island camp. When it was finished, *The Age* thought that ‘Victoria will have at least one reformatory prison that will measure up to modern standards of decency and efficiency’.<sup>101</sup>

Officials sometimes sought to make a virtue out of the rudimentary architecture. In the early 1930s, prisoners at Emu Plains were made to build farm buildings from ‘bush timber’ to teach them ‘how to improvise’.<sup>102</sup> Won Wron prison farm had several large three man huts known as ‘three-outers’; according to the Director of Prisons in Victoria, Rod Wise, these were ‘sub-standard in many respects’ but they did force prisoners ‘to practice many of the skills they would need to re-enter their families ... negotiation, compromise, consideration of others’.<sup>103</sup>

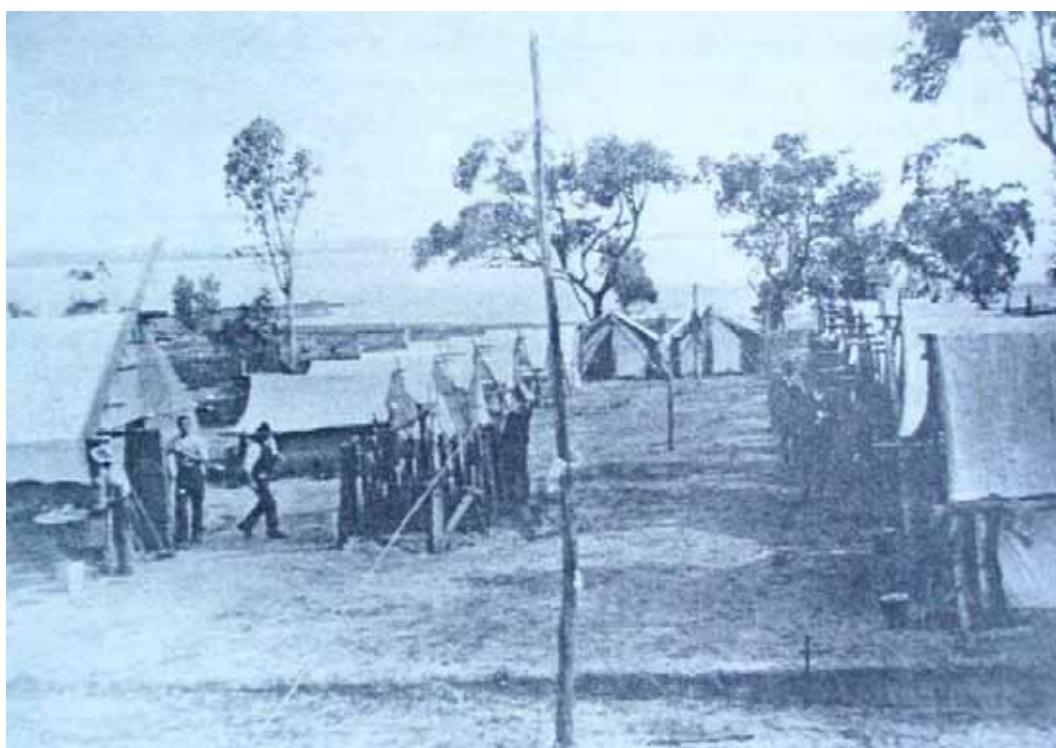


FIGURE 12. Tents at the McLeod Settlement, 1916<sup>104</sup>

<sup>100</sup> ‘Urgent Need for Prison Reform’, *The Age*, 30 November 1944.

<sup>101</sup> ‘The Reformation of Delinquents’, *The Age*, 8 May 1945.

<sup>102</sup> *Report of the Comptroller-General of Prisons, New South Wales for the year ended 30 June 1933*, p. 5.

<sup>103</sup> Rod Wise, ‘Won Wron’, Internal Prisons Department Fact Sheet, c.1990, Corrections Victoria Resource Centre.

<sup>104</sup> Source: Ruth Gooch, *Frontier French Island*, Prahan Mechanics Institute Press, Melbourne, 2006, p. 116.



FIGURE 13. A warder next to prisoner's hut at the Tuncurry Afforestation Camp, c.1918<sup>105</sup>

With their primitive structures, the camps possessed one over-riding virtue: they did not look like the reviled penitentiaries. They had an informality that prisons lacked too. Prisoners were allowed to decorate their huts with pictures, posters and flowers long before this 'privilege' was extended to prisoners in conventional prisons. When the Minister for Justice, William McKell visited Emu Plains in 1920, he was struck by the interior decorations. 'It was very interesting to visit the different huts and note the characteristics of the boys', he remarked. Observing that most of the youths had posters of boxers, racing horses and royalty, McKell was particularly amused by the décor of the first hut he visited. On the wall was a large picture of the Minister himself. *The Sun* speculated: 'Was that boy-prisoner a cunning diplomat?'<sup>106</sup>

There was no typical layout to Australian prison camps. Like the early modern gaols and Bridewells, the supposedly ultra-modern camps were often colonisations of pre-existing, non-penal structures. At camps like those at Pardelup, Stone River, Kirkconnell, Hayes

<sup>105</sup> Contained in Special Subject Batch: Palen Creek State Farm, 1931-57, QSA Series: 9097, Item Id: 293153.

<sup>106</sup> 'Making Men. State Prison Farm', *The Sun*, 21 July 1920. For similar developments at the Bombala Afforestation Camp see remarks by OIC R. Bowler in, *Report of the Comptroller-General of Prisons, New South Wales for the period 1st July, 1933, to 30th June, 1935*, Government Printer, Sydney, 1936, p. 10.

and Dhurringile, old farms and estates were converted to use as penal camps with little modification. Even where the camp structures were purpose built, such as at Tuncurry, McLeod, Kyeema, Palen Creek and Emu Plains, they looked more like other types of facilities rather than prisons. Many looked very much like army camps or holiday resorts. There was nothing of the geometry of the penitentiary or panopticon in the camps' design. The spatial arrangements at camp impeded rather than expedited surveillance and security. It was usually impossible for a guard to observe a prisoner without being seen himself. In fact, it was often impossible for a guard to observe a prisoner at all; camp architecture and the surrounding landscapes gave prisoners ample opportunity to go unseen for extended periods of time.<sup>107</sup>



FIGURE 14. Tents at Palen Creek prison farm c.1934<sup>108</sup>

<sup>107</sup> According to Pratt, the boundaries of the Wakefield Open Prison in England, established in 1934, were indicated only by whitewash marks on the trees: 'the defining features of the modern prison had simply vanished'. Pratt, 'The Disappearance of the Prison', pp. 33-34.

<sup>108</sup> Courtesy of Queensland Corrective Services.

### *The aesthetics and economics of prisons without walls*

In 1923, Samuel Mauger used images of architecture to set out the differences between the ‘old method’ and the ‘new method’ of treating criminals. The former was typified with a grainy, shadowy image from Pentridge:



FIGURE 15. View of a cellblock wing at Pentridge Prison<sup>109</sup>

In 1895 in a similar prison, Wandsworth Gaol in England, Mauger reported that a youth hanged himself from ‘the detestable crank’. Railing against the senselessness of it, Mauger declared:

One touch of Nature ... might have restored him to his mother reformed and chastened ... [instead] they gave him only the bare walls, the blurred windows. It was too much. He took his own life and set his soul free.<sup>110</sup>

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<sup>109</sup> Mauger, *Do Reformatories Reform?*, p. 4.

<sup>110</sup> Mauger, *Do Reformatories Reform?*, p. 2. See also Mauger, *Society & Prisons: An Address Delivered by Hon. Samuel Mauger, J.P. , before the Congregation of the Australian Church, Melb., on Sunday, December 4th, 1921*, Ruskin Press, Melbourne, 1921, pp. 9-10.

The ‘new method’ Mauger represented thus:

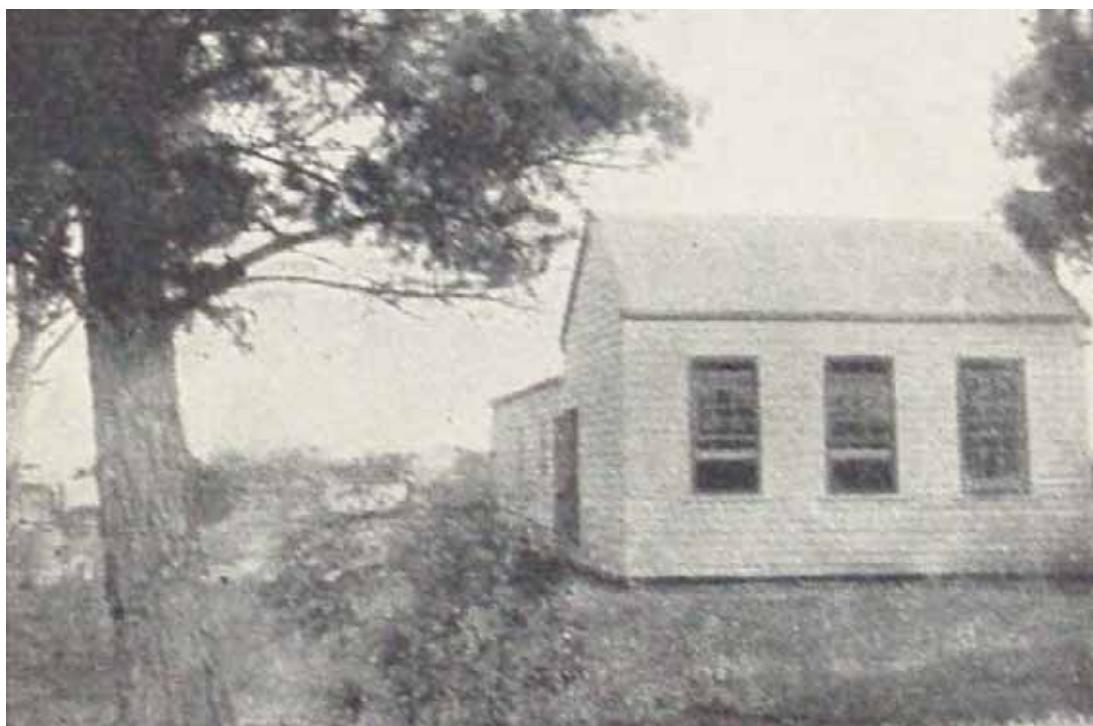


FIGURE 16. One of the buildings at the McLeod Settlement, c.1923<sup>111</sup>

Though such structures did not resemble prisons, they satisfactorily performed many of the functions of prisons. Prisoners were held in place without walls. Indeed, at several camps, the complete absence of restraint was seen to be essential. For years, at Palen Creek in Queensland, Hayes in Tasmania, and the McLeod Settlement in Victoria the prisoners huts were not even locked during the night. Victorian authorities ‘felt that the “honour” spirit would be destroyed if the key were turned on men at night’.<sup>112</sup> In response to a rash of escapes from Hayes Prison Farm in 1959, the Attorney General suggested to Controller Lonergan that a compound should be built to enclose the prisoners’ huts. In reply, Lonergan said that he thought additional security would only encourage further attempts to escape. ‘I think it is much better to leave things as they are ... and not destroy the honor system’.<sup>113</sup>

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<sup>111</sup> Source: Mauger, *Do Reformatories Reform?*, p. 5.

<sup>112</sup> Jack A. Hetherington, ‘A Prison Without a Wall’, *The Herald*, 21 May 1938. H. S. Bailey, the Victorian Chief Secretary, was astonished to discover the lack of locks at McLeod when he visited the island for the first time in 1938. See: ‘French Island Gaol Without Locks. Minister Amazed’, *The Herald*, 29 April 1938; ‘French Island Reformatory’, *The Argus*, 30 April 1937. At some camps, like the Emu Plains Prison Farm, prisoners were locked in for the night.

<sup>113</sup> ‘File: 20/8, Gaols/Complaint by New Norfolk Council re: escapes from Hayes Gaol Farm’ AOT, Attorney General’s Correspondence, 1959, AGD1/1/395.

This seeming contradiction of confinement without security, can be traced back at least as far as the 1830s, to the establishment of the Rauhe Haus farm home for delinquents in Germany. Doctor Johann Wichern, the founder of the Rauhe Haus, was famous for his dictum that ‘the strongest wall is no wall’.<sup>114</sup> Alan Paton certainly found this to be the case when he took over as head of the Diepkloof Reformatory in South Africa. One of his first major acts was to take down the perimeter wall surrounding the institution. Paton later wrote, echoing Gladstone, ‘you can’t train boys for freedom in an atmosphere of detention’ and added: ‘Freedom within custodial walls isn’t the real thing’. After the wall came down ‘it was like being naked’, Paton said, but rates of escape actually decreased. With the wall down, Paton felt able to give effect to his belief in freedom as ‘the supreme reformatory instrument’.<sup>115</sup> (See Figures 17 and 18).

With the advent of the camps, penitentiary-style architecture came to be seen not only as problematic, but downright outdated. In NSW, the mandatory period of separate treatment for young offenders at the start of their sentence was increasingly waived in order that they might spend their entire sentence at Emu Plains.<sup>116</sup> J. Manning, the OIC at Emu Plains thought the productivity of the farm and the health of its inmates were a ‘fine testimonial to the action of the Department in, as it were, lifting the business of prison discipline from the dark cloistered repression into the purer air of reason and the industrious aspects of life’.<sup>117</sup>

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<sup>114</sup> Frank B. Ainsworth, ‘Dr Wichern’s Paradox “The Strongest Wall is no Wall,” Illustrated in the History of the Indiana House of Refuge’, in Enoch Wines, (ed.), *Transactions of the National Congress on Penitentiary and Reformatory Discipline, held at Cincinnati, Ohio, October 12-18*, Weed, Parsons, and Company, Albany, 1870, p. 323. See also Lionel W. Fox, *The English Prison and Borstal Systems*, Routledge & Keegan Paul, London, 1952, p. 445.

<sup>115</sup> Alan Paton, *Towards The Mountain: An Autobiography*, Oxford University Press, London, 1981, p. 192. Paton later constructed an annexe to the reformatory, a group of cottages some distance from the main site. There, the inmates, in the final stage of their confinement, lived largely unsupervised. Paton later described the village: ‘one can only describe the free village as an architectural gem. The spacing of the buildings, the simplicity of their design, the white walls and the thatched roofs made the village something to be proud of. In the moonlight it was—in my opinion—as beautiful as the Taj Mahal’.

<sup>116</sup> *Report of the Comptroller-General of Prisons, New South Wales for the year 1917*, p. 4; J. H. M. Abbott, ‘Emu Plains’, *Town and Country Journal*, 15 January 1919.

<sup>117</sup> *Report of the Comptroller-General of Prisons, New South Wales for the year 1915*, Government Printer, Sydney, 1916, p. 48.



FIGURE 17. Entrance to Diepkloof Reformatory in 1935, before Paton took down the wall



FIGURE 18. Entrance to Diepkloof Reformatory in 1936, after the wall was removed<sup>118</sup>

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<sup>118</sup> Source: Edward Callan, *Alan Paton*, Twayne Publishers, Boston, 1982.

In 1923, the NSW CGP, William Urquhart, called for more camps along the lines of Tuncurry, describing ‘the moral influences’ as ‘stronger than when reformable human beings of decent social instincts are confined within the four walls of a prison … the men gain a higher conception of their social obligations’.<sup>119</sup> In 1932, *The New South Wales Police News* reported that ‘instead of moping in cells’, inmates at Emu Plains: ‘deal with something that grows and runs’.<sup>120</sup> Nearly three decades later, an officer at the farm said ‘If you’re going to stand with a gun on them and bars in their windows until the day they’re thrown out on the street, they go sour’.<sup>121</sup>

As the prison farm movement gathered momentum in Queensland in the early 1930s, separate cellular confinement came under sustained attack there too. J. F. Whitney was, by this time, Comptroller-General. As a young prison officer in NSW in the late 1910s, he had been the OIC at Tuncurry. The experience etched in him a firm belief that penitentiary-style architecture was the cause of many of the prison system’s greatest problems and that Queensland needed to establish prison farms of its own. When Palen Creek opened in 1934, its warm welcome in the press reflected the changing attitudes to penal architecture:

A prison without walls … a gaol without gaolers … the great blue dome of the sky instead of the dingy, dull wall of a cell … prisoners treated as men and on their honour instead of a chain … beneath the shade of the picturesque Mount Lindesay.<sup>122</sup>

By 1947 Whitney had established four prison farms, where the prisoners were ‘taken out of the old walled prison environment and given an opportunity to work out their own rehabilitation in congenial surroundings’.<sup>123</sup>

<sup>119</sup> *Report of the Comptroller-General of Prisons, New South Wales for the Year 1924*, Government Printer, Sydney 1925, p. 4. In 1922 the *Newcastle Herald* had declared Tuncurry to be ‘as unlike a prison as can be imagined. No heavily bolted cells, no armed warders … in nearly all the huts were bunches of sweetly-perfumed boronia, which had been brought in by the men after their work in the bush’. ‘Gaol Treatment. Humane Modern Methods’, *Newcastle Herald*, 18 October 1922.

<sup>120</sup> ‘C. T.,’ ‘Emu Plains Reformatory Farm’, *The New South Wales Police News*, 1 November 1932, p. 8.

<sup>121</sup> ‘Prisoners in the Sun Held by Trust’, *SMH*, 26 September 1959.

<sup>122</sup> Quoted in ‘Prisons Department, Information Contained in the Report for Year ended 31<sup>st</sup> December, 1934’, in *Queensland Parliamentary Papers*, 1935, vol.1, Brisbane, Government Printer, p. 1022. See Figure 19.

<sup>123</sup> J. F. Whitney, ‘Prison Farms in Queensland’, 6 October 1947, Prisons Department, Special Subject Batch, Palen Creek State Farm, 1931-57’, QSA series: 9097, Item ID: 293153.



FIGURE 19. Huts at Palen Creek State Farm, with Mount Lindsay in the background c.1950<sup>124</sup>

Officials came to doubt that closed prisons were capable of producing genuine reform, even when positive changes were observed in closed prisons. By the 1940s, Tasmanian penologists believed that ‘apparent reformation’ amongst prisoners at Hobart Gaol was ‘more the result of repression than any real moral improvement’.<sup>125</sup>

In 1958 a conference attended by administrators, politicians and academics involved in prison matters was held in Sydney. Professor Morven Brown, from the University of NSW, looked back with a forgiving, if critical eye. Nineteenth-century prison architecture, with its ‘wings and galleries radiating like the spokes of a wheel’, was he conceded, bequeathed to the world by Howard and his fellow reformers ‘with the best will in the world’. Unfortunately, it represented ‘a terrible and I think cruel conception of punishment, which in the name of reform … has done much to dehumanise prisons’. Brown gave thanks that ‘we live in a different era’. Punishments had become less severe,

<sup>124</sup> Source: Special Subject Batch: Palen Creek State Farm, 1931-57, QSA.

<sup>125</sup> Anon., Proposal to confine the criminally insane at Hayes gaol farm, including a short history of Hayes gaol farm, 1942, n.p.

and so had penal architecture: ‘We have prison farms—very different places indeed’.<sup>126</sup> In 1963, Bob Johnson, a reporter for the *Sun Herald* thought that the Kirkconnell Afforestation camp stood ‘as material evidence of a Prisons Department swing away from dingy cellular confinement’.<sup>127</sup>

Architectural aesthetics aside, the camps had other advantages. Large penitentiaries designed around the one-man cell were inflexible and expensive to build and maintain. Camps were much cheaper, and the materials could also be re-used. When the Cowan Creek road-making camp was abandoned in 1931, the materials were sent to Emu Plains Prison Farm. In 1940, when the old wooden huts at Emu Plains were replaced, new concrete huts were built by the prisoners using sand and gravel from the nearby Nepean River.<sup>128</sup>

At the 1958 conference in Sydney, Justice John Barry called for a move ‘away from the traditional bolts-and-bars and high-walls type of prison and more and more towards the open institution’. The sums of money involved alone justified such a move.<sup>129</sup> Prison camps with their ‘cheaper and less permanent buildings’ had a great advantage over other types of prisons, thought Ted Hartley of the NSW Howard Prison Reform Council. As ‘ideas and circumstances change so the buildings can be changed’. When the state government announced it was drawing up plans for a new maximum security prison, Hartley protested:

We do not suppose that in 30 years’ time ideas about prisons will be anything like they are today, and it would be a disaster if the present Administration continued to repeat the mistake of the nineteenth century and put their ideas (and £1,250,000 of the taxpayers’ money) into solid stone and steel which could only be removed by dynamite.<sup>130</sup>

<sup>126</sup> Morven Brown, ‘The Issues Raised’, in *The Conflict of Security and Rehabilitation: A Seminar on the Punishment of Crime*, NSW University of Technology, Sydney 1958, p. 5.

<sup>127</sup> Bob Johnson, ‘A Poisoner Cooked My Lunch’, *Sun Herald*, 3 February 1963.

<sup>128</sup> ‘Prison Farm. 28 New Concrete Huts’, *SMH*, 25 June 1940; *Report of the Comptroller-General Of Prisons, New South Wales for the period 1st July, 1930, to 30 June, 1932*, Government Printer, Sydney 1933, p. 6; Ramsland, *With Just But Relentless Discipline*, p. 220.

<sup>129</sup> John Vincent Barry, ‘What are the Answers?’, *The Conflict of Security and Rehabilitation*, p. 94.

<sup>130</sup> E. C. Hartley, ‘Planning for a New Prison’, *SMH*, 14 February 1959. Conditions at Long Bay by this time supported Hartley’s point. The penitentiary’s poor sewerage infrastructure was a cause of constant complaint and embarrassment. In 1963, only 150 of the roughly 1200 prisoners were in sewered cells. Plans were being drawn up to sewer the others ‘but it’s a big expensive job punching pipes through those thick, near-bomb-proof walls’, a prison official said. See Bob

### *Association and permeability: a ‘new’ penal space*

Aesthetics and economics were not the only important points of difference between penitentiary and camp architecture. The camps reflected important changes in penological theory too. The forms of ‘new’ architecture may seem unremarkable, but they represented a different sort of penal space, one which permitted association of prisoners, and did not sever an inmate’s sense of connection with the world beyond the prison.

The lack of walls meant that the relationships between prisoners and guards and between prisoners and each other more closely resembled relationships in the free world, and reformers found this reassuring. Reformers like Joseph Akeroyd and J. M. Drew argued for penal spaces that permitted normal social interaction.<sup>131</sup> Emu Plains was praised for the fact that it permitted the prisoner ‘to associate with his companions’ in the recreation room during the evenings.<sup>132</sup> The Anglican Chaplain to the Bombala Afforestation Camp, the Reverend Cecil Saunders, thought the social spaces of the camp vital:

The personal talks which generally follow the service either round the camp fire or in the recreation room, or yet again in the privacy of the man’s own ‘hut’, afford useful opportunities of entering into the hearts and lives of these men. From these conversations one learns the immense benefit of this type of imprisonment on those who are not of the hardened criminal type.<sup>133</sup>

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Johnson, ‘The ‘Bay. Grim And Frightening’, *Sun Herald* 27 January 1963. In 1976, NSW CGP Walter McGeechan publicly admitted that none of the cell windows at Goulburn or Bathurst were glassed, despite conceding that these prisons were located in some of the coldest areas in the state. The price, he said, ‘of placing suitable windows on that form of architecture is just prohibitive’. *Proceedings of the Royal Commission into NSW Prisons*, vol. 9, Government Printer, Sydney, p. 155.

<sup>131</sup> ‘Penal Establishments, Gaols, and Reformatory Prisons; report and statistical tables for the year 1933’, *Votes and Proceedings of the Legislative Assembly*, 1935, vol. 1, Government Printer, Melbourne, p. 1119.

<sup>132</sup> Abbott, ‘Emu Plains’.

<sup>133</sup> *Report of the Comptroller-General of Prisons, New South Wales for the year 1926-27*, Government Printer, Sydney, 1927, p. 24. At Bombala, according to OIC Bartlett, ‘a large camp-fire at the back of the camp is also very popular for the men who do not care for the amusements of the recreation room’. *Report of the Comptroller-General of Prisons, New South Wales for the year 1929-30*, Government Printer, Sydney, 1931, p. 6. A ex-prisoner in NSW fondly remembered sitting around the camp fire at Tuncurry with other prisoners ‘telling yarns’. ‘Ex-Prisoner’, ‘The Cure for the Man in Gaol’, *Daily Telegraph*, 15 July 1922. For a different view, see OIC R. Withers, Bombala to CGP W. Hinchy, 1 October 1931, Official Correspondence; Brookfield Afforestation Camp, Mila, 1927-1932, SRNSW 3/1765.



FIGURE 20. Recreation room at Tuncurry Afforestation Camp, c.1918<sup>134</sup>

The new design principles enjoyed considerable support in the press. ‘The walled gaol’, the Melbourne *Herald* argued in 1938,

robs a prisoner of initiative and self-respect and hope. Every act of his daily routine is regulated for him, He cannot express himself in the smallest detail; he is treated as an irresponsible automaton. In the open prison camp he can have a reasonable measure of freedom; he can live the life of a sentient being ... Instead of deteriorating, as inevitably he does in a closed prison, the prisoner awakens to responsibility and self-respect. His mind receives a new bent toward a corporate spirit and a decent standard of social behavior, and he is restored to liberty a better man.<sup>135</sup>

In praising the Pardelup Prison Farm, Drew wrote:

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<sup>134</sup> Contained in: Special Subject Batch: Palen Creek State Farm, 1931-57, QSA.

<sup>135</sup> ‘Prisons Old and New’, *Herald*, 29 July 1938. In South Australia, when the Cadell Prison Farm finally opened in 1962, J. H. Allen said the central principle of the place was that it ‘should not in any way resemble a prison but should be designed so that a young man would not be held in captivity as in a prison, but be able to lead a free and corporate life where self discipline would prevail’. *Cadell Training Centre*, Government Printer, Adelaide, 1962.

The life of the men on the farm specially conduces to development of the communal spirit and to restoration of self respect. Meals in association with rations pooled; dormitory sleeping accommodation; friendly rivalry in games; interdependence in farm work; all these foster a spirit of good citizenship.<sup>136</sup>

Only a few decades earlier such ideas would have been regarded as retrograde, and invitations to contamination. But these new attitudes towards penal architecture emerged at the same time that an important shift took place in penological discourse. ‘Reformation’ was spoken of less and less from this time, and replaced by ‘rehabilitation’. The older term had religious overtones, and suggested a spiritual accounting that might be accomplished in the solitude of the cell. Goodness, the early reformers had maintained, could flourish only in its own space—a space for penitence. ‘Rehabilitation’ on the other hand, as Drew’s remarks suggest, was generally taken to mean ‘training for good citizenship’. Goodness now needed a shared space, and a less atomised form of architecture was therefore required.

Architecture that enabled prisoners to form quasi-normal relationships with each other was not the only new principle of prison design seen in the camps. Reformers also called for structures that maintained a sense of connection between the prisoner and the wider world. In the early twentieth century it became increasingly important to convince inmates that there was enough good in the world that it was worth the effort to conform to its demands. Although this shift went well beyond questions of architecture alone, there were important implications for prison design.<sup>137</sup>

For many years officials had felt their task was to put prisoners in a place where they could find ‘the good’ within themselves, and that prisoners would only be shamed or degraded through contact with the outside world. Penal architects in the Pentonville era believed that the penitentiary depended on the absence of distractions that might allow the prisoner to imaginatively escape the world inside the walls. At Pentonville itself, the

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<sup>136</sup> Drew, *Penological Reform*, n.p. See also ‘Annual Report of the Comptroller General of Prisons for the year ended 30th June, 1933’, pp. 3-5, Chief Secretary’s Correspondence Files, Prisons, Annual Reports, SROWA WAS 675, Con 752; ‘Report of the Royal Commissioner’, p. 37.

<sup>137</sup> Prison newspapers were introduced too, also to give prisoners a sense of connection with the wider world. The aim of *The Compendium*, one of the first of these newspapers, was to give prisoners ‘a general idea of the world’s progress, so that a man leaving prison will not have, in addition to other difficulties, that of attempting to conceal his ignorance concerning events well known to everyone else’. ‘Introduction’, *The Compendium*, 1 December 1912, p. 1.

windows were set high in the wall, the bars were thick, and the panes of fixed, fluted glazing allowed ‘a dose of sunshine’, but ‘destroyed the image of anything beyond the cell … The cell was blind … the window was simply to let in a formless smudge of daylight’.<sup>138</sup>

Pentonville’s predecessors were not as comprehensively sealed from the world. Guy Geltner argues that the ‘location, routine and permeability’ of medieval prisons meant that ‘prison walls in the late Middle Ages did not describe the borders of a social island’.<sup>139</sup> This was still largely the case in eighteenth-century Britain. Indeed John Howard recoiled at the extent to which free society permeated the prisons of the 1770s. Visitors came and went. Prisoners, turnkeys and visitors could often only be distinguished on the basis of who was in chains and who was not, and the state of their clothes. Amongst prisoners much the same hierarchies pertained as those beyond the walls—some lived in relative luxury while others dwelt in utter squalor. Howard was horrified; what he wanted, in McGowen’s words, was a prison ‘less like the actual world’.<sup>140</sup>

By the 1910s, in Australia as elsewhere, there was a yawning gulf between the prison and the world, and now this was regarded as the problem. In 1918 the regular *Bulletin* contributor J. H. M. Abbott described a typical Australian prison:

A more or less imposing gateway, high surrounding walls, and ranges of cells geometrically built about flat yards. Everywhere spotless cleanliness, the smell of soap-suds and fresh paint and occasional flower-beds of a mathematical precision. Everywhere pallid men with scraggy beards … Everywhere uniformed warders, locked gates, steel bars and the jangle of keys. There is no scenery except the sky.<sup>141</sup>

At Emu Plains however, Abbot wrote, ‘you will see something different’. Young prisoners were ‘out of the gaol atmosphere of the regular establishments’. The world and the prison were visually re-connected:

<sup>138</sup> Evans, *The Fabrication of Virtue*, p. 354. According to McGowen ‘the sight of a hillside or distant buildings beyond the wall was believed to frustrate reform’. ‘The Well-Ordered Prison’, p. 90. See also Berkovits, ‘Us Poor Devils’, p. 407.

<sup>139</sup> Guy Geltner, ‘Medieval Prisons: Between Myth and Reality, Hell and Purgatory’, *History Compass*, vol. 4, no. 2, 2006, p. 268.

<sup>140</sup> McGowen, ‘The Well-Ordered Prison’, p. 88.

<sup>141</sup> Abbott, ‘The Prison Farm’, *The Bulletin*, 4 April 1918.

They are not shut out from the world by high walls. They can see that it is still a good place to be free in. They can look at it across green fields—which is a more inspiring way of looking at it than by means of mental processes that are limited to a recollection of conditions of life unbounded by a cell door.<sup>142</sup>

Prison camps represented a return to pre-penitential architecture in more than one way. In addition to being relatively permeable institutions, they were often colonisations of pre-existing, non-penal structures. Whereas the old gaols and houses of correction were established in disused palaces and gatehouses, the Kirkconnell Afforestation Camp near Bathurst, for instance, was established in an old country manor, Kirkconnell House (see Figure 21). Other camps were created in old estates, lodges and farm buildings.<sup>143</sup>



FIGURE 21. Kirkconell House, Kirkconnell Afforestation Camp, c.1972<sup>144</sup>

<sup>142</sup> Ibid. In this, Abbott echoed other assessments of the Emu Plains Prison Farm. In 1915, the *SMH* reported: ‘the gleam of the dawn and the early breeze that comes over the river are there to cheer and inspire; stone walls give way to open space, with a background of rugged mountains, a stretch of silvery water, a fringe of forest, and in the foreground comfortable farms, orchards and cultivated paddocks, symbols of a life of peace and honest endeavour. These influences must count in the remaking of men’. ‘On the Land. Farm and Station’, *SMH*, 26 October 1915.

<sup>143</sup> These included the camps at Dhuringile, Hayes, Pardelup, and Stone River.

<sup>144</sup> Source: *Report of the Department of Corrective Services for the year ended 30 June, 1972*, Government Printer, Sydney, 1972.

According to James Kerr, of all the issues of prison design, the link to the world beyond the prison has ‘probably been the most disputed and its loss by the prisoner the most bitterly resented’.<sup>145</sup> From the 1910s to the 1930s, Australian prison authorities became increasingly persuaded of the importance of granting prisoners this sensory bond.

In 1935, prompted by the results of the camp system, the NSW Justice Minister Lewis Martin proposed a modified version of the scheme for women prisoners. Martin felt this required not only the removal of corruptible young offenders from the company of older, debauched women, but a new sort of architecture. He proposed a ‘detention centre’ outside the walls of Long Bay. ‘Four brick walls and a sky above is not the proper environment for prisoners,’ he said. In the centre, prisoners would be housed in ‘garden huts’ and they would ‘look out on the ocean … and they will feel that there is a world outside which is not completely shut off from them’.<sup>146</sup>

Oscar Wilde’s *Ballad of Reading Gaol* offers a glimpse of the significance to the prisoner of what can be seen from the prison:

I never saw a man who looked  
With such a wistful eye  
Upon that little tent of blue  
Which prisoners call the sky<sup>147</sup>

Palen Creek State Farm in Queensland was described as ‘the antithesis of Reading and all it represents’. Prisoners certainly appreciated the differences between the two forms of penal architecture; several wrote poems celebrating the absence of bars and walls.<sup>148</sup> One of the inmates at the Bombala Afforestation Camp in 1929 was Alberto Borri, an Italian man serving a three-year sentence for breaking and entering. Throughout his

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<sup>145</sup> Kerr and Kerr, *Out of Sight, Out of Mind*, p. 46.

<sup>146</sup> ‘Women Prisoners to Have Sea View. First Offenders in New Camp at Long Bay’, *The Sun*, 13 October 1935. See also ‘Penal Reform. Women Offenders’, *SMH*, 22 July 1936. These words echoed those of Rebecca Ross, a one-time inmate at the State Reformatory at Long Bay. In 1910, after her release she wrote of prisoners ‘seeing and knowing nothing of the outside world save the sky above our heads when we were in the gaol yard’. Rebecca Ross, *Gaol Life: Prison Administration In N.S.W. and the ‘Humane’ System Criticised*, Beatty, Richardson & Co, Sydney, 1910, p. 20.

<sup>147</sup> Oscar Wilde, ‘The Ballad of Reading Gaol’, in Bobby Fong and Karl Beckson (eds.), *The Complete Works of Oscar Wilde*, Oxford University Press, Oxford, 2000. See also Priestley, *Victorian Prison Lives*, p. 29.

<sup>148</sup> See R. Wilson, ‘Half Way House’ *The Singing Cicada*, June 1957, SLV MSS 10663 Box 80.

imprisonment he corresponded regularly with his sister in Milan. In January, just after his transfer to Bombala from Goulburn Prison, he wrote:

To tell you the truth it seems to me as though I were free. What a difference in comparison to Goulburn. I am free all day and my cell is a small room with two windows and they close it at 9 o'clock PM when I go to sleep. I am right in the midst of forests ... On Sundays and holidays I am allowed to go fishing and amuse myself as I like and I can remain in the open air. I feel 60% better and stronger.<sup>149</sup>

In 1960 the McLeod Prison Farm ceased to operate as a reformatory for prisoners under indeterminate sentences, and received its first contingent of ordinary prisoners, one of whom recorded his first impressions of the island. He and his fellows arrived still sporting their 'Pentridge Pallor' and were all 'very dubious as to the outcome of this sudden change', expecting a stockade of some sort.

Instead we ushered into a pleasant dining room and served a delightful lunch ... What a tremendous difference it makes to ... breath good clean fresh air, instead of being confronted by those bleak, grey prison walls which unfortunately are a very significant part of our former abode. This camp is completely surrounded by towering pines trees, which provide quite an inspiring and heart warming sight, as well as supplying a very adequate shelter from any bad weather that may crop up ... So far there have been only two complaints from the boys here; the mosquitoes and the complete absence of wine and women.<sup>150</sup>

Not all prisoners were impressed with the arrangements at prison camps. In 1956, an inmate disgruntled at the disorganisation of the McLeod Prison Farm described it as 'the greatest open air circus in the Southern Hemisphere'. In 1963, Peter Wayne, an English prisoner with over thirty years' experience of incarceration, felt infantilised by them. They were, he wrote

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<sup>149</sup> 'Prisons Department, Files of Two Prisoners, Borri, Alberto, 1928-29', SRNSW 3/3210.2. For later, similar remarks by a former inmate of Cadell Prison Farm in South Australia see *Proceedings of the Royal Commission into NSW Prisons*, vol.9, p. 1613.

<sup>150</sup> 'Impressions of French Island', *Neptune News*, vol. 2, no. 4, 1960, p. 6, CVRC. Another French Island inmate gave thanks for 'the absence of the familiar blue-stone walls' and the 'opportunity to look across the sea, the land; to listen to the birds sing; to see the sun rise and set; and to watch the moon and stars at night'. *Neptune News*, August 1965, NLA.

nothing more than metamorphosed army and air force camps, playing the game of crime and punishment with other people's lives ... Architecturally, we're back in the 1940s ... Peeling white flagpoles bend to the wind, and everywhere Nissen huts have been erected between trim lawns ... Psychologically, the prisoner moves back to his childhood ... He soon learns that within his apparent freedom, he must report here, there, everywhere, at impossibly difficult times, to a succession of different parades, roll calls, dining halls, workshops, welfare offices, wages huts, and even formally laid out kit inspections.<sup>151</sup>

However, most prisoners were willing to accept such restrictions in exchange for escaping the crushing sense of isolation they felt in conventional prisons. In 1961, a Victorian prisoner expressed his relief at arriving at the McLeod Settlement from Pentridge: 'The grim grey walls of Pentridge are more than just a measure of security, they are in turn the resolute barrier between those confined inside and the society they have wronged'.<sup>152</sup> The NSW Cessnock Corrective Centre opened in 1976 as a sort of intermediary prison between the camps and the secure prisons. 'Eric', one of the centre's first inmates, was impressed with the absence of 'grim prison walls'. It was instead,

defined by Cyclone fencing that in no way intimidates, affording instead an unobstructed view of surrounding landscape. Call it psychological if you like but there is no denying that it is definitely dispiriting to be isolated from nature for years on end. By being able to maintain visual contact with the free world prisoners are not made to feel like social rejects devoid of hope but have before their eyes the offering of an invitation to one day belong again.<sup>153</sup>

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<sup>151</sup> Peter Wayne, 'The Landlocked Fleet', *Architecture of Incarceration*, Academy Editions, London, 1994, pp. 22-23.

<sup>152</sup> 'Editorial', *Neptune News*, Spring 1961, CVRC.

<sup>153</sup> E. M. 'A Backward Glance', *Freeway*, October 1976, p. 16. See also *Proceedings of the Royal Commission into NSW Prisons*, vol.9, p. 1613.



FIGURE 22. Prisoner on the beach at Tuncurry c.1918<sup>154</sup>

#### THE RETURN OF TOTAL ARCHITECTURE

For much of the twentieth century, this link with the world was regarded as inviolable, even for dangerous prisoners serving long sentences. But at the same time that Cessnock was under construction, so too was a new maximum security unit at Long Bay in Sydney. Known as Katingal, this unit marked the unapologetic return of isolationist penal architecture. In response to the rapid rise in the prison population and increasing unrest through the 1950s and 1960s, prison administrators once again looked to a form of all-encompassing architecture for solutions. A precursor to today's 'super-max' prisons, Katingal was designed to hold NSW's most intractable prisoners, and to be operated remotely. Architecture, augmented with electronics, enabled the prison to be controlled without the need for any interaction between prisoners and guards. There was no natural air or light in Katingal.<sup>155</sup>

The unit was controversial from the start, and it came in for special scrutiny during the Nagle Royal Commission. In August 1976, in the witness box, Commissioner

<sup>154</sup> Contained in: Special Subject Batch: Palen Creek State Farm, 1931-57, QSA.

<sup>155</sup> NSW inmate 'Russell C' satirized conditions at Katingal, claiming he was 'serving time at present in the air conditioning duct at Katingal'. *InPrint*, February 1978, p. 7 (ML).

McGeechan was forced to concede that living in Katingal was ‘rather like living in a submarine’. Counsel assisting the Commission David Hunt asked McGeechan if it were

desirable, in common humanity, that prisoners who may have to spend a large part or perhaps most of their lives in an establishment, from which they have no hope of getting out, should be able to see the sky and the surrounding countryside?<sup>156</sup>

McGeechan admitted ‘as an ideal, that is my belief’. Hunt then asked the commissioner if he recognised the turn of phrase, ‘in common humanity’. The phrase had first been used by Earl Mountbatten of Burma. In response to a rash of prison escapes in the United Kingdom in the mid-1960s, Mountbatten was commissioned to inquire into the most appropriate design for a new maximum security prison. He felt he could have recommended that the prison be built with no windows at all, but he insisted that it was ‘desirable in common humanity’ that prisoners ‘should be able to see the sky and the surrounding country’,<sup>157</sup>

In response to Hunt’s question, McGeechan acknowledged he had read Mountbatten’s report whilst preparing the plans for Katingal. ‘So that notwithstanding, what was strongly put forward by Lord Mountbatten as being necessary in common humanity’, Hunt pressed on, ‘you approved of this submarine-like building?’ McGeechan replied that Katingal was conceived of as ‘essentially a security custodian operation’ and, therefore, prisoners needed to be prevented from signalling outside the prison from their cells or dropping fishing lines from their windows, as a number of prisoners in Queensland had recently done. When Hunt asked McGeechan whether the dangers posed by signals and fishing lines trumped the demands of ‘common humanity’, the commissioner squirmed:

McGeechan: Well, the 1976 view would be quite different, in my view, from the, probably, 1968, 1969 view.

Hunt: How about the 1898 view expressed by Oscar Wilde, “I never saw a man who looked With such a wistful eye Upon that little tent of blue Which prisoners call the sky”?

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<sup>156</sup> *Proceedings*, vol.9, p. 607.

<sup>157</sup> *Ibid*, p. 607.

McGeechan: Yes.

Hunt: Well, it has been a fairly long-held belief.

Nagle: What is desired in common humanity surely has not changed in ten years?

McGeechan: No, your Honour, I was not attacking it on the basis of common humanity. I think I mentioned, if I may, that we had gone back to first principles to see where you could move to in terms of an on-going research programme to alter the concepts. Now the first principle was one of containment in custody, the overlays of psychiatrists and other experts coming into the area, and by those processes we were able to move to new positions from time to time.<sup>158</sup>

Justice Nagle then took over the questioning. If the first principle was security, why not, he asked, ‘simply build a dungeon?’<sup>159</sup> Katingal was de-commissioned on Nagle’s recommendation, but in its brief history, it illustrates how tempting it is for prison authorities, particularly in times of crisis, to see solutions in forms of total architecture, despite the experiences of the past.<sup>160</sup>

‘The wheel of penal architectural fashion spins as fast as that of any other building type, and, even more inevitably, ends up where it began’, James Kerr wrote.<sup>161</sup> The last governor of the McLeod Prison Farm gave nearly four decades of his life to the Victorian prison service, long enough to see a full rotation. Shortly before he retired in 1975, he called for increased use of cellular architecture. ‘The average prisoner’ he claimed,

does not mind being locked away and many welcome it, in his cell a prisoner is free of the petty troubles he meets in his un-natural environment, and for a short time he can become his own man again.<sup>162</sup>

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<sup>158</sup> Ibid, p. 607.

<sup>159</sup> Ibid, p. 607.

<sup>160</sup> John Morony had deep reservations about Katingal: ‘in treating people it is essential that other people be used. How, for instance can any change in attitude be achieved by electronics? What personal influence can be exerted by a computer or by a “dead-lock”?’ Morony, *The More Things Change*, p. 665. For more on the balance between human and physical resources, see chapter nine.

<sup>161</sup> Kerr and Kerr, *Out of Sight, Out of Mind*, pp. 4-5.

<sup>162</sup> Governor J. D. to Eric Shade, 16 September 1974, memorandum re revision of regulations, Governor’s Inward and Outward Correspondence, 1973-75, PROV VPRS 11974.

The camps are part of a long cycle of responses to the challenge of how to arrange prisoners and guards in penal space so as to balance order and humanity. Their story is an important missing link between Pentonville and Katingal. Though faith ebbed in the power of elaborate penal architecture to transform human character for the better, hope that criminals might be reformed was not lost. That hope was vested in a genuinely simple idea in architecture: structures that permitted human relationships and a simulacrum of freedom. These structures ultimately disappointed too, but at least their builders did not leave expensive monuments to misery, as did those who came before, and after them.



FIGURE 23. Cooriemungle Prison Camp under construction, c.1940<sup>163</sup>

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<sup>163</sup> Photographs and Negatives of Government Buildings, 1926-65, PROV VPRS 10516/P/0003/13.

## CHAPTER FOUR

### 'The making of spiritual, not monetary profits': farming, forestry, and the problems and politics of prison labour

*There is probably not a more important problem for solution  
in a prison system than the question of prison labour.*

William Darcy (1921)<sup>1</sup>

In 1962, the South Australian Gaols and Prisons Department published a pamphlet, designed as a classroom teaching tool. A number of questions were included for discussion:

DO YOU THINK –

- (1) Mechanical equipment should be used in prison industry?
- (2) Heavy manual labour should be the rule?
- (3) That prison industrial training would help a man to reform?
- (4) That output is immaterial?<sup>2</sup>

If schoolchildren found these questions tricky, they were not alone. These same questions have vexed and exercised the minds of administrators, politicians, prisoners, and trade unionists for well over a century. While prison architecture determines the distribution of individuals in penal space, there remains the question of what prisoners will do with their time. Prison reform has been much influenced by the various responses proposed to this question, often called the prison labour problem. William Gall, Darcy's counterpart in

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<sup>1</sup> *Report of the Comptroller-General of Prisons, New South Wales for the year 1920*, Government Printer, Sydney, 1921, p. 6.

<sup>2</sup> *Sheriff's and Gaols & Prisons Department, Yatala Labour Prison, Adelaide*, 1962, p. 6.

Queensland, thought prison labour was ‘one of the greatest difficulties of prison administration’.<sup>3</sup>

In Australia in the late nineteenth and early twentieth centuries the prison labour problem was a nest of contradictions. For a time, penal farming and penal forestry appeared to offer an escape from these challenges. However, the range of reform options available to administrators was significantly abbreviated by the politics of prison labour. Meanwhile, farming and forestry came with their own, unanticipated sets of difficulties.

## LABOUR, PRISONS, HISTORY

The German theorists, Georg Rusche and Otto Kirchheimer argued that historical changes in penal systems reflect the changing demands of the labour market. Whereas earlier penal historians paid little attention to economic issues, Rusche and Kirchheimer thought the task at hand was ‘to study the historical relationship between criminal law and economics, the history of class struggle’.<sup>4</sup> The shifting balance between capital punishment and incarceration, they argued, could be put down to fluctuations in the labour market. Where a surplus of labour was available, capital punishment was preferred. Where a scarcity of labour obtained, imprisonment became the preferred sanction.

Rusche and Kirchheimer’s work had a strong influence on the revisionist historiography of the 1970s. Foucault, for instance, thought pre-industrial punishment’s ‘contempt for the body’, demonstrated ‘a system of production in which labour power, and therefore the human body, has neither the utility nor the commercial value’ that they possess in an industrial economy.<sup>5</sup> With the rise of capitalism, prisons—with their workshops and rigid time-discipline—became a way in which the state sought to extract the value and the utility of human bodies.

Most historians of the prison now agree that Rusche and Kirchheimer overstated the strength of the relationship between penal practices and changes in the labour market, and

<sup>3</sup> ‘Prisons Department, Information Contained in the Report for Year ended 31st December, 1927’ in *Queensland Parliamentary Papers*, 1927, vol. 1, Government Printer, Brisbane, 1928, p. 970.

<sup>4</sup> Rusche, Georg and Otto Kirchheimer, *Punishment and Social Structure*, Russell & Russell, New York, 1968 (orig. publ. 1939), p. 5.

<sup>5</sup> Michel Foucault, *Discipline and Punish: The Birth of the Prison*, Penguin, London, 1977, pp. 24, 54-55.

post-revisionist historiography suggests that Foucault and others influenced by him exaggerated ‘the role of the state and the penal sanction in particular in reproducing exploitative capitalist social relations’.<sup>6</sup> There is, as yet, no agreement on an alternative model of the role of labour in penal change.

In his work on penal change in Queensland, John McGuire emphasised the importance of the internal prison economy, and argued that the great imperative for prison authorities was to minimise the fiscal burden of prisons on the state. The ‘labour market thesis has thus far occupied too much historical space’, he wrote. ‘Historians need to do much more work on the productive capacity of penal systems, and how this productive capacity placed limits on the development of penal systems’.<sup>7</sup> McGuire is right to suggest that the dynamics of labour within the prison deserve attention. The history of the Australian prison camps indicates, however, that links with the external economy remain an important piece of the puzzle.

Rather than dispense with an analysis of the influence of the external labour market, ‘the task at hand’ is to examine the relationship between the external and prison economies. This, along with the trade union movement, played a significant role in determining available prison reform options in Australia in the late nineteenth and early twentieth centuries. Only within these constraints, once external economic interests had set restrictions on prison labour, could administrators seriously consider the ways in which they might use the productive capacities of the prisons to minimise the burden of the penal system on the state.

## THE RE-EMERGENCE OF WORK AS AN AGENT OF REFORM

Before we can consider the place of labour in the prison reform process in Australia in the early twentieth century we must understand a little of the way in which labour has figured in penological thought. As the early hopes for the penitentiary dimmed in the late nineteenth century, labour assumed an increasingly important place in penological theory, and the daily life of the prison. In place of silence, solitude and separation, work was

<sup>6</sup> Adrian Howe, *Punish and Critique: Towards a Feminist Analysis of Penality*, Routledge, London & New York, 1994, p. 62; see also John McGuire, ‘Punishment and Colonial Society: A History of Penal Change in Queensland, 1859-1930s’, PhD Thesis, University of Queensland, 2002, p. 17.

<sup>7</sup> McGuire, ‘Punishment and Colonial Society’, pp. 18, 326, 379.

increasingly seen as the leading agent of reform.<sup>8</sup> This is not to say that those who pinned their hopes on architecture placed no value on prison labour. Prisoners worked in the cells in penitentiaries on the Pentonville plan, and work was integral to the functioning of the panopticon too.<sup>9</sup> Similarly, those who championed the values of labour did not believe architecture to be irrelevant. It was the relative emphases on architecture and work as agents of reform that were changing.

By the 1910s, labour clearly trumped architecture in Australian penology. Prisoners laboured in congregated workshops. In most states, task work had been done away with. Previously, prisoners had been given set amounts of work per day, and could not be ordered to do any more once that allotment had been completed. Around the turn of the twentieth century, timed work increasingly became the norm, where prisoners could be kept to a task for a certain length of time, regardless of how much work was actually completed.<sup>10</sup> In 1918, Samuel McCauley explained why the prisoners were no longer subject to separate confinement during the final month of their sentence. This practice, known as ‘the liberty stage’, was ‘introduced some years ago when the conditions materially differed from what they are to-day’. The shrinking prison population, combined with rising orders for prison manufactures made the liberty stage ‘most inconvenient’.<sup>11</sup> Instead of spending their final month of imprisonment in solitude preparing for the temptations of the outside world, prisoners would be kept at work.

The rubric of work was a key plank in the penology on which prison camps were erected, but in this, as in other ways, the camps were a return to earlier traditions of punishment. Walter Crofton’s prison farm at Lusk was based on a belief in the corrective power of productive labour, and so too was Harold Maclean’s original plan for Trial Bay. NSW itself was founded on the idea that criminals must learn that those who would not work would starve.<sup>12</sup> But this thread runs further back. Before the Model Prison or the colonisation of NSW, there were the Houses of Correction, or Bridewells, and it is to

<sup>8</sup> Mark Finnane, *Punishment in Australian Society*, Oxford University Press, Melbourne, 1997, p. 46. See also John Pratt, *Punishment in a Perfect Society*, Victoria University Press, Wellington, 1992, pp. 153-155.

<sup>9</sup> Jeremy Bentham, *Panopticon; or, the inspection-house. Containing The Idea of a New Principle of Construction applicable to any Sort of Establishment, in which Persons of any Description are to be kept under Inspection: and in particular to Penitentiary-Houses, Prisons, Manufactories, Houses of Industry, Mad-Houses, Work-Houses, Lazarettos, Poor-Houses, Hospitals, and Schools: with a Plan of Management Adapted to the Principle*, Dublin, 1791, p. 88.

<sup>10</sup> Jonathan R. Telfer, *Duty of Care: A Brief History of Correctional Practices in South Australia*, South Australian Institute of Justice Studies Inc, Adelaide, 2003, p. 142.

<sup>11</sup> *Report of the Comptroller-General of Prisons, New South Wales for the Year 1917*, Government Printer, Sydney, 1918, p. 7.

<sup>12</sup> Grace Karskens, *The Colony: a History of Early Sydney*, Allen and Unwin, Sydney, 2009, p. 66.

them, Ignatieff argues, that ‘we should trace the germ of the idea of recasting the character of the deviant’.<sup>13</sup> The Bridewells did not aim to ‘reclaim lost souls’ as the penitentiaries did later, but to demonstrate the principle that ‘obedience led to industry which led to wealth’.<sup>14</sup> The recasting was to be achieved by honest work, rather than by specialised architecture.

Evans relates a story from the Rasphuis, the Dutch equivalent of a Bridewell, which neatly illustrates the lessons such institutions sought to impart. A prisoner claiming to be infirm was placed in a ‘water cellar’, which contained a conduit and a pump. Water was then permitted to flow into the cellar through the conduit, filling the space. Eventually, when the water rose high enough, the inmate, in panic, would pump with all his might for as long as the water continued to flow, ‘until it was clear to everyone that his infirmity had departed’. The cellar demonstrated

the necessary and unremitting nature of work for the lower orders of mankind ...  
If a person was lazy he was so because he had not perceived the indissoluble bond that connected labour with respite. Thus the water cellar could be said to prove a moral idea with the economy and precision of a proof in geometry. All forms of corrective discipline aspired to this concrete clarity.<sup>15</sup>

With the coming of the penitentiary in the early nineteenth century, the role of labour in prison discipline receded, but only for a time.<sup>16</sup> The increased emphasis on labour in twentieth-century Australia represented a return to these older lines of thought about the transformative power of work, albeit expressed in new terms. In the previous chapter we saw how changing ideas about prison design coincided with a shift in penological terminology. As cloistered structures fell from favour, less and less was heard of ‘reformation’, while ‘rehabilitation’ was increasingly spoken of. This shift was also

<sup>13</sup> Michael Ignatieff, *A Just Measure of Pain: The Penitentiary in the Industrial Revolution*, Columbia University Press, New York, 1978, p. 11.

<sup>14</sup> Robin Evans, *The Fabrication of Virtue: English Prison Architecture, 1750-1840*, Cambridge University Press, Cambridge, 1982, p. 52. See also: Séan McConville, *A history of English prison administration, volume I, 1750-1877*, Routledge & Keegan Paul, London, 1981, pp. 30-33; Max Grünhut, *Penal Reform: A Comparative Study*, Patterson Smith, Montclair, 1972 (orig. publ. 1948), p. 196.

<sup>15</sup> Evans, *Fabrication of Virtue*, p. 53. Spierenburg convincingly argues that the story of the water chamber is apocryphal. Even so, it demonstrates the place of work in penological thought before the penitentiary; see Spierenburg, Pieter, *The Prison Experience: Disciplinary Institutions and Their Inmates in Early Modern Europe*, Rutgers University Press, New Brunswick and London, 1991, ch.5.

<sup>16</sup> McConville, *A history of English prison administration*, p. 102; Evans, *Fabrication of Virtue*, p. 56.

related to the re-emergence of work as an agent of reform. ‘Reformation’ suggested a spiritual process. ‘Rehabilitation’ however, is closely related to both ‘habile’, meaning competent, able and skilled, and to ‘ability’, and thus suggested industry and integration rather than introspection and self-discipline.

## THE PRISON LABOUR PROBLEM

There was a paradox in making prisoners work. ‘On the one hand’, the penologist Max Grünhut observed:

enforced labour has long been regarded as mere hardship, deliberately inflicted as a punishment proper ... On the other hand, work is a much-coveted remedy which helps men to endure the unnatural state of captivity.<sup>17</sup>

Penologists noted that labour as punishment was an idea as old as the Bible.<sup>18</sup> Labour was certainly a punishment additional to imprisonment as far as the courts were concerned. Prisoners sentenced to ‘hard labour’ or ‘penal servitude’ were theoretically receiving more severe sentences than those who were to be merely confined, but these distinctions meant little behind the walls.<sup>19</sup>

In any case, prisoners and penal authorities knew that the absence of work was the greater punishment and, in Australia, authorities never suggested that prisoners be kept idle as a matter of penological principle.<sup>20</sup> ‘Labour is not by any means a punishment’ rather, ‘the severest punishment is its deprivation’, William Gall wrote in 1923, as he expanded agricultural operations at Queensland’s prisons.<sup>21</sup> Depriving prisoners of work was not only cruel and counter-productive, it could also be dangerous, according to the Western

<sup>17</sup> Grünhut, *Penal Reform*, pp. 196–98.

<sup>18</sup> Louis N. Robinson, *Should Prisoners Work? A Study of the Prison Labor Problem in the United States*, John C. Winston Company, Philadelphia, 1931, p. 1.

<sup>19</sup> John Ramsland, *With Just but Relentless Discipline: A Social History of Corrective Services in New South Wales*, Kangaroo Press, Kenthurst, 1996, p. 2.

<sup>20</sup> The French briefly experimented with a program of no labour in prisons, in 1848. This led to increased ill-discipline and riots. It also resulted in a short-lived improvement in prisoner mortality statistics, but nevertheless, the experiment was quickly abandoned. Patricia O’Brien, *The Promise of Punishment: Prisons in Nineteenth Century France*, Princeton University Press, Princeton, 1992, p. 177–78, 183.

<sup>21</sup> ‘Prisons Department, Information Contained in the Report for Year Ended 31st December, 1922,’ in *Queensland Parliamentary Papers*, 1923, vol.1, Government Printer, Brisbane, p. 1109. Sixty years later, John Morony said much the same thing. Morony, *The More Things Change: A History of Corrections in New South Wales*, J. Morony, Sydney, 1988, p. 565.

Australian Comptroller-General and former NSW prison camp guard, Alistair MacKillop. ‘Idleness or semi-idleness’ was the ‘the enemy of reform. It increases disciplinary problems and lowers morale as well as encourages scheming and destructive plots’.<sup>22</sup>

If there was a firm consensus that the absence of work in prison was to be avoided, it was just as widely accepted in the penological literature of the 1910s and 1920s that work itself was a positive agent. In 1918, the Victorian ISB quoted from Mosby’s *Causes and Cures of Crime* in their annual report: ‘Idle hands are the devil’s tools. Let us take from the devil his tools. Close the devil’s workshop and you will close the prison doors’.<sup>23</sup> Chief Justice Whistler Street made it sound simple when, after inspecting the Emu Plains Prison Farm, he declared that ‘Work—honest work and plenty of it—is the panacea for a good many evils in this world’.<sup>24</sup>

Despite the consensus, there was little agreement about the form the labour should take, and finding enough was always a challenge. It was a topic, as Joseph Berkovits observes, ‘inherently controversial, and like the prison itself, a paradox’.<sup>25</sup> Phillip Priestley’s example of oakum picking in prisons in Victorian England neatly encapsulates the contradictions and compromises of penal labour.<sup>26</sup> Oakum was old tarred ship’s ropes, often up to an inch thick. The work involved pulling apart the individual strands of the rope. The separated strands were used to caulk wooden walls, or re-spun into rope. It was hard, dirty, unprofitable, tedious work, and it was one of the major occupations of British prisoners for decades (see Figure 24). Labour in Victorian prisons was conditioned by three conflicting objectives: that it should be so hard as to be punitive, that it should defray the cost of the prisoner’s incarceration, and that it should teach a useful trade, and thereby reform the inmate. Oakum was an attempt to satisfy all these criteria, and it failed

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<sup>22</sup> ‘Annual Report of the Comptroller General of Prisons for the Year Ended 30th June, 1947’, SROWA, Chief Secretary’s Correspondence Files, WAS 675, Con 752.

<sup>23</sup> ‘Annual Report of the Indeterminate Sentences Board for the Year Ended 30th June, 1918’, in *Votes and Proceedings of the Legislative Assembly*, 1918, vol. 2, Government Printer, Melbourne, p. 8. See also Robinson, *Should Prisoners Work?*, p. 289.

<sup>24</sup> *Report of the Comptroller-General of Prisons, New South Wales for the Year 1926-27*, Government Printer, Sydney, p. 3. See also: ‘Prisons Department, Information Contained in the Report for Year Ended 31st December, 1926,’ in *Queensland Parliamentary Papers*, 1926, vol.1, Government Printer, Brisbane, p. 1150; ‘Prison Reform. Work as a Means to Salvation’, *SMH*, 1 October 1929. A handful of penologists disagreed with the consensus. Thomas Mott Osborne, for instance, thought that by coercively associating work and incarceration, prison officials ensured that that prisoners returned to free society with an ingrained aversion to work of any description. Osborne, *Prisons and Common Sense*, J. B. Lippincott, Philadelphia, 1924, p. 39.

<sup>25</sup> Joseph A. G. Berkovits, “‘Us Poor Devils’: Prison Life and Culture in Ontario: 1874-1914”, PhD Thesis, University of Toronto, 2000, p. 110.

<sup>26</sup> Priestley, Philip (ed.), *Victorian Prison Lives: English Prison Biography, 1830-1914*, Methuen, London & New York, 1985, pp. 121-23.

on each count; ‘the old rope tied together a bundle of contradictions which were never to be properly straightened out’.<sup>27</sup> For some, it was not sufficiently hard to qualify as *penal*. Never very profitable, the margins slimmed further as iron replaced timber in ship construction. As the prison’s only competitor in the oakum picking trade was the workhouse, there was moreover, next to no employment for prisoners who had become proficient at the task. Nevertheless, oakum was picked because it required no machinery, no training, and it could be performed in the cells. Above all, it did not interfere with free enterprise. By virtue of these conveniences, British prisoners tugged at the tarry threads for decades, keeping afloat ‘the leaky vessel of penal labour policy’ well into the twentieth century.<sup>28</sup>

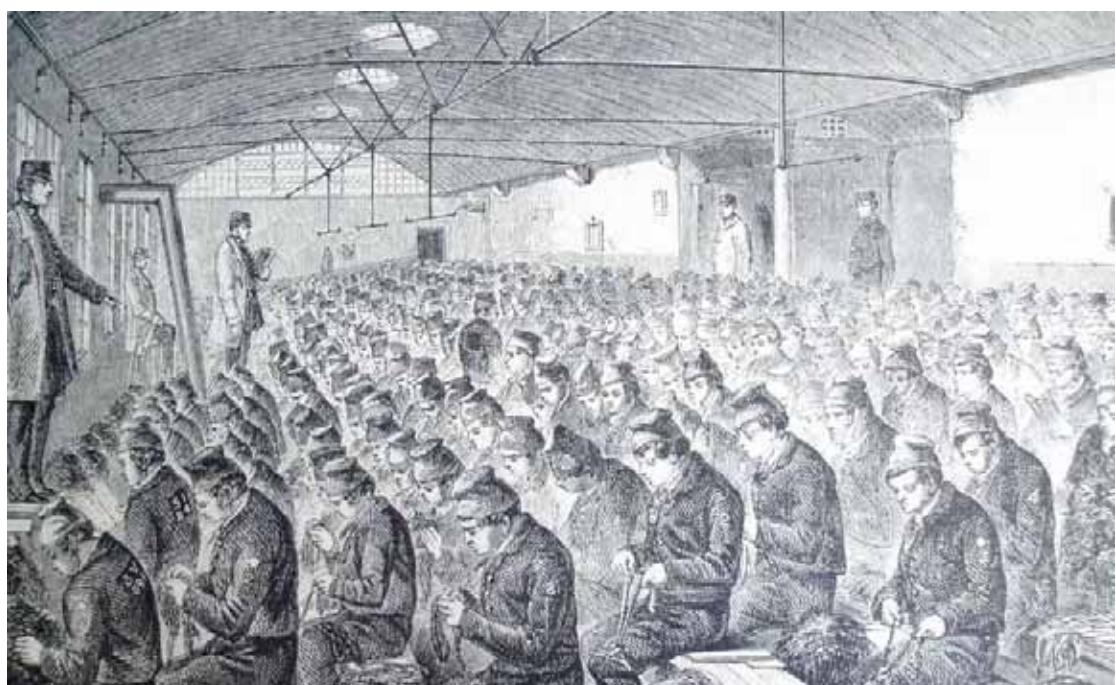


FIGURE 24. Prisoners picking oakum at Middlesex House of Correction, c.1860<sup>29</sup>

Oakum was, in fact, one of the more productive forms of prison labour in the United Kingdom in the late nineteenth century. The other forms of work common in England in the second half of the nineteenth century, such as the treadwheel, the crank and shot drill produced literally nothing but pain and sweat (see Figure 25). Edmund Du Cane, the first Chairman of the English Prison Commissioners, publicly admitted to ‘the unavoidable

<sup>27</sup> Ibid., p. 123.

<sup>28</sup> Ibid., p. 123.

<sup>29</sup> Source: Henry Mayhew and John Binney, *The Criminal Prisons of London and Scenes of Prison Life*, Frank Cass & Co Ltd, London, 1968.

uselessness of prison labour'.<sup>30</sup> From time to time, British reformers called for prison labour to be turned to some productive end. After all, they pointed out, the treadwheel was originally designed to pump water or grind wheat. Such proposals were rejected on the grounds that prisoners would find their punishment lightened if they knew some good would come of their exertions.<sup>31</sup> So prisoners on the wheel continued to 'grind the wind'. Many 'climbed' over 3500 metres per day, roughly the height of Mount Fuji.<sup>32</sup> Although critics protested the revolting, Sisyphean futility of the machine, it remained in favour until the Gladstone report in 1895. But even after it was abolished, well into the twentieth century, a hardness remained in the administration of British prison labour: 'Many were born to be hewers of wood and drawers of water' wrote Prison Commissioner Alexander Paterson.<sup>33</sup>

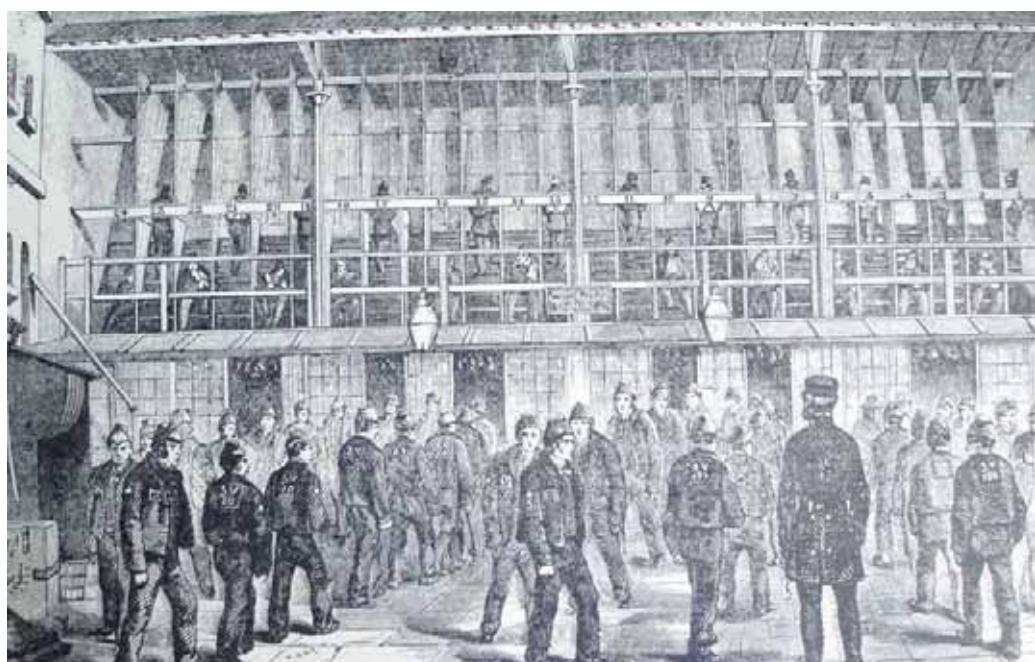


FIGURE 25. Treadwheel, Middlesex House of Correction<sup>34</sup>

<sup>30</sup> Edmund Du Cane, 'The Unavoidable Uselessness of Prison Labour', *The Nineteenth Century*, vol. 40, no. 236, 1896.

<sup>31</sup> Séan McConville, 'The Victorian Prison: England, 1865-1965', in Norval Morris and David J. Rothman (eds.), *The Oxford History of the Prison: The Practice of Punishment in Western Society*, Oxford University Press, New York and Oxford, 1995, pp. 132, 148; Priestley, *Victorian Prison Lives*, pp. 126, 136.

<sup>32</sup> Priestley, *Victorian Prison Lives*, p. 127.

<sup>33</sup> See, for instance Lionel W. Fox, *The English Prison and Borstal Systems*, Routledge & Keegan Paul, London, 1952, p. 373. For an interesting analysis of the history of the phrase, 'hewers of wood and drawers of water', see Peter Linebaugh, and Marcus Rediker, *The Many-Headed Hydra: Sailors, Slaves, Commoners and the Hidden History of the Revolutionary Atlantic*, Beacon Press, Boston, 2000, chapter two.

<sup>34</sup> Source: Henry Mayhew and John Binney, *The Criminal Prisons of London and Scenes of Prison Life*, Frank Cass & Co Ltd, London, 1968.

## *Prison labour in Australia*

Oakum was never picked to any great extent in Australian prisons, and the Australian colonies/states never fully shared the British enthusiasm for unproductive labour, but similar tensions were at work.<sup>35</sup> Farming and forestry may appear to have been more rational responses to the prison labour problem, but the same contradictory pressures were at work, and they were, like oakum picking, compromise solutions.

The Australian emphasis on productive labour was clear to foreign observers. Perhaps it had something to do with the nature of colonial society. ‘The virtues and rewards of industry were’, Ray Evans writes, ‘even more insistently proclaimed in a frontier environment than within a well-established society’.<sup>36</sup> NSW Sheriff Harold Maclean thought the treadwheel ‘an odious form of useless labour’. After his appointment he banned its use in the state’s prisons, consistent with his belief that prisons should be ‘industrious hives’ of labour.<sup>37</sup> Neitenstein’s prisons made an impression on those familiar with prison labour in the United Kingdom, such as Michael Davitt:

Work is not made a mockery or torture, as it is with the treadmill and crank votaries here in England ... It is rightly recognized that if any treatment can kill or lessen the evil practices of the criminal classes it is that which will induce or enforce habits of industry.<sup>38</sup>

Officials in other states were likewise unimpressed by pointless labour. In Western Australia, J. M. Drew announced ‘The practice of setting men to useless labour merely as an alternative to enforced idleness is another relic of the past’.<sup>39</sup>

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<sup>35</sup> Legal academic Fiori Rinaldi claimed that non-productive labour was valued for rehabilitative purposes in Australia prior to the 1960s. This is not the case, Rinaldi appears to be conflating overseas practice with local experience. Rinaldi, ‘Prison Labour in Australia,’ Penology Paper no. 4, Australian National University, Faculty of Law, 1973, p. 11.

<sup>36</sup> Ray Evans ‘The Hidden Colonists: Deviance and Social Control in Colonial Queensland’ in Jill Roe (ed.) *Social Policy in Australia: some perspectives, 1901-1975*, Cassell, Sydney, 1976, p. 75.

<sup>37</sup> A. W. Powell, ‘The Trial Bay Project: An Aspect of Social Reform in New South Wales’, *Journal of the Royal Australian Historical Society*, vol. 61, no. 3, 1975, p. 189; Suzanne Edgar, ‘Maclean, Harold (1828-1889)’, in *Australian Dictionary of Biography*, vol. 5, Melbourne University Press, Melbourne, 1974, pp. 183-84; Ramsland, *Just But Relentless Discipline*, p. 41;

<sup>38</sup> Michael Davitt, *Life and Progress in Australasia*, Methuen, London, 1898, p. 414.

<sup>39</sup> J. M. Drew, *Penological Reform in Western Australia*, Government Printer, Perth, 1916, p. 10. See also McGuire, ‘Punishment and Colonial Society’, pp. 21, 55-56; Jonathon Pearce, *Report of the Rev. Jno. Pearce on Prison Reform in Great Britain and America*, Government Printer, Adelaide, 1912, p. 2. In practice many so-called ‘productive’ forms of prison labour seemed little different from the wheel or the crank to prisoners and reformers. This was especially true of quarrying. In prisons like Yatala Labour Prison in South Australia, or Pentridge in Melbourne, the

The view that prisoners' labour should be productive raised new questions. What should prisoners produce? How should the goods be produced? How should they be sold? The difficult, contradictory realities of prison industry ensured that there were no easy answers to these questions.

Training a prisoner in a trade was thought to be the most effective way of ensuring he did not return to prison. Gall thought it was 'worth more to the prisoners than all the support and succour of a benevolent society', but teaching industrial pursuits in an age of increasing mechanisation was a challenging proposition.<sup>40</sup> Bootmaking and tailoring, long-time staples of prison industry, were good case studies in the frustrations of prison labour. When boots and clothes were still made mostly by hand, there was some value to prisoners learning the rudiments of the trade in prison, but this value evaporated once the industries were modernised; prisons were criticised for turning out prisoners skilled only in hand-work.<sup>41</sup> 'The old time class of tailor has practically been crushed out' of the market by the mechanisation of the trade, William Gall noted, while prison tailoring continued to be done by hand. The ex-prisoner found himself then with obsolete skills, in addition to the stigma of imprisonment.<sup>42</sup>

When they were forced to admit that prison industry failed to impart the technical skills necessary for modern factory work, officials fell back to vague platitudes. They claimed that the aim was not to give the prisoner a thorough grounding in a trade, but at introducing him 'to the habit of industry'.<sup>43</sup> This was little consolation for prisoners such as Grant Hervey, who served time in several prisons in NSW in the 1910s and 1920s. He dismissed the trades carried on in the conventional prisons, including bootmaking, on the grounds that they were conducted with 'stone age' machinery and 'antediluvian methods'. Learning a trade under such conditions was achieved only at 'the cost of the

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prisoners' name for the toil captured its gruelling inanity: 'breaking biggies into littlies'. Richard Broome, *Coburg: Between Two Creeks*, Coburg Historical Society, Melbourne, 2001, p. 279. Also, convicts did tread the wheel at Carters Barracks in Sydney in the 1820s. Jan Kociumbas, *The Oxford History of Australia. Volume Two: Possessions, 1770-1860*, Oxford University Press, Melbourne, 1992, p. 155.

<sup>40</sup> 'Prisons Department, Information Contained in the Report for Year Ended 31st December, 1925', *Queensland Parliamentary Papers*, 1926, vol. 1, Government Printer, Brisbane, p. 1051.

<sup>41</sup> *Report of the Comptroller-General of Prisons, New South Wales for the Year 1922*, Government Printer, Sydney, 1923, p. 2.

<sup>42</sup> 'Prisons Department, Information Contained in the Report for Year ended 31st December, 1927' (Queensland), p. 970.

<sup>43</sup> *Report of the Comptroller-General of Prisons, New South Wales for the Year 1921*, Government Printer, Sydney, 1922, p. 3

destruction of the real factory-utility of a potential man ... a prison-made artisan is no artisan at all. He is simply a ... hopeless bungler'.<sup>44</sup>

The difficulties with trade training did not extinguish the hope that prisons could be made to 'pay their way'.<sup>45</sup> This prospect has long tantalised politicians and penologists alike. At first glance it appeared absurd that a factory or workshop with a captive, unpaid, and unorganised labour force could not turn a profit.<sup>46</sup> Nevertheless, prisons returned astronomical losses, even when the workshops were not actively sabotaged by prisoners.<sup>47</sup>

In annual reports and other official documentation, bureaucrats went to imaginative lengths to balance the books. This was usually done by attributing inflated value to all the odd jobs prisoners performed, like sweeping the corridors, as if the department could or would have employed outside labour to do these tasks if prisoners had not. Such sleights of hand kept alive the hope that prisons could somehow be made self-supporting. William Callaway, the Victorian Inspector General, was one of the few to admit essential dishonesty of such calculations. They could, he said, 'be arrived at only by the inexperienced theorist or by the administrator who attaches imaginary value to the labour performed in order to balance the accounts'.<sup>48</sup>

The books did not often balance, even with the benefit of creative arithmetic. Total expenditure on prisons in Queensland in 1929, for instance, came to just over £40,000. Gall credited the value of prison labour at around £27,000, but admitted that most of this was derived from the values imputed to the basic maintenance tasks performed by prisoners.<sup>49</sup>

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<sup>44</sup> 'Ex-Prisoner', 'The Cure for the Man in Gaol', *Daily Telegraph*, 15 July 1922 (see chapter seven for an explanation of why Hervey can be identified as the author of this article).

<sup>45</sup> This perennially unfulfilled hope can be traced back at least as far as the early nineteenth century, when British administrators hoped that Millbank Prison would pay its way. McConville, *A history of English prison administration*, pp. 141-42.

<sup>46</sup> See, for instance, 'Pentridge Trouble. Penal Methods Discussed', *The Argus*, 23 November 1921.

<sup>47</sup> For example: *Report of the Comptroller-General of Prisons, New South Wales for the Year 1924*, Government Printer, Sydney, 1925, p. 5.

<sup>48</sup> 'Penal Establishments, Gaols, and Reformatory Prisons; Report and Statistical Tables for the Year 1914', in *Votes and Proceedings of the Legislative Assembly*, 1914, vol. 2, Government Printer, Melbourne, p. 8.

<sup>49</sup> 'Prisons Department, Information Contained in the Report for Year Ended 31st December, 1929,' in *Queensland Parliamentary Papers*, 1930, vol. 1, Government Printer, Brisbane, p. 979. See also 'Minutes of evidence taken before the Board of Inquiry re Pentridge Penal Establishment', 31 August 1920, pp. 556, Supplementary Inward Registered Correspondence, Chief Secretary's Department, Public Record Office Victoria, VPRS1226/P0000/130.

The challenge of profitably disposing of prison industry products made the search for the self-supporting prison particularly difficult. Industry demanded ex-prisoners be familiar with modern machinery but did not want goods produced by prisons with such machinery offered on the open market. The sole outlet for prison manufactories was then other government departments, who were decidedly limited and unreliable buyers.<sup>50</sup> In the 1890s for instance, many prisoners were left with little to do when the Melbourne City Corporation stopped buying road metal from the Pentridge quarry, and the department lost its contract to sew mail bags.<sup>51</sup> Confounding matters further, officials knew that if up-to-date machinery were installed in prison workshops, only a fraction of the prison population would be needed to produce sufficient goods to meet government orders. Of course, enough modern machinery could in theory be installed to occupy the entire prison workforce, but then the quantity of goods produced would far exceed the capacity of government institutions to absorb them, and—needless to say—the installation cost would be exorbitant.

### *Prison labour and free labour*

Many of the problems of prison labour might have been resolved if prisons were permitted to sell on the open market. The famous British penologist, William Tallack thought the prison labour problem was not one of too much competition, but of too little. ‘It is precisely because they have not already competed, in the ranks of honest industry, that they have become criminals,’ he wrote in 1896. ‘And until they are induced, or compelled thus to earn their livelihood, by labour, they will remain a far heavier tax upon the public, than the very worst forms of industrial competition could involve’. Objections to competitive prison industry were, he suggested, ‘penny wise and pound foolish’.<sup>52</sup>

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<sup>50</sup> As historians and penologists have pointed out, the state-use solution is really a way of camouflaging the continuing conflict with free labour and enterprise. Champions of the concept failed to acknowledge that the withdrawal of the state as a customer from the market would have the same negative effect on prices as the presence of prison products on the open market. See Robinson, *Should Prisoners Work?*, p. 99 and Morris and Rothman, ‘Introduction’, *The Oxford History of the Prison*, p. xii.

<sup>51</sup> Peter Lynn, and George Armstrong, *From Pentonville to Pentridge: A History of Prisons in Victoria*, State Library of Victoria, Melbourne, 1996, p. 110.

<sup>52</sup> William Tallack, *Penological and Preventative Principles*, Wertheimer, Lea & Co, London, 1896, pp. 28-29.

Few in the labour movement would have agreed with Tallack. Unions jealously protected the interests of free workers wherever they perceived these rights to be threatened by prison labour. McGuire argues that in contrast to the United States and England, opposition to prison labour was ‘muted’ in Australia.<sup>53</sup> The American experience was admittedly extreme. In the early twentieth century, many of the states, particularly in the northeast, were struggling to find outlets for productive prison labour acceptable to unions and business. From 1895 to 1923 the rate of prisoner employment in prisons dropped from seventy-two to fifty-two per cent as a result of a series of well organised union campaigns. In 1931, one estimate put the rate of prisoner idleness as high as seventy-five per cent.<sup>54</sup> While the influence of the Australian unions was not so pronounced, their opposition did lead to the demise of several prison labour projects. Senior officials were, moreover, daunted by the prospect of union protest, and, as a result, formulated policy cautiously.<sup>55</sup>

Union opposition to prison labour was awakened perhaps for the first time in Australia by Henry Parkes’ 1861 Committee. The members floated the idea that prisoners could be put to work quarrying stone for roadworks, from a site near Prospect. They felt such a scheme would not ‘in any objectionable manner, bring prison labour into competition with free workmen’. As A. W. Powell put it, ‘quarrying firms and their workmen probably thought differently, since no more was heard of this plan’. Similarly, Powell thought that one of the attractions of Maclean’s subsequent Trial Bay proposal was that it could not be seen to interfere with free labour’s interests.<sup>56</sup>

Several proposals for the use of prison labour in the first three decades of the twentieth century did not go ahead due to opposition from organised labour. In Victoria, Thomas Bent’s efforts to extend prison industry were thwarted by the Labor opposition.<sup>57</sup> An erosion control program at Sandringham in 1924 was dropped, for the same reason.<sup>58</sup> In 1927, the *West Australian* complained that ‘the pressure … of labour unions tends to limit and even paralyse, prison industry’.<sup>59</sup> In 1928, in response to a suggestion in Parliament

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<sup>53</sup> McGuire, ‘Punishment and Colonial Society’, p. 340.

<sup>54</sup> Robinson, *Should Prisoners Work?*, p. 61.

<sup>55</sup> See also *Prisons; Report for 1896*, p. 3 and ‘Pentridge Inquiry. Prison as Factory’, *The Argus*, 21 August 1920.

<sup>56</sup> Powell, ‘The Trial Bay Project’, p. 190.

<sup>57</sup> ‘French Island. Penal Farm-Settlement?’, *The Age*, 28 April 1936.

<sup>58</sup> ‘Prison Labor,’ *The Sun*, 9 July 1924.

<sup>59</sup> ‘Prison Reform’, *The West Australian*, 24 June 1927. The positions of the various newspapers is interesting. In NSW in the Neitenstein era, the newspapers that most vigorously championed the cause of prison reform were the *Daily Telegraph* and the *SMH*. Those papers more sympathetic to

that prison camps be used for public works, the NSW Justice Minister, Jack Lee said he would ‘be glad to find more useful labour … If the organizations associated with unionism would only permit him’.<sup>60</sup> Less than a year later, unions forced Lee to abandon a proposal to put maintenance confinees—men who had abandoned their families—to work building roads.<sup>61</sup>

As we saw in chapter two, union opposition also contributed to the fate of the short-lived road-making camp at Cowan Creek in Sydney. The Kuring-gai Chase trustees found ready allies in the Australian Workers Union in their successful opposition to the project.<sup>62</sup> J. Bailey, the president of the NSW branch of the union thought the proposal ‘repugnant to Australian sentiment’. It was, he added,

the thin end of the wedge to break down wages and conditions for that class of work. Of course there are no limits to the way in which Mr Lee might extend his scheme if he persists in using prison labour on work which should be given to the unemployed. He has adopted the best method of making enough criminals to do all the work that will be available.<sup>63</sup>

Even labour on proclaimed prison sites for specifically penal purposes could raise the ire of organised labour. In December 1914, the Bricklayers’ Society complained to David Hall, the Minister of Justice, about the use of prison labour on the construction of a large wall around the Long Bay complex. W. Cahill, the president of the Society, added that he hoped the prisons were not going to turn out ‘men half trained in a trade to compete when they came out with those engaged in the industry. They would be a menace’. Prison

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the trade union movement, such as *The Bulletin* and *The Worker* were notably silent on the issue; see Diane Payne, ‘Prisons and Society: Changing Ideas of the Role of the Prison in NSW’, Honours Thesis, University of NSW, 1968, p. 67.

<sup>60</sup> ‘Prison Labour For Clearing Land’, *SMH*, 19 October 1928.

<sup>61</sup> There were about 500 such prisoners in prison in NSW at the time, and they were not, Lee said, truly criminal, but had simply been unable to meet obligations in difficult circumstances. The original idea behind imprisoning such men was to make them work, and give the profit to their families. Lee proposed using the confinees to build roads, and pointed out that as free labour could or would not do the work otherwise, the scheme could actually lessen competition with free enterprise by removing prisoners from the manufacturing industries. See: ‘Roadwork for Maintenance Prisoners. Union Protest’, *SMH*, 5 March 1929; ‘Prison Camps for Habitual Criminals’, *SMH*, 20 June 1929; ‘Use of Prison Labour. Suggestion to Government’, *SMH*, 3 February 1930; T. W. Shaver, ‘Prison Labour on Roads’, *SMH*, 16 May 1930.

<sup>62</sup> ‘Those Convict Hulks’, *The Sun*, 26 February 1930. Union opposition to prison labour is greatest during periods of economic distress. Prison populations tend to rise in hard times, too. So at the exact point when extra accommodation and labour are required, opposition is the greatest.

<sup>63</sup> ‘Prison Labour for Road Construction’, *SMH*, 20 February 1930. See also ‘Keep the Prison Labor out of Kuring-Gai’, *Daily Guardian*, 21 February 1930; ‘Reviving the Convict System’, *Labor Daily*, 22 February 1930.

labour should instead be used to manufacture products not produced in Australia, such as toys. ‘The interests of the free men should be considered first of all’.<sup>64</sup> In the end, the wall at Long Bay was built by prison labour, but the incident demonstrated just how few fields of labour were ‘safe’ from union complaint, and highlighted difficulty, in practice, in defining ‘state-use’. In response to a similar proposal put forward in 1930 by the Victorian Chief Secretary, one labour leader suggested that if the government was serious about using prison labour to save money, it ‘might try the experiment of selecting some of the best-behaved prisoners to act in the capacity of officials, or possibly the Chief Secretary’.<sup>65</sup>

In 1973, legal researcher Fiore Rinaldi was at a loss to explain why Australian administrators were so concerned with ‘the essentially dead question’ of avoiding giving offence to the labour movement.<sup>66</sup> He claimed that no department of prisons or corrections in Australia had been able to provide him with information about any specific examples of union opposition to prison labour. The fact is, as the examples above illustrate, unions have vigorously, and successfully, opposed many prison labour projects.<sup>67</sup> The departments have remembered the opposition, even if they have forgotten the details.

Administrators around the world chafed at union interference, and raised high-minded but ineffective protests. NSW and Queensland sent delegates to the Eighth International Prison Congress, held at Washington in 1910, where the delegates agreed that ‘the outcry against undue competition with free labour is to be condemned as inhuman’. The level of competition offered private industry by prison labour ‘is so small as to be hardly appreciable,’ they said, while adding that ‘all productivity from any source is a gain to the community’. The delegates also claimed that ‘the importance of reforming prisoners by labour outweighs all economic considerations’. These resolutions were based on ‘the law

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<sup>64</sup> ‘Prison Labour. Question of Competition’, *SMH*, 17 November 1914; ‘Prison Labour. Attitudes of the Trades and Labor Council’, *Daily Telegraph*, 17 December 1914. See also *Report of the Royal Commission into New South Wales Prisons*, vol. 9, Government Printer, Sydney, 1978, p. 266, qq.4338-4339.

<sup>65</sup> ‘Prison Labour. Trades Hall Opposition’, *The Argus*, 13 August 1930; ‘Prison Labor on Public Works’, *The Herald*, 12 August 1930.

<sup>66</sup> Rinaldi, ‘Prison Labour’, pp. 21-22.

<sup>67</sup> Union opposition also halted a proposal to use prison labour on the Warragamba dam in 1957. ‘Sydney Talks Could Pave Way for Prison Reforms’, *SMH*, 4 July 1958.

of humanity, which cannot be attenuated even the case of a criminal'.<sup>68</sup> These resolutions were enthusiastically endorsed in Australia on several occasions.<sup>69</sup>

There is little evidence of what prisoners thought of the labour movement's involvement in prison reform. Some, at least, found it frustrating, if this Victorian prisoner's remarks are anything to go by:

Unions generally would have us believe that they fight the use of prison labour on beyond the walls projects to protect the prisoner from a heartless exploiting bureaucracy ... man to be a wholesome well integrated character must have a worthwhile and interesting job to perform ... prisoners generally do not have jobs that are either interesting or remunerative, and this is no fault of the prison administration ... If unions adopt a realistic and helpful attitude, if they will allow prisoners to be employed first of all in gaol on projects that will benefit them and then outside on projects that will help the community at large, then a new era in prison reform will be initiated ... No union has ever shown real interest in prison work conditions or prison conditions generally. They only become concerned when their own vested interests are at stake, and then they rationalise that they are acting in the prisoners' best interests.<sup>70</sup>

## THE PRISON LABOUR PROBLEM AND CAMP LABOUR

The pressure to find work for prisoners that was productive, uncomplicated and free from union interference pushed Australian prison systems steadily towards agriculture and

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<sup>68</sup> Evelyn Ruggles-Brise, *Prison Reform at Home and Abroad*, Macmillan, London, 1924, p. 156. Others saw an inhumane logic in the labour movement's position; one British critic thought 'that for the sake of avoiding the possibility of somebody, at some time, being injuriously affected in some indefinite manner, they would doom their fellow-men to be kept at a degrading and useless labour, or in enforced idleness'. Priestley, *Victorian Prison Lives*, p. 137.

<sup>69</sup> *Report of the Comptroller-General of Prisons, New South Wales for the Year 1924*, p. 4; *Report of the Comptroller-General of Prisons, New South Wales for the Period 1st July, 1933, to 30th June, 1935*, Government Printer, Sydney, 1936, p. 4. See also John Morony, 'The Issues Raised', in *The Conflict of Security and Rehabilitation: A Seminar on the Punishment of Crime*, NSW University of Technology, 9-11 July, 1958, p. 12.

<sup>70</sup> Anon., 'On the Use of Prison Manpower', *Stockade: The Voice Behind the Walls*, Spring 1965, p. 9. To be fair, at least one union did show an altruistic interest in prison work: in 1959 the Builders Labourers Federation offered to carry out in-prison training. 'Union Plan to Train Prisoners', *SMH*, 13 October 1959.

forestry.<sup>71</sup> In 1915, the Victorian Inspector-General William Callaway counted ‘the prison farm movement’ among the ‘most significant developments’ in penology in recent years, and expressed his belief that by this means ‘the prison labour problem would, perhaps, most nearly find its solution’.<sup>72</sup> In 1924, the Superintendent of Hobart Gaol reported to his Attorney General on the question of prison labour:

Prison Indoor Industries are generally unsatisfactory from almost every point of view. They are of the most elementary character, and are performed in a crude, amateurish way ... In those countries where Prison Reform is receiving the most Scientific attention, it is generally recognised by experts that the most suitable form of work for prisoners is not Manual and Mechanical Labour done in workshops, but rather Open Air Employment on the Land ... [this] POSSESSES GREATER POSSIBILITIES TOWARDS EFFICIENCY THAN ANY OTHER FORM OF PRISON LABOUR there is no reason why the employment of prisoners as Lumberers and Farmers in this State, should not be widely established.<sup>73</sup>

The fact that agriculture could be performed by prisoners without specialised skills appealed strongly. Most of the prison population came, McCauley complained, from ‘the ranks of the idle, dirty and thriftless ... and is very unpromising material’.<sup>74</sup> Most of these prisoners also came to prison under sentences too short for any real training to be provided. However, as McCauley noted, ‘the ordinary prisoner who lacks the required skill or aptitude for a trade can render very good service at vegetable-raising, and with some benefit to his health’.<sup>75</sup> Inmates at Pardelup Prison Farm acquired, according to

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<sup>71</sup> In France in the second half of the nineteenth century, the labour unions explicitly encouraged prison administrators to shift prison labour into primary production, so as to avoid coming into competition with the products of free labour. O’Brien, *The Promise of Punishment*, p. 173.

<sup>72</sup> ‘Penal Establishments, Gaols, and Reformatory Prisons; Report and Statistical Tables for the Year 1914’, p. 7. The following year, the press praised the government for solving the prison labour problem by establishing the McLeod Settlement; see ‘French Island. Penal Farm-Settlement?’.

<sup>73</sup> Superintendent, Hobart Gaol to Attorney General, 28 July 1924, Gall Estrays—Prison Farms, QSA, Series 6786, Item 267662; original emphases. The Superintendent cited American research that found prison farm labour to be seventy-five per cent as efficient as free farm labour, and slightly *more* efficient than free labour when it came to forestry. Indoors, prison labour was said to be between forty-five and sixty per cent as efficient as free labour. According to this research, prisoner road-builders were also very nearly as efficient as free labourers but this option was not considered by the Tasmanian authorities. See chapter two for more on the politics of road-making by prisoners.

<sup>74</sup> *Report of the Comptroller-General of Prisons, New South Wales, for the Year 1914*, Government Printer, Sydney, 1915, p. 9.

<sup>75</sup> *Ibid.*

John Drew, ‘the training which in this country ... is best calculated to help their progress after release’<sup>76</sup> At Hayes, prisoners with no experience in construction built piggeries which housed animals that went on to top the market at the Derwent Park abattoir.<sup>77</sup> Agricultural skills also had the great advantage of not dating as quickly as industrial ones, so officials felt that ex-inmates of prison farms would be more employable than those released from conventional prisons.<sup>78</sup> ‘Only last week’, the Tasmanian Controller, D. Hornibrook proudly reported in August 1966:

a former inmate [at Hayes] who completed a fairly lengthy sentence was engaged as a dairyman by one of the largest milk producers in the State. This prisoner had no knowledge of dairying prior to his transfer to the farm.<sup>79</sup>

Prison camps also presented an attractive solution to the dilemma concerning equipment. In the mid-1910s, the wire-netting factory at Melbourne’s Pentridge Prison stood idle for over a year, for want of orders, materials and spare parts.<sup>80</sup> By contrast, writing of the work being carried out at French Island in 1939, the Victorian Inspector-General Joseph Akeroyd felt

More could be done with up-to-date machinery and implements; but, as the main aim of this institution is the reformation of men, the hard manual labor is of utmost importance, and up-to-date machinery is not desired.<sup>81</sup>

Not only could prisoners learn useful skills without expensive machinery, the prison population itself provided a steady ‘market’ for the produce.

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<sup>76</sup> J. M. Drew, *Prison Reform in Western Australia: The Pardelup Prison Farm*, Government Printer, Perth, 1928, n.p.

<sup>77</sup> ‘Prison Reform. Great Strides Made at Hayes Honour Farm’, *The Mercury*, 9 June 1938. See also ‘Work at Gaol Farm. Marked Success of New Scheme’, *The Examiner*, 8 June 1938.

<sup>78</sup> *Report of the Comptroller-General of Prisons, New South Wales for the Year 1917*, p. 9; ‘Prisons Department, Information Contained in the Report for Year ended 31st December, 1927’, p. 970 (Queensland).

<sup>79</sup> D. Hornibrook to Attorney General, 15 August 1966, AOT, Attorney General’s Department, Correspondence, 1937-71, File: 20/16 - Prisons/Kilderry Farm Report, AGD1/1/504.

<sup>80</sup> ‘Penal Establishments, Gaols, and Reformatory Prisons; Report and Statistical Tables for the Year 1916’, in *Votes and Proceedings of the Legislative Assembly*, 1917, vol. 2, Government Printer, Melbourne, p. 5.

<sup>81</sup> ‘Penal Establishments, Gaols, and Reformatory Prisons; Report and Statistical Tables for the Year 1937’, in *Votes and Proceedings of the Legislative Assembly*, 1938, vol. 1, Government Printer, Melbourne, p. 8.



FIGURE 26. Prisoner ploughing, Emu Plains Prison Farm, 1915<sup>82</sup>

In the early years, it seemed prisoners could work as productively as free labourers. The forestry work on French Island in 1917 was ‘equal to that performed … by unskilled free labour’, according to the Forests Department, which then promptly doubled the amount per prisoner paid to the Penal Department.<sup>83</sup> The NSW Prisons Department reported that prisoners at Tuncurry in 1917 did ‘work … which compares favourably with that done by free labour elsewhere’, and the local forester, Herbert Lyne, agreed that the work at Tuncurry was ‘quite up to the standard of free labour’.<sup>84</sup>

The ex-prisoner Grant Hervey served time at the Tuncurry Afforestation Camp in the late 1910s and early 1920s, and he saw the productivity of prisoners there as proof that neither criminals nor the prison system were beyond hope. He and his fellow inmates at Tuncurry were not ‘employed in making boots on antiquated lines’ as they were at Goulburn prison. Instead ‘they work like true pioneers, tearing down the wilderness with

<sup>82</sup> *Report of the Comptroller-General of Prisons, New South Wales for the Year 1918*, Government Printer, Sydney, 1919.

<sup>83</sup> ‘Prisoners and Trades. Proposals at French Island’, *The Argus*, 20 March 1917; ‘Annual Report of the Indeterminate Sentences Board for the Year Ended 30th June, 1917’, in *Votes and Proceedings of the Legislative Assembly*, (1918), vol. 2, Government Printer, Melbourne, p. 6.

<sup>84</sup> *Report of the Comptroller-General of Prisons, New South Wales, for the Year 1916*, Government Printer, Sydney 1917, pp. 8-9; *Report of the Comptroller-General of Prisons, New South Wales, for the Year 1914*, p. 52. See also *Report of the Comptroller-General of Prisons, New South Wales, for the Year 1915*, Government Printer, Sydney 1916, p. 46.

the axe'.<sup>85</sup> The men at Tuncurry, 'worked like tigers', but Hervey pointed out that they were few compared with the bulk of the prison population.<sup>86</sup>

There is an available working force ... which a sane Government, instead of immuring behind hideous prison walls, where men learn everything that is bad, and nothing that is good, would use for the clearing of forests and the making of roads.<sup>87</sup>

In the 1910s and 1920s prison camps briefly seemed to offer, for the first time, a realistic promise of self-supporting prisons.<sup>88</sup> From the start it had been planned to make the McLeod Settlement pay its way.<sup>89</sup> In 1922, prompted by the economic returns of Tuncurry and Emu Plains, the NSW Justice Minister Thomas Ley announced 'it is believed that the whole of the prisons could be made self-supporting'.<sup>90</sup> At different times, prison administrators believed that Palen Creek State Farm, Hayes Prison Farm, the Kyeema Prison Camp and the Corriemungle Prison Camp were all in the black, or nearly so.<sup>91</sup>

Finally, the fact that farmers lacked the organisation of industrial workers was not lost on senior prisons department staff, or observers. The intransigence of labour, Blake McKelvey argues, was the engine behind the establishment of many of the prison farms

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<sup>85</sup> 'Ex-Prisoner', 'The Cure for the Man in Gaol'. For more on Hervey, including the reason why he can be identified as the author of this article, see chapter seven.

<sup>86</sup> Grant M. Hervey, 'Prison Reform', *The Daily Mail*, 19 May 1922.

<sup>87</sup> *Ibid.*

<sup>88</sup> Sean O'Toole, *The History of Australian Corrections*, University of NSW Press, Sydney, 2006, p. 175.

<sup>89</sup> 'Annual Report of the Indeterminate Sentences Board for the Year Ended 30th June, 1917', p. 6 (Victoria).

<sup>90</sup> 'Prison Reform. Self-Supporting Gaols', *SMH*, 9 May 1922. See also J. H. M. Abbott, 'Emu Plains', *Town and Country Journal*, 15 January 1919. Ley later obtained a different perspective on the criminal justice system. In England in 1947, the former Minister of Justice was convicted of the murder of a barman. He died shortly afterwards, at the Broadmoor Criminal Lunatic Asylum in Berkshire. Some also suspected him of being involved in a number of murders in NSW in the 1920s. See Baiba Berzkins, 'Ley, Thomas John (1880–1947 )', *Australian Dictionary of Biography*, vol. 10, Melbourne University Press, Melbourne, 1986, pp. 97-98.

<sup>91</sup> See 'Where Prison Is Almost Picnic', *The Advertiser*, 21 May 1932; John Knight, 'Prison Farm Sets Example', *The Examiner*, 27 March 1965; 'They Work Hard and Keenly at Jobs on Hayes Farm', *The Mercury*, 31 July 1968; Rod Wise, 'Cooriemungle', information sheet, c.1990, Corrections Victoria Resource Centre, n.p. Palen Creek was one of the most successful prison farms in the country. 'Economically, the men confined at the Palen State Farm did not cost the taxpayers one penny last year, as the farm was self-supporting,' Rutherford stated in 1954. W. Rutherford 'State Farms in Queensland, Australia', draft, 5 January 1954, Special Subject Batch: Palen Creek State Farm, 1931-57, QSA, Series 9097, Item 293153. See also 'Prisoners' Song Will Soon Be 'Trees', *Sunday Mail*, 5 December 1937.

in the United States in the early twentieth century.<sup>92</sup> Agriculture was the one industry safe from union protest. The American penologist Louis Robinson wrote: ‘in all this hue and cry over unfair competition, nothing is said about farm products ... but were farmers organized we should doubtless hear from them more forcibly on the subject.’<sup>93</sup>

In NSW in 1898, Michael Davitt recognised agriculture as ‘the one form of industry which least excites that very natural, but at the same time narrow and inconsiderate, feeling of opposition to the competition of prison produce on the part of skilled artisans’.<sup>94</sup>



FIGURE 27. Prisoners at work, Bombala Afforestation Camp, c. 1929<sup>95</sup>

<sup>92</sup> Blake McKelvey, *American Prisons: A History of Good Intentions*, Patterson Smith, Montclair, 1977, pp. 250, 252, 263, 292.

<sup>93</sup> Robinson, *Should Prisoners Work* p. 77. Another American penologist, John Lewis Gillen, thought those countries which came closest to solving the prison labour problem were those, such as Switzerland, that had gone furthest with penal agriculture; ‘possibly because there has been less organized opposition on the part of farmers’. Gillen speculated, however, that with ‘growing class-consciousness’ farmers would soon raise serious and organised opposition to prison produce; see Gillen, *Taming the Criminal: Adventures in Penology*, Patterson Smith, Montclair, 1969 (orig. publ. 1931), pp. 302-04.

<sup>94</sup> Davitt, *Life and Progress in Australasia*, p. 442.

<sup>95</sup> Anon., ‘The Prison Camps of New South Wales’, c.1929 ML365.3/1A1.

In the 1910s, forestry, then in its infancy in Australia, was also safe from union protest. No plantations were worked with private enterprise, and the cost of labour at the time was too high for the work to be carried out by free labourers. Comptroller Steele thought the establishment of Tuncurry was justified on economic grounds alone, as ‘a State asset’ had been created ‘which would be too expensive with free labour’.<sup>96</sup>

In every state in the country, except Victoria, prison camps were introduced by Labor governments, sensitive to the demands and the power of organised labour and less concerned with the welfare of individual farmers. Where the camps produced surpluses, they often sold the extra produce on local markets, to the unheeded chagrin of local producers.<sup>97</sup> In 1935, the NSW Prisons Department proudly announced that the Emu Plains Prison Farm had made a profit ‘on pigs alone’.<sup>98</sup> Angry letters from disgruntled individual farmers did not have to be handled in the same way as public campaigns by irate unionists.

Politicians and administrators of all political persuasions were well aware of the direction in which they were pushed by the politics of labour. After he was forced to abandon his road-making proposals, the conservative NSW Justice Minister Jack Lee admitted that expanding the activities of the afforestation camps, including introducing more agriculture, was the only alternative.<sup>99</sup> In 1930, the South Australian CGP reported that prison industries were not expanded during the year due to ‘the acute position of the labour market ... Relief from the position can best be brought about by the opening of a farm or forestry camp’.<sup>100</sup> In 1937, the Melbourne *Herald* applauded the government’s plans for more prison camps. Noting that the labour movement had closed the open market to prison produce, the paper added: ‘The objection to unfair competition with free labour cannot be applied to work in the reclaiming of waste lands’.<sup>101</sup>

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<sup>96</sup> *Report of the Comptroller-General of Prisons, New South Wales for the Year 1926-27*, p. 7. See also ‘Prison Reform. Farm Work for First Offenders’, *The Argus*, 21 March 1916.

<sup>97</sup> See Pardelup Penal outstation, Orchard, 1927-32, Chief Secretary’s Correspondence Files, SROWA, WAS 675, Con 752 1927/0925; Proposal to confine the criminally insane at Hayes Gaol Farm, including a short history of Hayes Gaol Farm, 1942, AOT Gaols file 20/9, Attorney General’s Correspondence, AGD1/1/211; Stephenson, *Nor Iron Bars*, p. 72.

<sup>98</sup> ‘Braemar’, ‘Prison Walls and Prisons without Walls’, *The Sydney Mail*, 31 July 1935.

<sup>99</sup> ‘Prison Camps for Habitual Criminals’, *SMH*, 20 June 1929.

<sup>100</sup> *Report on Gaols and Prisons for the Year 1930*, Government Printer, Adelaide, 1932, pp. 16-17. Pearce noted the great advantage in that fact that agricultural labour did not arouse the ire of industrial organisations. *Report of the Rev. Jno. Pearce*, p. 2.

<sup>101</sup> ‘New Prisons and New Lives’, *The Herald*, 29 June 1937.

The widespread opposition to non-white labour in Australia made penal agriculture particularly attractive. In the late nineteenth century white Australians were increasingly anxious about the presence of Chinese migrants in the coming nation. At this time Chinese growers controlled much of the market garden trade, up to seventy-five per cent according to some estimates.<sup>102</sup> Many white Australians were deeply uneasy at depending so heavily on foreigners in this way.<sup>103</sup> In New Zealand, prison farms had been introduced, partly, in an attempt to break the Chinese near-monopoly on market gardening.<sup>104</sup>

When the NSW Justice Minister David Hall was challenged by the bricklayers in 1914, he stated that the only area in which the prisons genuinely competed with free labour was agriculture. Emu Plains, as well as the farm at Long Bay, supplied the prison system with produce that would otherwise have been bought on the market. Hall made no apology for this. Indeed he hoped that the harvest might be increased to the point where all other government institutions, including the hospitals, were supplied with fresh food from prisoner-worked farms. ‘The market gardening was at present done mostly by Chinese, and their numbers were decreasing’, he said.<sup>105</sup> So comfortable was Hall with prison industry competing with free enterprise in this manner, that he envisaged opening a shop in the city to sell surplus produce from Emu Plains directly to the public.<sup>106</sup> ‘The time is very opportune’, Hall said in 1914, as he inspected prison farms in New Zealand:

In the past our larger centres have been supplied almost entirely by Chinese. The White Australia policy is making Chinese labour scarce. There is ample demand for any vegetables we are able to grow without unduly interfering with vested interests.<sup>107</sup>

In light of the politics of race and labour, it can be seen that the establishment of the prison camps was not as benevolent as most have claimed. While the benefits of penal

<sup>102</sup> T. A. Coghlan, *Labour and Industry in Australia: from the First Settlement in 1788 to the establishment of the Commonwealth in 1901*, Oxford University Press, Oxford, 1918. See also Warwick Frost, ‘Migrants and Technological Transfer: Chinese Farming in Australia, 1850-1920’, *Australian Economic History Review*, vol. 42, no. 2, 2002.

<sup>103</sup> See Andrea Gaynor, ‘His Own Vine and Fig Tree’, *Australian Humanities Review* vol. 41, 2007, <http://www.australianhumanitiesreview.org/archive/Issue-February-2007/EcoGaynor.html> (accessed 24 January 2010).

<sup>104</sup> Pratt, *Punishment in a Perfect Society*, p. 156.

<sup>105</sup> ‘Prison Labour. Question of Competition’; ‘Prison Labour. Attitudes of the Trades and Labor Council’; ‘Prison Reform. Vegetable Farms for NSW’, *SMH*, 17 November 1914.

<sup>106</sup> ‘On the Land. Farm and Station’, *SMH*, 26 October 1915.

<sup>107</sup> ‘Prison Reform. Vegetable Farms for NSW’. See also ‘State Vegetables. Utilisation of Prison Labour’, *SMH*, 3 February 1915.

agriculture for both the prisoner and the state were widely catalogued, the effects on growers elicited little concern. Without an effective voice as a group, their interests—particularly those of the Chinese—were politically marginal and could be ignored.<sup>108</sup>

## THE LIMITATIONS OF CAMP LABOUR

The politics of labour and the re-emergence of work as an agent of reform funnelled prison reform toward farming and forestry. In prison camps, administrators hoped they had found the solution to the prison labour problem, and for a time, it seemed they had. Prisoners at farms and camps worked hard, and largely without union complaint. However, work at the camps was not without its own difficulties and challenges, and no examination of the place of labour in the prison camp movement is complete without considering these issues. Interestingly, these are entirely unacknowledged in the literature. According to Ramsland for instance, forestry by prison labour at Tuncurry was ‘stunningly successful, both in terms of productivity and the moral and physical health of prisoners’ and the quantity of work performed was ‘herculean’.<sup>109</sup> Impressed by the official rhetoric regarding the camps, Ramsland failed to notice the real problems with labour experienced at the camps, problems that significantly diminished the camps in the eyes of administrators.

Admittedly, prisoners at camp worked substantially harder than those in closed prisons, particularly during the years just after the establishment of a camp. ‘It is amazing to note’ CGP William Hinchy marvelled in 1933, ‘the energy, initiative and capacity which many of these men reveal in their work at the camps’.<sup>110</sup> The Tasmanian Controller, John Scanlan, said that one of the primary objectives of his department was to ‘train men to the

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<sup>108</sup> Although administrators were content to squeeze the Chinese out of the market gardening sector, they were glad to make use of their skills inside. In Pentridge, on the rare occasion a Chinese gardener was admitted, a separate small plot of land was set aside for them, where they were allowed to work undirected. In 1903, *The Argus* described one such prisoner ‘toiling with the patient industry and extreme care of little things which is characteristic of his race’. The Governor added: ‘We find these men of great service in the work of cultivation’. See ‘Farming at Pentridge’, *The Argus*, 10 July 1903.

<sup>109</sup> Ramsland, *Just But Relentless Discipline*, pp. 212-13.

<sup>110</sup> *Report of the Comptroller-General of Prisons, New South Wales for the Period 1st July, 1933, to 30th June, 1935*, p. 8.

habit of work'. Those men 'most receptive to this doctrine' were sent to the farm, he said, where the 'results speak for themselves'.<sup>111</sup>

On any given day in Queensland in 1936, most prisoners at Boggo Road in Brisbane would have done a few hours of light labour, or none at all. At Palen Creek prison farm, on the other hand, the prisoners' daily routine revolved around work:

6.20 am prisoner rise  
6.30 am wash and dress  
6.45 am breakfast  
7.30 am roll call, march to labour  
11.50 am cease work, count, wash  
12 noon dinner  
1.00 pm roll call march to labour  
4.40 pm cease work, count, wash  
4.50 pm supper  
5.30 pm recreation  
8.00 pm roll call<sup>112</sup>

In the course of a single year, in addition to cultivating the fields, prisoners at Palen Creek installed tanks, sank wells, built fences and roads, erected a laundry, a pump shed, a piggery, a power house, a blacksmiths shop, a garage and a kitchen, and a woodwork shop.<sup>113</sup> At the Kyeema Prison Camp in the mid-1930s prisoners laboured at heavy moving and grubbing. With no horses at camps, this work was done entirely by hand.<sup>114</sup>

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<sup>111</sup> 'Annual Report of the Controller of Prisons for Year Ended 30th June, 1948', in *Journals and Printed Papers of Parliament*, 1949, vol. CXLI, Government Printer, Hobart, p. 3.

<sup>112</sup> 'Rules and Regulations for H. M. Prison Farm, Palen Creek (gazetted), Special Subject Batch: Palen Creek State Farm, 1931-57, QSA, Series 9097, Item 293153.

<sup>113</sup> 'Prisons Department, Information Contained in the Report for the Year Ended 31st December, 1936', in *Queensland Parliamentary Papers*, 1937, vol. 1, Government Printer, Brisbane, pp. 1233-34.

<sup>114</sup> 'Annual Report, Kyeema Prison Camp, for the Year 1932', SRSA, Kyeema Prison Camp, Annual Reports, 1932-44, GRS/2930/1/P.



FIGURE 28. Inmate, guard and dog at Glen Innes Afforestation Camp c.1929<sup>115</sup>

Though the work was hard, it could be agreeable to the inmates. In the years before the penal settlement was removed from St Helena, the prisoners tasked with the demolition of the prison buildings were said to take pleasure in the work.<sup>116</sup> In 1965 a prisoner at Hayes was reported to have taken great satisfaction building a dam wall ten metres by two and half metres. ‘He’s an artist with a bulldozer and has done a wonderful job’, said Ron McCrickard, the farm’s overseer.<sup>117</sup>

No matter how vigorously inmates worked, or how much pleasure they took from their tasks, camp labour was a mixed blessing, for inmates and the prisons systems in general.

Working in the bush or in the fields did present physical risks that prisoners in closed institutions did not face. They were bitten by snakes, crushed by falling timber and gashed by mis-swung axes and saws. Most camps possessed little or no on-site medical facilities, and were some distance from the nearest hospital. In 1932, staff at Kyeema Prison Camp were put in the awkward position of having to send for help to neighbouring settlers when prisoners injured themselves, as none of the warders at camp had any

<sup>115</sup> Source: Anon., ‘The Prison Camps of NSW’.

<sup>116</sup> Jarvis Finger, *True Tales of Old St Helena*, Booralong Publications, Brisbane, 1986, pp. 44-45.

<sup>117</sup> ‘Creek Was “Useless”. Now Lake’, *The Mercury*, 22 June 1966.

knowledge of first aid.<sup>118</sup> During the wet season at Stone River State Farm in 1945, a prisoner was sent with one warder to collect meat and bread from the Ingham post office. Rising river levels forced the pair to take an alternative, mountainous route back to the farm. The route was too precipitous for their horses, so they had to be left behind to be collected later, when the waters receded. The route was so difficult, the warder reported, ‘that the prisoner narrowly escaped serious accident whilst crossing one of the flooded gorges, losing the bag of bread in the process of saving himself’.<sup>119</sup>

Although injuries were common, fatalities were rare. Surviving records for the period 1913–1960 show only three deaths occurred at prison camps in Australia. One man drowned in a river near Hayes Prison Farm in 1940.<sup>120</sup> Another died at Bombala Afforestation Camp in 1931. He was working in dense bush when a warder mistook him for a kangaroo, and shot him, only weeks before he was to be released after seventeen years in prison.<sup>121</sup> A third died at Stone River prison farm in August 1956 of Leptospirosis, a bacterial infection he caught by drinking water contaminated with animal urine.<sup>122</sup> These accidents notwithstanding, the death rate at camps compared to conventional prisons was extremely low. It is a rare year when at least one prisoner does not die in a conventional prison. Admittedly camp inmates were generally healthier than inmates in closed prisons, but three recorded deaths, across nearly thirty institutions, in a period of almost fifty years, is quite remarkable.<sup>123</sup>

Prisoners endured the risk and hardship of the work they were required to do, but they also took to any number of unauthorised tasks with relish. Food is a perennial source of discontent for prisoners, and while the dietary allowances were generally better than those issued in closed prisons, food was still a contentious topic at the camps. Surrounded by sheep, pigs, chickens and cows, and under light or non-existent supervision, prisoners occasionally found themselves unable to resist temptation. At Hayes Prison Farm, for instance, the prisoner-cook, was found with pork sandwiches, shortly after a

<sup>118</sup> CGP H. Whittle to Rev. F. Forsyth, 17 June 1932, Letter Books, Comptroller of Gaols and Prisons, 1929-32 GRS/2751/1. The fact that many of the neighbours were still not reconciled to the presence of the camp made these requests particularly awkward.

<sup>119</sup> Acting OIC L. T. Monthly Report, March 1945, Special Subject Batches, Stone River, 1944-62, QSA, Series 9097, Item 293179.

<sup>120</sup> ‘Documents re drowning of a certain prisoner at Hayes Gaol Farm’, AOT, Prisoners File 20/13 (1940), Attorney General’s Correspondence, 1937-71, AGD1/1/187.

<sup>121</sup> Prisoner File, State Penitentiary, Long Bay,, Herbert O’Brien, 1917-31 SRNSW 3/3207.1.

<sup>122</sup> OIC J. M. to CGP, 18 August 1956, Special Subject Batches, Stone River, 1944-62, QSA, Series 9097, Item 293180.

<sup>123</sup> These figures do not include approximately six prisoners who died by drowning after escaping from French Island (see chapter eight).

neighbouring farmer reported a missing pig. No pork had been issued at the farm for months, so the cook had no choice but to admit the theft.<sup>124</sup> Crops too could be, and were, put to unauthorised uses. Prisoners regularly built simple stills and breweries and produced various and often potent forms of moonshine—under the influence of which many prisoners felt emboldened to escape.<sup>125</sup>

However, the greatest problems with labour at the camps arose from the management and administration of the work. Most industries tailor the size of the workforce to the demands of the work, but prisons staff had the unenviable task of fitting the job to the workers, the number of which they had no control over. Officers at the camps were constantly frustrated by fluctuating musters. Prisoners were transferred to and from camp on the basis of their behaviour and/or the need to bolster or reduce numbers at other institutions, and too many prisoners could be just as problematic as too few. Such movements rarely matched the seasonal variations of farm or forestry work. ‘I could do with many more men’, the exhausted OIC at Stone River State Farm complained in 1945.<sup>126</sup> The same year the Western Australian CGP Alistair MacKillop reported that numbers at the Pardelup Prison Farm had been increased so far beyond the farm’s requirements that inmates were ‘on loan’ to dig potatoes for neighbouring settlers.<sup>127</sup> By harvest time however, Pardelup’s muster had dropped to the point where, in the words of one of the officers there, it was ‘insufficient to maintain the Farm, let alone do any improvements’.<sup>128</sup>

To make matters worse, officials had little influence over the quality of the labour at their command. Many inmates, particularly in the second and third waves of the camp movement, were unsatisfactory. ‘It is ludicrous to note the efforts of men introduced to

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<sup>124</sup> ‘Documents re dead livestock’, AOT, Gaols File 19/1937, Attorney General’s Correspondence, 1937-71, AGD1/145. Guards were, at times, not above joining prisoners in their illicit meals. On at least one occasion in 1968, staff and inmates at Morwell River Reafforestation Camp stole a number of sheep from a neighbour’s paddock. See J. R. Charma, Forest Offences, Mirboo Sheep Removal By Prisoners And Officers At Morwell River Prison, Department of State Forests, General Correspondence Files, 1919-84, VPRS 11563/P/1013.

<sup>125</sup> See OIC, Stone River to CGP, 12 May 1948, Special Subject Batches, Escapes, 1924-57, QSA, Series 9097, Item 293121, also chapter nine.

<sup>126</sup> OIC L. T. Monthly Report, December 1944, Special Subject Batches, Stone River, 1944-62, QSA, Series 9097, Item 293179.

<sup>127</sup> Monthly Report for April 1945, Pardelup Prison Farm, fencing, 1930-58, Chief Secretary’s Correspondence Files, SROWA WAS 675, Con 752 1930/0233.

<sup>128</sup> OIC, Monthly Report November 1945, Pardelup Prison Farm, Progress reports on operations, 1932-52, Chief Secretary’s Correspondence Files, SROWA WAS 675, Con 752.

pick and shovel, crowbar and mattock for the first time after a life of indolence'.<sup>129</sup> The smooth operation of a camp hinged largely on having at least one or two prisoners who knew something of agriculture. In 1924, Joseph Akeroyd admitted that the gardens at the McLeod Settlement were in poor shape, as none of the staff on the island had any experience in agriculture:

As long as there is any industrious prisoner with a good knowledge of farming on the Settlement some good is done, but lacking such a man the consequences are disastrous not only from the point of the crops and rations but also morally. Slovenly and ignorant workmanship retards the recovery of self respect and has a deadening influence on the moral sense.<sup>130</sup>

Such problems became increasingly common after the war. In January 1948, the OIC at Pardelup Prison Farm reported that 'for the past two months many changes have taken place with the labour at my disposal and this has an adverse effect in production'. The recent transfer of two prisoners with dairying experience to the farm would, the officer hoped, remedy the problem.<sup>131</sup> At Stone River, the OIC repeatedly requested that he be sent men with some skill at gardening or ploughing, as the prisoners they had were 'a very incapable lot, although in grubbing out stumps they are becoming very efficient'.<sup>132</sup> Inmates with some talent in the kitchen were also greatly valued at camp. 'I should be glad if you could send me a cook as these men dislike doing it', the OIC at Stone River said in 1945.<sup>133</sup> The labour of prisoners was so central to the workings of the camps that officers sometimes lamented the days when good workers were due for release.<sup>134</sup>

Some types of prisoners were more suited to the work than others. Phil Hancox was one of a number of conscientious objectors at Palen Creek during the Second World War. As a group, they were set to work cutting sorghum and stacking it in the hayshed. After a

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<sup>129</sup> 'Penal Establishments, Gaols, and Reformatory Prisons; Report and Statistical Tables for the Year 1934', *Votes and Proceedings of the Legislative Assembly*, 1935, vol. 1, Government Printer, Melbourne, p. 8.

<sup>130</sup> J. Akeroyd, Report on McLeod Settlement Reformatory, French Island, April 1924, Forest Commission, General Correspondence, Penal Dept Recommendations Re Future Control Of French Island Plantation, VPRS 11563/P/0001/8.

<sup>131</sup> OIC, Monthly Report January 1948, Pardelup Prison Farm, Progress reports on operations, 1932-52, Chief Secretary's Correspondence Files, SROWA WAS 675, Con 752.

<sup>132</sup> OIC, Monthly Report, March 1945, Special Subject Batches, Stone River, 1944-62, QSA, Series 9097, Item 293179.

<sup>133</sup> Ibid.

<sup>134</sup> OIC to CGP, 6 February 1945, Special Subject Batches, Stone River, 1944-62, QSA, Series 9097, Item 293179.

week, the manager said he had never seen the shed so full, and: ‘I don’t mind how many conscientious objectors they send me’.<sup>135</sup>

Over time, guards and bureaucrats realised that when prisoners worked hard, they did it not from a newly-learned love of ‘honest toil’, but because there were tangible and immediate rewards for doing so. In most states, good industry earned prisoners greater remission and earlier parole than in closed prisons. Problems emerged when this incentive was removed, as an incident at Hayes Prison Farm in 1944 demonstrates. One of the inmates at the farm at the time was D. R., who was serving a three-year sentence for carnal knowledge of a girl under eighteen years. R. was by all accounts a good worker, ‘the greatest little toiler that ever worked for me’, in the words of one his former employers. Having spent nearly two years in prison, most of that time on the farm working well, he applied for parole, with the encouragement of the farm’s overseer, Carl Wilson. Controller Linton supported the application to the Attorney General, James Macdonald, saying R.’s work at the farm was ‘particularly good’. Macdonald rejected the application, stating that he regarded ‘a criminal of this description as being better in gaol than out’. Rumblings of insubordination at the farm from both staff and prisoners followed, and Wilson felt his position undermined:

If no parole or remission is to be granted as a reward for extra good work and behaviour, it is here stated that the men will keep inside the letter of the law and will do enough to keep out of trouble only ... What incentive is there for him to do more? ... since this institution is Tasmania’s effort at prison reform, it follows that unless a man is induced to make this effort, he remains just as he came in, pays for his crime and goes out with an ‘account squared’ outlook.<sup>136</sup>

More troublingly, problems with labour at the camps were exacerbated by the fact that the aims of productivity, good order and ‘rehabilitation’ each placed different demands on the camps’ prisoners and officers. Experts from departments of agriculture and forestry were regularly consulted in order to maximise productivity at the farms and plantations, but they were generally reluctant to do more than offer advice in broad terms unless they were given some authority in the management of the farms and plantations.

<sup>135</sup> Phil Hancox, ‘Cavalry or Calvary’, in *‘These Strange Criminals’: An Anthology of Prison Memoirs by Conscientious Objectors from the Great War to the Cold War*, Peter Brock (ed.), University of Toronto Press, Toronto, 2004), p. 306.

<sup>136</sup> File: 21/37, Prisoners, 1944, AOT Attorney General’s Correspondence, 1937-71, AGD1/1/227. See also file of prisoner R. D., AOT, Gaols Department, Prisoners Individual Files, 1891-1960, G.D. 61/1/32, File 811/237.

Where they had this control, tensions between land management and prison management priorities were quickly exposed; where they had little or no influence over the work, it was generally poorly done. Levels of control over labour and financial responsibility were subjects of constant dispute between the departments. In its first few years of operation, the NSW Departments of Agriculture and Prisons actually tussled for control of Emu Plains Prison Farm, with unfortunate consequences for both productivity and discipline. Officials from each department blamed each other for the situation.<sup>137</sup>

In Victoria, in 1924, tension boiled over between the Forests Commission and the Penal Department over the management of the McLeod Settlement. For some time the two departments had been at loggerheads over the quality of prisoners' work, and security concerns. Both departments maintained their own vessels for access to the island. On several occasions escapees were found to have used the foresters' boat to make their getaway from the island.<sup>138</sup> The forestry work was also not proceeding well.

A series of letters and meetings followed as the two departments tried to resolve the issues. As a case study, this process offers an interesting glimpse into the logistical challenges of running a farm and a plantation with prison labour. In a background memo, Akeroyd divided the training given on the island into two types, practical and moral. He felt reasonable progress was being made with the moral training, but he admitted to some difficulties with the practical training. To that point, prisoners were handed over on a daily basis to the two permanent foresters on the island, with a warder in attendance to maintain discipline. This had led to 'many cases of friction probably due to fault on both sides'. In his personal diary Akeroyd was less circumspect; one of the foresters had apparently been using prison labour to maintain his private residence on the island.<sup>139</sup>

Akeroyd suggested that his department take complete control of the work. His officers had acquired some expertise in forestry work in their time on the island, or so he claimed. Foresters could continue to inspect and advise, but 'divided control is seldom

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<sup>137</sup> *Report of the Comptroller-General of Prisons, New South Wales, for the Year 1914*, p. 10; *Report of the Comptroller-General of Prisons, New South Wales, for the Year 1916*, p. 1; *Report of the Department of Agriculture for the Year Ended 30 June 1917*, Government Printer, Sydney, 1918, p. 54; Abbott, 'Emu Plains'.

<sup>138</sup> See, for instance: 'Island Prisoners Escape', *The Argus*, 10 July 1923.

<sup>139</sup> Diary of Joseph Akeroyd, 8 February 1924, PROV VPRS 6604/P/0001. Some years earlier, it had also been reported that this forester had told inmates at the camp that if they escaped and made it to another state, they would not be pursued further; for more on this and related issues, see 'Prisoners' Question', *The Argus*, 2 February 1918, and chapter eight.

successful'.<sup>140</sup> The idea did not find favour with H. Mackay, the Forests Commissioner. He replied:

When there was some difficulty in providing fit employment for all kinds of prisoners within walled prisons, I offered on several occasions to give a trial in forest work, to first offenders only at French Island ... As time went on, this arrangement was altered without my consent, and confirmed criminals—men who had had several convictions—were sent to the island. This change did not improve the quality of the plantation.<sup>141</sup>

Mackay thought the plantation could be worked successfully if the supervision and control were 'of the right kind'. But given the defects of the site in terms of soil and rainfall, he felt unskilled supervision would inevitably lead to 'a costly failure'. The commission could not, he insisted, 'accept any responsibility without full control'.<sup>142</sup> Akeroyd cared little for Mackay's concerns. At Pentridge, the old wire netting works had been burnt down by prisoners and were shortly to be replaced. 'We are going to be faced with modern machinery with the result that there will be no work to do at Pentridge', he told the Forests Commissioner.<sup>143</sup> Akeroyd was desperate to find a way to absorb the prison population's energies and cared little about the finer points of forestry. He wanted the foresters, and their troublesome boat, off the island.

Reluctantly and under pressure from the Chief Secretary, Mackay agreed to relinquish control of the plantation. But his fears were borne out. Two years later, one of his officers inspected the French Island plantings and found the trees in poor shape, choked with ti-tree and acacia. At first the forester thought this could be put down to the soil, which drained badly. But on closer inspection he found that 'the actual conditions and methods of planting have been at fault'. Young pines had been planted up to ten inches too deep, or else with roots exposed. The system of firebreaks was also inadequate. He suggested that all but a few isolated blocks be considered 'virgin land'. The penal department

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<sup>140</sup> Akeroyd, Report on McLeod Settlement Reformatory, French Island.

<sup>141</sup> H. Mackay, memo, 8 May 1924, Forest Commission, General Correspondence, Penal Dept Recommendations Re Future Control Of French Island Plantation, VPRS 11563/P/0001/8.

<sup>142</sup> Ibid.

<sup>143</sup> 'Minutes of Conference between the Chief Secretary, the Inspector General of Penal Establishments and the Minister for Forests in Regard to the Suggested Transfer to the Penal Department of the Whole of the Forestry Operations at French Island', 6 May 1924, Forest Commission, General Correspondence, Penal Dept Recommendations Re Future Control Of French Island Plantation, VPRS 11563/P/0001/8. In fact, at the time, the government was contemplating shifting Pentridge to French Island; see 'Shifting Pentridge. French Island for Penal Purposes', *Herald*, 21 August 1924 and 'Shifting Pentridge', *The Age*, 21 August 1924.

struggled on for more than a decade after this report, before finally admitting that the plantation was a complete failure. It was abandoned without a single cut log having gone to market. Moreover, escapes had continued in the absence of the forestry boat.<sup>144</sup> Life on the island without the foresters proved just as difficult as life with them.<sup>145</sup>

At Pardelup Prison Farm there was friction between foresters and prisons staff right from the start. They disputed which costs were to be born by each department. The foresters found themselves called on to fix the same problems again and again, and to respond to urgent calls for help at decidedly inconvenient times. Fires broke out in the plantation, apparently caused by negligent inmates. Kim Kessell, Western Australia's chief forester fumed: 'apparently warnings to Inmates to be careful are not heeded'.<sup>146</sup> New pines were planted, but within only a few years were reported to be 'a stunted, yellow and unhealthy crop'.<sup>147</sup> Those that grew well were eaten by rabbits.<sup>148</sup> Frustrated by the work and by one another, both departments were happy to neglect the plantation thereafter. From 1936, forestry at Pardelup was a dead letter.

By 1939, penal plantations had been abandoned at the Tuncurry, Bombala, Kyeema, and McLeod camps, as well as at Pardelup.<sup>149</sup> This is, as a rule, because they were financial disasters. The poor quality of the work and the extra costs associated with the penal staff and infrastructure made many of the plantations cost just as much, if not more, than they would have with free labour.

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<sup>144</sup> 'Annual Report of the Indeterminate Sentences Board for the Year Ended 30th June, 1938', (SLV), p. 13; 'Penal Establishments, Gaols, and Reformatory Prisons; Report and Statistical Tables for the Year 1938', in *Votes and Proceedings of the Legislative Assembly*, 1939, vol. 1, Government Printer, Melbourne, p. 8.

<sup>145</sup> For examples of similar bureaucratic tensions in Tasmania, see File: 15/10, Miscellaneous/Gaol Farm and Mental Hospital, AOT, Agriculture Department, General Correspondence, 1935-37, AD9/1/1795; File: 2/8 - General Correspondence/Kilderry Prison Farm, AOT, Agriculture Department, General Correspondence, 1943-44, AD9/1/4482; Documents re role of Department of Agriculture at Hayes Gaol Farm, Gaols file 20/5, 1944, AOT, Attorney General's Correspondence, AGD1/1/227.

<sup>146</sup> Kim Kessell to CGP, 20 December 1929, Pardelup Penal Outstation, Afforestation Operations, 1927-31, Chief Secretary's Correspondence Files, SROWA WAS 675, Con 752 1927/0956.

<sup>147</sup> 'Annual Report of the Comptroller General of Prisons for the Year Ended 30th June, 1937', SROWA Chief Secretary's Files, WAS 675, Con 752.

<sup>148</sup> D. H. Perry to Kim Kessell, 8 August 1930, Pardelup Prison Farm, Progress reports on operations, Chief Secretary's Correspondence Files, SROWA WAS 675, Con 752.

<sup>149</sup> See chapter five for more.



FIGURE 29. Prisoners planting pines, Tuncurry Afforestation Camp, 1915<sup>150</sup>

Unsurprisingly, given the manifold difficulties with prison agriculture and forestry, the camps did not become self-supporting. The books did not balance, even when officials fell back on their old techniques of creative accounting. H. C. Trethowan, the Western Australian Under-Secretary for Justice reported in 1928, a year after the opening of Pardelup Prison Farm, that the farm had made a loss of £1650. The ‘value’ of the prisoners’ labour, he hastened to add, reduced the loss to a mere £290.<sup>151</sup> In other words, if free labour had been paid to do the work, the system would have been even more unprofitable. Despite Trethowan’s repeated reassurances that the farm would soon show a real profit, the operating loss actually increased. ‘It might reasonably be thought that a farm provided with adequate labour receiving little or no wages should show a handsome profit,’ he admitted. Most of the loss he put down to the unusual costs on the balance sheet, such as officers salaries, transport and food, and the rest he attributed to the quality of the labour: ‘the labour value of the average prisoner is a great deal less than that of the average farm labourer’.<sup>152</sup>

<sup>150</sup> *Report of the Comptroller-General of Prisons, New South Wales for the Year 1918.*

<sup>151</sup> ‘Annual Reports of the Comptroller General of Prisons and the Indeterminate Sentences Board for the Year Ended 30<sup>th</sup> June, 1928’, *Minutes and Votes and Proceedings of Parliament*, 1928, vol. 2, no. 17, Government Printer, Perth, p. 4.

<sup>152</sup> ‘Annual Report of the Comptroller General of Prisons for the Year Ended 30th June, 1936’, p. 5, Chief Secretary’s Correspondence Files, SROWA WAS 675, Con 752. See also ‘Report of the Comptroller-General of Prisons for the year ended 30<sup>th</sup> June, 1958’, (JOL), p. 3.

As it became clear that the camps' productive capacity had been exaggerated, penal bureaucrats were increasingly forced to defend their experiments on purely penological grounds. Alaistair MacKillop justified the expense of the Pardelup Prison Farm on the grounds that it offered 'something which cannot be measured in pounds, shillings and pence'.<sup>153</sup> In Victoria, Akeroyd maintained that

too much attention must not be given to profits won or losses sustained ... nor can it be argued that a prison system as a whole can be made to pay. The main aim of any prison system is the re-making of men, the making of spiritual, not monetary profits.<sup>154</sup>

Likewise, in 1954 Rutherford insisted that the dollar value of Queensland's State Farms could not 'be calculated as it deals in human values and the frequent restoration of men to society and their families'.<sup>155</sup>

Falling back on the language of rehabilitation was risky business, though. As Thomas and Stewart argue, 'the economic argument is the only one which encourages modification of those reactionary attitudes which constantly confront the reformer'.<sup>156</sup> Moreover, the economic work and penological work carried out at the camps could not be so easily separated; administrators acknowledged that the camps that worked best as prisons were those very few that worked well as farms or plantations.<sup>157</sup> And by this time, as we shall see in the next chapter, the rehabilitative capacity of the camps was also in question.

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<sup>153</sup> 'Annual Report of the Comptroller General of Prisons for the Year Ended 30th June, 1947', pp. 4-5, Chief Secretary's Correspondence Files, SROWA WAS 675, Con 752. See also Overseer Carl Wilson's remarks in File: 20/2A, Gaols/Gaol Farm policy, 1945, AOT, Attorney General's Correspondence, AGD1/1/236.

<sup>154</sup> 'Penal Establishments, Gaols, and Reformatory Prisons; Report and Statistical Tables for the Year 1938', p. 8.

<sup>155</sup> 'Report of the Comptroller-General of Prisons for the Year Ended 30th June, 1955', (JOL), p. 4. See also A. MacKillop to J. H. Allen, 1 October 1952, Pardelup Prison Farm, Requests for Information Regarding, General File, 1938-52, Chief Secretary's Correspondence Files, SROWA WAS 675, Con 752 1938/0270.

<sup>156</sup> J. E. Thomas and Alex Stewart, *Imprisonment in Western Australia: Evolution, Theory and Practice*, University of Western Australia Press, Perth, 1978, p. 110.

<sup>157</sup> See 'Report of the Comptroller-General of Prisons for the Year Ended 30th June, 1951', (JOL), p. 2; and also J. Akeroyd, Report on McLeod Settlement Reformatory, French Island.

## CONCLUSION

On his first day as Inspector General of Prisons in Victoria, Joseph Akeroyd wrote in his diary: ‘Took charge of Penal Dept. The difficulty of obtaining good work is obvious’.<sup>158</sup> It was a perennial problem for prison managers. They were anxious to use prisoners’ productive capacities to minimise the financial burden the prisons placed on the state, but the demands of politicians, the public, prisoners and trade unionists created such a dense network of problems and prohibitions that administrators had scant latitude for action. They chose the path of least resistance, and the few who may have objected were marginal or disorganised.

Farming and forestry were not, however, entirely satisfactory solutions and both gave rise to new problems. The work presented physical risks. The authorities could do little to prevent crops and farm equipment from being used for unauthorised purposes. The size and the quality of the workforce at each camp often bore little relation to the demands of the work at hand. Indeed, foresters, agronomists and penal bureaucrats found it difficult to agree what the demands of the work were. Experience at the camps showed that running a farm or a plantation productively could often mean using inmates to meet the institution’s needs, rather than the other way around. Finally, despite the hopes they raised, the camps failed to break even.

Some of problems stemmed from the physical nature of the work at camp, and some from the workers, but the central problem was that labour itself was not as straight-forwardly ‘good’ for prisoners as the reformers had hoped. Penologists had long argued productive work was naturally reformatory, but in reality, it was a complex and frustrating part of prison life.

By the time it became clear that the camps would not solve the prison labour problem, the relationship between labour and penology was changing again. Faith in the power of work as an agent of reform was on the wane once more. ‘There may be no perfect solution’, John Morony wrote in 1961, adding: ‘It is probably better to look at the problem simply as a problem to be worked on’.<sup>159</sup>

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<sup>158</sup> Diary of Joseph Akeroyd, 2 January 1924.

<sup>159</sup> *Report of the Operation of the Department of Prisons for the Year 1960*, Government Printer, Sydney, 1961, p. 9.

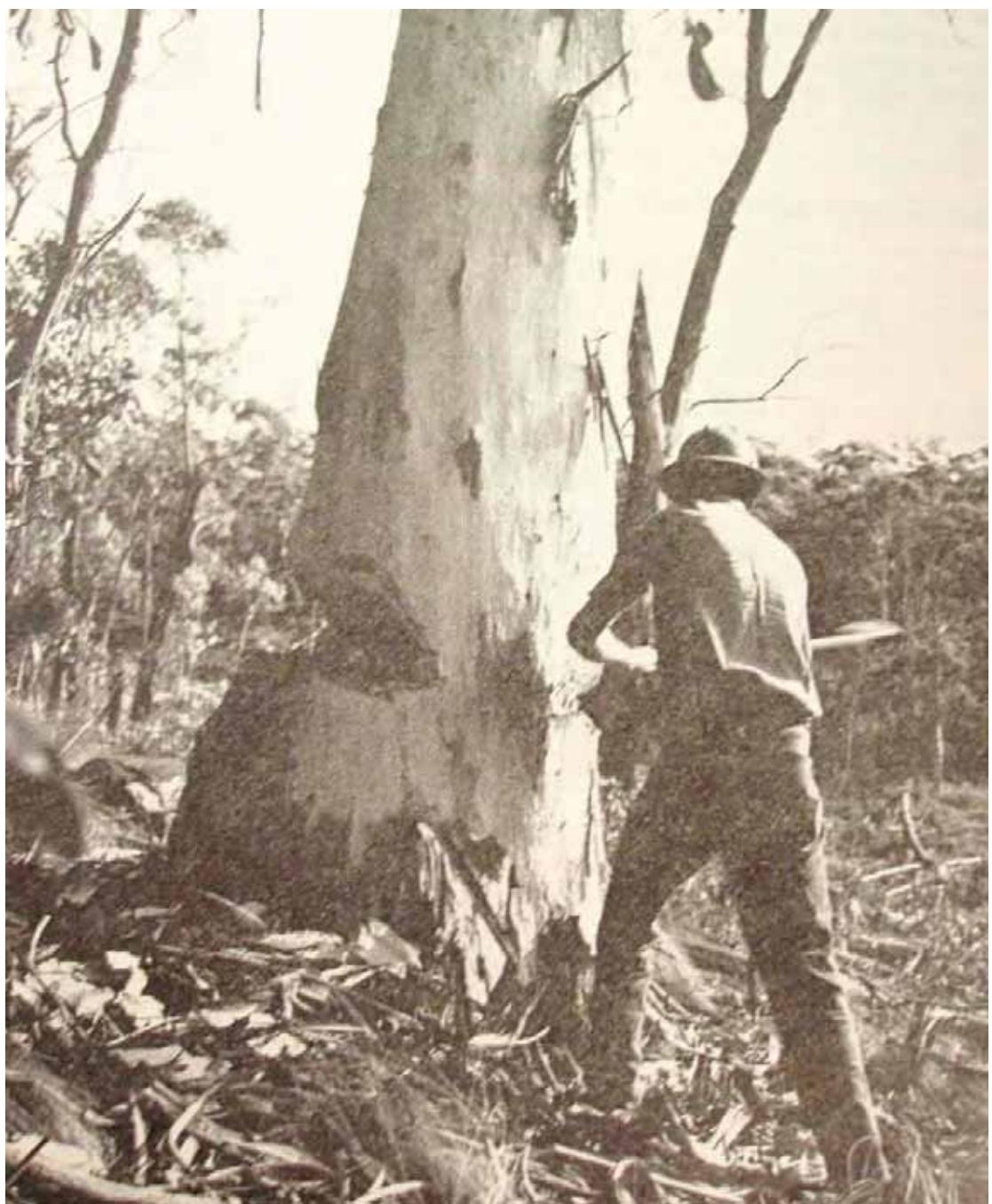


FIGURE 30. Prisoner felling, Kirkconnell Afforestation Camp 1972<sup>160</sup>

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<sup>160</sup> *Report of the Department of Corrective Services for the year ended 30 June, 1972*, Government Printer, Sydney, 1972.

## CHAPTER FIVE

### Cultivating Reform: Landscape and Penal Change

*This excellent combination of forestry & prison management means the killing of two birds with one stone—the birds being unproductive lands & criminal proclivities.*

H. M. Vaughan, Attorney-General of South Australia (1917)<sup>1</sup>

Modern penal institutions exist, putatively, to transform the people held within them into law-abiding citizens. One of the ways in which the prison camps were seen to do this was by tapping into potent ideas about the power of the cultivated landscape to change human behaviour. However, they were part of a project to transform landscapes as well, and indeed the two processes were linked. The camps can be read as part of an effort to create a moral landscape that encompassed both the city and the hinterlands. Tuncurry, the original camp and the model for many that followed, illuminates the way in which penal reform in the early twentieth century became entangled in grand dreams for the Australian landscape.

#### REDEMPTIVE AGRARIANISM

The link in Western thought between moral qualities and the cultivated landscape dates back at least as far as scripture: before the fall, the earth put forth its bounty of its own accord, without the need for human intervention. After the fall, Adam must mix his labour with the earth to work out his salvation.<sup>2</sup> In the British tradition, agrarianism came to be expressed in terms of what came to be called the ‘yeoman ideal’. In 1782, William Ogilvie, a Professor at King’s College, Aberdeen, succinctly summed up the concept:

Men employed in cultivating the soil … are of simpler manners, and more virtuous, honest dispositions, than any other class of men … That every

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<sup>1</sup> Tuncurry Afforestation Camp, Visitors Book, 1913-38, SRNSW 5/1620, 25 May 1917.

<sup>2</sup> See Robert Pogue Harrison, *Gardens: An Essay on the Human Condition*, University of Chicago Press, Chicago and London, 2008, p. x.

individual who would choose it should be the proprietor of a field, and employed in its cultivation, is most favourable to happiness, and to virtue.<sup>3</sup>

The notion of ‘redemptive agrarianism’ has from time to time, as John Ramsland has observed ‘proved irresistible’ to penal reformers around the world.<sup>4</sup> Indeed an early link between agrarianism and penal policy can be seen in the colonisation of NSW for penal purposes in the late eighteenth century.<sup>5</sup> The prominent pastoralist John Macarthur, for one, felt that ‘the labors which are connected with the tillage of the earth, and the rearing and care of Sheep and Cattle, are but calculated to lead to the Correction of ... vicious habits’.<sup>6</sup>

Much the same idea pervades John Glover’s famous painting, ‘Harvest Home’, painted in 1835, in which red-jacketed convicts redeem themselves in making and working a golden agrarian landscape. (See Figure 31).

As Macarthur’s remarks and Glover’s image suggest, agricultural labour was prized for moral effects whether or not those who performed it owned the land, or just worked it. As Joseph Powell has observed, throughout Australian history, the land has loomed as ‘a perennial, omnipotent panacea’.<sup>7</sup>

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<sup>3</sup> William Ogilvie, ‘Birthright in Land: An Essay on the Right of Property in Land’, in Kenneth C. Wenzer (ed.), *An Anthology of Single Land Tax Thought*, vol. 3, University of Rochester Press, Rochester, 1997, p. 99.

<sup>4</sup> John Ramsland, *With Just But Relentless Discipline: A Social History of Corrective Services in New South Wales*, Kangaroo Press, Kenthurst, 1996, p. 229. The concept has also influenced many others who have assumed they know the best interests of others, including those involved in the administration of Aboriginal reserves and missions, and those charged with the welfare of neglected or delinquent children. See, for instance: Bain Attwood, *The Making of the Aborigines*, Allen and Unwin, Sydney 1989, pp. 10, 72; and Gregory A. Cartan and John Ramsland, ‘The Gosford Farm Home for Boys, Mount Penang, 1912-1940’, *Journal of the Royal Australian Historical Society*, vol. 75, 1987, pp. 65-82.

<sup>5</sup> See Grace Karskens, *The Colony: A History of Early Sydney*, Allen and Unwin, Sydney, 2009, chapters four and five.

<sup>6</sup> Macarthur to Bigge, 7 February 1821, in John Ritchie, *The Evidence to the Bigge Reports: New South Wales Under Governor Macquarie*, vol. 2, Heineman, Melbourne, 1971, pp. 73-74. See also Karskens, *The Colony*, p. 76.

<sup>7</sup> J. M. Powell, ‘Arcadia and Back: “Village Settlement” in Victoria, 1894-1913’, *Australian Geographical Studies*, vol. 11, 1973, p. 149.



FIGURE 31. John Glover, 'Harvest Home', 1840<sup>8</sup>

It is possible to read the prison camps as an another exercise in institutionalised redemptive agrarianism and, indirectly, as another attempt in the long series of (mostly failed) efforts to establish an Australian yeomanry.<sup>9</sup> ‘To employ men in tilling the land and caring for its products,’ wrote a reporter for the *Sydney Morning Herald* of the newly-established Emu Plains prison farm, ‘is to meet the potent call that is within almost all men to get into closer touch with Mother Nature’.<sup>10</sup> At the opening of the Tuncurry camp, William Holman declared his hope that inmates would ‘be given a taste for agricultural work’, and that they would ultimately become ‘landholders on a small scale. A new life will be opened to them’.<sup>11</sup> The Western Australian Governor, Sir William

<sup>8</sup> Source: [http://commons.wikimedia.org/wiki/File:John\\_Glover\\_-\\_My\\_Harvest\\_Home\\_-1835.jpg](http://commons.wikimedia.org/wiki/File:John_Glover_-_My_Harvest_Home_-1835.jpg)

<sup>9</sup> Mark Finnane *Punishment in Australian Society*, Oxford University Press, Melbourne, 1997, p. 77. See also Richard Waterhouse, ‘The Yeoman Ideal and Australian Experience, 1860-1960’, in Kate Darian-Smith, Patricia Grimshaw, Kiera Lindsey and Stuart Macintyre, (eds.), *Exploring the British World: Identity, Cultural Production, Institutions*, RMIT Publishing, Melbourne, 2004, pp. 440-49.

<sup>10</sup> ‘On the Land. Farm and Station’, *SMH*, 26 October 1915. Another journalist at this time saw the prison at Emu Plains as proof of William Cowper’s poetic suggestion that ‘Nature’ was ‘but a name for an effect whose Cause is God’. See ‘The Emu (State) Farm’, *Nepean Times*, 26 November 1915.

<sup>11</sup> ‘Prison Work. Afforestation Camp’, *SMH*, 1 November 1913; ‘Prisoners in the Bush. Afforestation Camp’, *SMH*, 27 September 1911. *The Compendium*, a newspaper for NSW prisoners was established in 1912, which included details provided by the State Labour Bureau on localities where shearing and harvesting work was available ‘so that any reader whose sentence

Campion, was present at the opening of the Pardelup Prison Farm in 1928, and he told the men: ‘you will enjoy many of the advantages of a country life, in fitting yourself for the future’.<sup>12</sup>

When new lives opened for prisoners away from the city, the authorities’ satisfaction was palpable. In 1923, Samuel Mauger reported the case of ‘a young fellow’ who had spent time at the Castlemaine prison farm after an early career as a housebreaker. He had married, and

is happily settled in his home on the outskirts of a certain city; keeps his own cow and poultry, and is thus reaping the result of his farm experience at Castlemaine. He ... considers his conviction and detention at Castlemaine as the best thing that ever happened to him.<sup>13</sup>

There is a clear note of satisfaction in the letter R. W. Robinson of the Prisoners Aid Association of NSW wrote to the OIC at Bombala in 1931 regarding the imminent discharge of prisoner R. M.: ‘The prisoner requested “a tent and blankets on release” as he stated he wishes “to go to the country.”<sup>14</sup>

The agrarian ideal remained a powerful framing device in the discourse around penal labour even into the second half of the twentieth century. According to material prepared in 1963 for the opening of the Karnet Rehabilitation Centre—a prison farm in the Keybrook State Forest, south of Perth— inmates would learn ‘the way of life of a man on the land’.<sup>15</sup> Beneath a photograph of an empty field appear the lines:

Land now cleared, burned, ready for the plough  
Muscles harnessed to the soil  
Men creatively linked with nature

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expires and who wants to go in for honest toil will know in which direction inducements lie’. ‘Introduction’, *The Compendium*, December 1912, p. 1.

<sup>12</sup> Quoted in J. M. Drew, *Prison Reform in Western Australia: The Pardelup Prison Farm*, Government Printer, Perth, 1928, n.p. See also ‘State Prison Farm. The Governor’s Visit’, *The West Australian*, 24 February 1928.

<sup>13</sup> Samuel Mauger, *Do Reformatories Reform?*, Ruskin Press, Melbourne, 1923, pp. 10-11.

<sup>14</sup> 4 August 1931, Brookfield Afforestation Camp, Mila, Official Correspondence, SRNSW 3/1765 (original emphasis).

<sup>15</sup> *The Road Back: Karnet Rehabilitation Training Centre; Programme of official opening by the Premier, the Hon. David Brand MLA, 29 March 1963*, Government Printer, Perth, 1963, n.p.

## The Road Back<sup>16</sup>

Connecting agricultural labour with both religious and secular redemption, the pamphlet continues: ‘the man is close to God who is close to the good earth’. Even at this late stage the language of pioneering could be evoked: ‘To the inmate the task of helping to create from virgin bushland and swamp, flourishing gardens and smiling pastures’.<sup>17</sup>

What the prisoners thought of such purple sentiment is hard to know. Some, like James Dawson, were inspired to take up lives on the land after their discharge. Dawson was released from the Emu Plains Prison Farm in 1949, after serving only two and a half years of a ten-year sentence for a crime of violence. ‘I really think I’ve seen the light’, he said as he declared his intent to settle on the land, and establish a chicken farm. He added that his time at Emu Plains was:

the best part of my imprisonment ... I spent most of my spare time with the chickens—cross breeding and studying them. It was fascinating work ... I’ve always wanted to go on the land, and after spending two and a half years in gaol I’ve become used to a quiet life.<sup>18</sup>

Cases like Dawson’s notwithstanding, it is probably safe to assume that many prisoners were sceptical about the effect that their time as captive farmers would have on their futures. For Darcy Dugan, the landscape at Mannus Prison Camp was simply a soothing relief after the rigors and deprivations of Grafton Gaol. ‘Nothing pleased him more than to see the night sky awash with stars, and sun rise and set within the panorama of the forest’. The experience inspired Dugan to try his hand at painting the landscape, but he cared little for working it.<sup>19</sup>

In the early 1960s, the gunman, Frederick ‘Chow’ Hayes was confined at the Kirkconnell Afforestation Camp, where he had charge of the garden, and he too was nonplussed by

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<sup>16</sup> Ibid.

<sup>17</sup> Ibid.

<sup>18</sup> ‘Dawson May Go On Land: Has ‘Seen The Light’”, *SMH*, 3 July 1949.

<sup>19</sup> Rod Hay, *Catch Me If You Can: The Life and Times of Darcy Dugan*, Pan Macmillan, Sydney, 1992, p. 251. Other prisoners also found the natural landscape as spectacle more uplifting than the farmed landscape as a site of labour; see, for instance, letter by prisoner Alberto Borri, 26 January 1929, ‘Files of Two Prisoners, State Penitentiary Long Bay, 1928-29, SRNSW 3/3210.2, and the poem reproduced at the end of chapter six. See also Les McGregor, ‘Prison Farms’, in Pamela Hall, Donna Yaun and Noela Gilmont, (eds.), *Numinbah Valley: A Social and Natural History, 1840s-1988*, Numinbah Valley Bicentennial Committee, South Tweed Heads, 1988, p. 163.

the claims made about the consequence of his labour. Visitors to the camp were usually eager to meet the infamous criminal, to Hayes' bemusement:

The prison bosses would describe how I was in charge of the garden—when I didn't know a weed from a flower—and continue to boast how well prison farms worked, and how this notorious gunman was now running the garden and so on.<sup>20</sup>

## REDEEMING THE CITY

John Ramsland interpreted the NSW camps as an example of redemptive agrarianism in action. They had, he writes, ‘their philosophical roots in the agrarian moral rescue myths’ of the nineteenth century, and were modelled on the Agricultural Colony at Mettray. Like the French reformatory, the camps were designed so that the ‘the prisoners would be morally restored to a respectable law-abiding life by being brought close to nature’.<sup>21</sup> However, there is more to the story: the camps aimed to redeem fallen landscapes as well as fallen individuals—and not just the rural hinterland, but the cityscape as well.

The camps were part of a project to transform cities in two ways. One was to shift troublesome individuals out of the city, which itself was increasingly seen as a breeding ground for moral contagion. Rapid urban growth in the late nineteenth and early twentieth centuries provoked fears about the social consequences of excessive urban concentration—poor hygiene, unemployment, larrikinism, emasculated breadwinners, wayward children, low birth rates, and even the degeneration of the white race.<sup>22</sup>

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<sup>20</sup> David Hickie, *Chow Hayes: Gunman*, Angus and Robertson, Sydney, 1990, p. 308. The rhetoric of redemptive agrarianism was certainly overblown at times. In South Africa, Alan Paton came to this conclusion based on his experience at the Diepkloof Reformatory: ‘There was a theory—not unknown in other countries—that the land exercised some mystical influence on juvenile offenders. This theory could be carried to absurd lengths, and continued to be held even when more than ninety percent of juvenile offenders placed on the land ran away from it to get back to the lights and sounds of the city’. Alan Paton, *Towards the Mountain: An Autobiography*, Oxford University Press, London, 1981, p. 133.

<sup>21</sup> Ramsland, *Just But Relentless Discipline*, p. 229.

<sup>22</sup> Sarah Mirams, “For Their Moral Health”: James Barrett, Urban Progressive Ideas and National Park Reservation in Victoria’, *Australian Historical Studies*, vol. 33, 2002, pp. 249-66; Graeme Davison, J. W. McCarty and Lilsa McLeary (eds.), *Australians 1888*, Fairfax, Syme & Weldon Associates, Sydney, 1987, pp. 114, 282-84; Ramsland, *Just But Relentless Discipline*, p. 151. For similar fears in the American context, see Steven Schlossman, ‘Delinquent Children, The Juvenile Reform School’ in Norval Morris and David J. Rothman (eds.), *The Oxford History of the Prison: The Practice of Punishment in Western Society*, New York and Oxford: Oxford University Press, 1995, p. 325.

Along with schemes such as closer settlement, the village movement and the new national parks, the camps were a response to the ills—real and perceived—of urbanisation. From the start, they were praised for their success in preventing ‘the aggregation of prisoners in the cities and towns, where … they often revert to crime’.<sup>23</sup> One writer full of praise for the Emu Plains Prison Farm stated:

Boys who are sent to the farm are accustomed to knocking about the street corner where they develop larrikinism. At Emu Plains mother earth takes a part. The boys see nature at work in the growth of the trees and the crops, and they obtain a different view on life.<sup>24</sup>

In 1938, social reformer Jack Creagh argued that there was ‘health, wealth and future prosperity for many city failures if we can properly train them, not only to put in their time on farms as prisoners, but to take up land and work for their future’.<sup>25</sup> Prison officials—and district foresters at the afforestation camps—agreed, and actively sought work for discharged inmates in the localities in which the camps were situated.<sup>26</sup>

The second way in which urban environments were changed by the camps involved a process that began in the late nineteenth century which John Pratt has called ‘the disappearance of the prison’. The penitentiaries of the early nineteenth century were located in the heart of metropolitan centres and were ‘some of the largest, most expensive and most technologically advanced buildings then in existence’.<sup>27</sup> From the late nineteenth century, the sight of prisons and prisoners in public space became acutely embarrassing, and reformers, prisoners, and penologists agreed that inmates and free citizens were degraded by being exposed to each other’s sight.<sup>28</sup> In an earlier work, Pratt observed that in New Zealand, there grew a ‘feeling of antipathy—not to say

<sup>23</sup> ‘Making Farmers of Prisoners’, *Daily Telegraph*, 22 September 1913. See also ‘Reformative Experiments’, *Daily Telegraph*, 18 July 1914.

<sup>24</sup> ‘Brightening the Prisoner’s Lot’, *War Cry*, 17 November 1934.

<sup>25</sup> Jack Creagh, ‘Crime and Drunkenness (no.5)’, *Grit*, 17 March 1938, p. 3.

<sup>26</sup> *Report of the Comptroller-General of Prisons, New South Wales for the Year 1918*, Sydney: Government Printer, 1919, p. 40.

<sup>27</sup> John Pratt, ‘The disappearance of the prison: an episode in the “civilising process”’, in Alison Bashford and Carolyn Strange, (eds.), *Isolation: Places and Practices of Exclusion*, Routledge, London, 2003, p. 23. See also Michael Ignatieff, *A Just Measure of Pain: The Penitentiary in the Industrial Revolution*, Columbia University Press, New York, 1978, p. 205.

<sup>28</sup> Frederick Neitenstein, *Report on Prisons, Reformatories, Asylums and other institutions in Europe, and America*, Government Printer, Sydney, 1904, pp. 6, 54; Jack Garvey, *The Indelible Stamp*, F. H. Tietjen, Sydney, c.1900, p. 1; Attorney General to Hobart Town Clerk, 16 April 1953, File: 20/5, Gaols/Use of prison labour, AOT, Attorney General’s Correspondence, 1937-71, AGD1/1/327.

revulsion—at the public presence and visibility *of the prison itself*.<sup>29</sup> According to one public figure, the urban prison was ‘like a man having a rubbish heap on his front lawn’.<sup>30</sup> The visibility of the early penitentiary had been deemed an important, salutary reminder of the grim consequences of sin; later prisons became increasingly invisible to city-dwellers: ‘camouflaged, anonymised, hidden away in remote, outlying areas of the modern world’.<sup>31</sup>

In Australia, from the turn of the twentieth century, a concerted push was mounted to clear the city of penal institutions. By this time, Darlinghurst Gaol—which was once on Sydney’s outskirts—was seen as an obsolete ‘social blot’ on the city. A royal commission had argued strongly that the gaol was ‘an obstacle in the path of city improvement’. Observers also thought the location unnecessarily cruel on prisoners.<sup>32</sup> Michael Davitt, after inspecting Darlinghurst, said ‘why, the curse of Tantalus was nothing compared with the mockery—the cruel, relentless, persistent mockery—of all this life, liberty and laughter all around’.<sup>33</sup>

Penal institutions were forced into a retreat. In 1911, the *Sobraon*, a training ship for juvenile delinquents which had been moored at Cockatoo Island, was decommissioned and the inmates moved to the Carpenterian Reformatory for Boys near Eastwood.<sup>34</sup> In 1914, a year after the opening of the camp at Tuncurry, Darlinghurst Gaol was finally closed, replaced by the new State Penitentiary at Long Bay, then a sparsely populated area on Sydney’s coastal fringe.<sup>35</sup> As cities expanded and surrounded formerly outlying penal institutions, pressure again mounted for their closure or removal. No one wanted prisoners as neighbours.<sup>36</sup> When the prison could retreat no further, authorities disguised it with bland modern architecture and gentle landscaping.

<sup>29</sup> John Pratt, *Punishment in a Perfect Society*, Victoria University Press, Wellington, 1992, p. 155 (original emphasis).

<sup>30</sup> Quoted in Pratt, *Punishment*, p. 155.

<sup>31</sup> Pratt, ‘The disappearance of the prison’, p. 23.

<sup>32</sup> Ramsland, *Just But Relentless Discipline*, p. 83.

<sup>33</sup> Michael Davitt, *Life and Progress in Australasia*, Methuen, London, 1898, p. 426.

<sup>34</sup> The training ships had been in decline since 1905, when changes in juvenile justice policy meant that young delinquents and orphans were increasingly sent to the Reformatory (popularly known as the Brush Farm Home for Boys). Established in 1894, the Reformatory itself closed in 1913; the site was deemed too small and too close to the expanding city. It was replaced by the larger and more distant Farm Home for Boys, Gosford. Gregory A. Cartan, *Farm Home for Boys, Gosford: 1912-1939*, Bachelor of Education Thesis, Newcastle University, 1986, pp. 12, 20 and Stephen Garton, ‘Frederick William Neitenstein: Juvenile Reformatory and Prison Reform in New South Wales’, *Journal of the Royal Australian Historical Society*, vol. 75, 1989, pp. 51-55.

<sup>35</sup> Ramsland, *Just But Relentless Discipline*, pp. 179-81.

<sup>36</sup> By mid-century, Long Bay was well within Sydney’s suburban reach, and its neighbours called for the still relatively new prison to be moved. Vince Kelly, ‘Long Bay. People want gaol moved’,

The prison camps were an important part of this project to erase the visible signs of the penal system. Almost all the camps were located well out of sight of urban centres. And the camp at Cowan Creek failed, in part, because of its proximity to the city, despite being based on the same penological principals as the afforestation camps.<sup>37</sup> The Australian public, or at least those who lived in the cities, wanted justice done, but increasingly did not want to witness its workings.

## REDEEMING THE LAND

The object of the agricultural colony at Mettray had been, according to Frédéric-Auguste Demetz, one of its founders and directors, ‘to improve the boy by the earth and the earth by the boy’.<sup>38</sup> Those who have written on the Australian prison camps have noticed the effort to change the inmates by the earth, but they have not considered the ways in which the natural environment was transformed through prison labour.<sup>39</sup>

For early twentieth century politicians, citizens and journalists, there was something compelling in the spectacle of criminals cultivating a former wasteland—something more than just useful, healthy labour. The land on which the garden at Parramatta Gaol was established around 1910 was ‘a bare, beaten down yard and about as suitable for plant growth as a macadamised road’. The soil, peppered with gravel and pipeclay over a bed of sandstone was ‘about the last description of country likely to be chosen for a market

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*The Sun*, 18 September 1957. Melbournians too, chafed against the presence of the prison. Residents and aldermen of Pentridge repeatedly campaigned to have the great bluestone prison in their midst moved (indeed for some time it was planned to shift the prison to French Island). Although these calls fell on deaf ears, they did succeed in changing the name of their suburb to Coburg, to dissociate the neighbourhood from its most infamous landmark; see Richard Broome, *Coburg: Between Two Creeks*, Coburg Historical Society, Melbourne, 2001, pp. 273-75. See also ‘Penal Establishments, Gaols, and Reformatory Prisons; Report and Statistical Tables for the Year 1944’, in *Votes and Proceedings of the Legislative Assembly*, 1945-47, Government Printer, Melbourne, p. 3. For conflict between town and prison in Hobart see L. Mullen, evidence presented to Parliamentary Standing Committee on Public Works re new gaol proposal, Gaols File (19/2/1937), AOT, Attorney General’s Correspondence’ (1940), AGD1/1/187.

<sup>37</sup> For more on this incident see chapter two. Emu Plains was the only prison camp in close proximity to an urban centre that lasted any length of time.

<sup>38</sup> Quoted in Ramsland, ‘The Agricultural Colony’, p. 68.

<sup>39</sup> Those who have written on prison farms overseas have also seen the environmental transformations these institutions created as of only passing interest. For example, the Witzwil Correctional Colony in Switzerland was established in 1895 on a peat moor on the southeastern side of the Neuenburger Lake at the feet of the Jura Mountains. ‘In the redemption of a swamp’, the American penologist John Lewis Gillin wrote, ‘the redemption of Swiss vagrants, petty criminals, alcoholics and ne’er-do-wells was the main object’. See John Lewis Gillin, *Taming the Criminal: Adventures in Penology*, Patterson Smith, Montclair, 1969 (orig. publ. 1931), p. 166.

garden’, but years of labour successfully turned the ‘miserable tract of land into a most productive and valuable garden’, despite the inherent limitations of the workforce. According to Walter Campbell, the former NSW Director of Agriculture, in ‘bringing this waste land under subjection’ a remarkable feat had been achieved.<sup>40</sup> Likewise, in 1916, the Reverend Arthur Morris, a chaplain to the State Penitentiary at Long Bay marvelled at how the prison grounds were ‘being turned from a desert of sand to a huge and productive garden’.<sup>41</sup>

At camp, the toil was even more exacting. Prisoners were often called to perform the work of pioneers. They hacked back the wilderness, often in mountainous or scrubby country. They felled thousands of hectares of native forest, drained swamps, moved rocks and burnt scrub. They erected fences, dug ditches and irrigation canals, and built roads, dams and bridges. Later they created and maintained agricultural landscapes, sowing and reaping crops, running livestock, planting seedlings, pruning saplings and picking fruit. They grew flowers and raised vegetables. They raised and demolished buildings. And they fought back threats to the landscapes they had created—chipping out weeds, trapping and poisoning rabbits, fighting fires.<sup>42</sup> Indeed, prisoners formed the most effective fire-fighting units in their districts. In 1939, inmates at the Mannus prison camp were largely responsible for saving the town of Tumbarumba from bushfire, and properties near several other camps were also saved by prisoner-firefighters.<sup>43</sup> These efforts earned the prisoners shorter sentences and the gratitude of their neighbours (including those who had been opposed to the establishment of the camps in the first instance).<sup>44</sup> Some camps also doubled as fire-watch stations for forestry commissions in the summer months, though prisoners could of course start fires, as well as fight them.<sup>45</sup>

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<sup>40</sup> Walter S. Campbell, ‘Agricultural Training in Prisons’, *The World’s Work*, June 1912, p. 94.

<sup>41</sup> ‘Reforming Prisoners’, *Evening News*, 8 March 1916. The image of blooming deserts remained a powerful trope for many years. One of the first inmates at the Cadell Prison Farm proudly recalled: The place was a desert but we’ve helped to make it better’. ‘New Type of ‘Open’ Prison’, *The Advertiser*, 1 June 1960.

<sup>42</sup> For specific examples of the kinds of labour inmates performed at camp, see Tuncurry Afforestation Camp, Work Record, 1913-37, SRNSW NRS 2557 5/1619; Anon, ‘The Prison Camps of New South Wales’; Pardelup Prison Farm, Progress reports on operations, 1932-52, Chief Secretary’s Correspondence Files, SROWA WAS 675, Con 752; Governor’s Inward and Outward Correspondence, McLeod Prison Farm, Series PROV VPRS 11974; Prisons Department, H. M. State Farm, Palen Creek, Stud Book, 1935-45, QSA, Series 6200, Item 925584.

<sup>43</sup> ‘Prisoners Save Town’, *Canberra Times*, 14 January 1939.

<sup>44</sup> Alberto Borri to Guila Borri, 10 March 1929, Files of Two Prisoners, State Penitentiary Long Bay; R. Lister, ‘Annual Report, Kyeema Prison Camp, for the year 1933’, p. 3; ‘Prisoners to be Rewarded. Saved Homes in Kuitpo Fire’, *The Advertiser*, 4 March 1933; ‘Convicts Fought Fire “Like Band of Devils”’, *Sunday Sun*, 5 February 1939; entry on 28 June 1942 in Corriemungle Prison Camp Advisory Committee Minute Book, 1940-1957, PROV VPRS 4984/P/1; File: 20/8, Prisons/Remissions of prison sentence and fire fighting work’, 1968 AOT AGD1/1/519. The



FIGURE 32. Inmates at work, Emu Plains Prison Farm c.1920<sup>46</sup>

For the most part, the farms and the plantations attached to the camps did not do well. This was for a range of reasons, as we saw in chapter four, but a key cause was that most camps were established on poor country. At Tuncurry the soil was sandy and infertile, at the McLeod Settlement it was thin and badly drained, and at Kyeema and Stone River it was rocky, wet and unproductive.<sup>47</sup> Pardelup was well suited to crops and livestock, but

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South Australian CGP H. Whittle was so anxious to establish and maintain good relations with the landowners surrounding the Kyeema Prison Camp that on at least one occasion he elected not to forward information to the police regarding the cause of a bushfire fearing that it might lead to a criminal prosecution (see Whittle to OIC, Kyeema Prison Camp, 14 April 1933, Letter Books, Comptroller Gaols & Prisons, vol. 2, October 1932–February 1934, SRSA, GRS/2751/2).

<sup>45</sup> Warden W. Apted to CGP, 6 December 1929, Chief Secretary's Files, 1927–31, Pardelup Penal Outstation, Afforestation Operations, SROWA WAS 675, Con 752 1927/0956; 'Gaol Unrest. Arson Attempts. Glenn Innes Prison Camp Endangered', *Smith's Weekly*, 17 June 1939; 'Hayes Fire Deliberate?', *The Mercury*, 19 June 1967.

<sup>46</sup> Source: Anon., 'The Prison Camps of New South Wales', c.1929, ML365.3/1A1.

<sup>47</sup> B. U. Byles, 'Radiata Site Quality Survey, Tuncurry State Forest No.283', in *Joint Volumes of Papers Presented to the Legislative Assembly and Legislative Council*, 1937, vol. 1, Government Printer, Sydney, p. 1; R. R. Howe, 'French Island: Report on Inspection, 8<sup>th</sup> to 14<sup>th</sup> April', 5 May 1926, Melbourne: Forests Commission, PROV VPRS 11563/P/1/28; *Report on Gaols and Prisons for the year 1951*, Government Printer, Adelaide, 1952, p. 4; CGP W. Rutherford to Under Secretary for Justice, 31 May 1950, Special Subject Batch: Stone River State Prison Farm, 1944–62, QSA, Series 9097, Item 293179, Batch file.

not to forestry.<sup>48</sup> Whitinbah was closed because the site turned out to be unsuitable for dairying.<sup>49</sup> Tellingly, the few camps established on good land—such as those at Hayes and Emu Plains—were often those that lasted the longest and were regarded as the most successful.<sup>50</sup>

Productive or not, most camps had significant and often unexpected impacts on the landscapes they occupied. They created unusually large population clusters for farm and forest country. This was partly why they made good firefighting units, but it made the camps useful in other ways too.

At the Mannus Afforestation Camp in the southern tablelands of NSW, prisoners maintained a pine forest as an experimental form of weed control. The old Mannus pastoral estate had been subdivided for soldier settlers after the First World War, but in less than a decade the settlers were driven out by a severe infestation of St John's wort, or *Hypericum perforatum*.<sup>51</sup> A perennial with bright yellow flowers, the wort had been introduced to Victoria from England in the 1850s as an ornamental garden plant. Despite its traditional use as a ward against evil and its more modern application as a remedy for depression, it was, as far as the soldier settlers were concerned, a serious evil and the source of much despair.<sup>52</sup> Spread by rabbits, travelling stock and waterways, the wort proliferated across southeast Australia. It was a nightmare for farmers, and worse for their livestock, in which it caused terrible dermatological problems. In large quantities it also acted on the central nervous systems of the sheep and cattle, causing them to become depressed or even manic. In 1925, the NSW Surveyor General declared that 'excluding the prickly-pear development ... it may safely be said that no more serious menace exists than that threatened by the growing development of St John's Wort'.<sup>53</sup>

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<sup>48</sup> D. R. Jones to CGP, 24 October 1933, Pardelup Prison Farm, Progress Reports on Operations, Chief Secretary's Files, SROWA WAS 675, Con 752 Item: 1932/0813.

<sup>49</sup> 'Report of the Comptroller-General of Prisons for the year ended 30th June, 1949', (JOL), p. 3.

<sup>50</sup> 'Transformation of Gaol Farm', *The Mercury*, 25 March 1964; 'Men Without Faces', film produced by the NSW Department of Prisons and directed by Dennis Hill, 1956, ML.

<sup>51</sup> J. A. Harris and A. M. Gill, 'History of the introduction and spread of St. John's Wort (*Hypericum perforatum* L.) in Australia', in Paul W. Jupp, David T. Briese and Richard H. Groves, (eds.), *St. John's Wort: Hypericum perforatum L.: Integrated Control and Management*, Co-operative Research Centre for Weed Management Systems, Canberra, 1996, pp. 51-55. See also J. R. Pulver, H. O. Bucknell and Jonathan Garland, *Report by the Closer Settlement Advisory Board, No.2, on Mannus Estate*, Government Printer, Sydney, 1916.

<sup>52</sup> In Europe it had long been thought to be a charm against witchcraft. It would flower and be harvested by 24 June, St John's day, and was hung above a picture in the house on the day itself (*hypericum* literally means 'above picture').

<sup>53</sup> A. H. Chesterman, *The Menace of St. John's Wort*, Government Printer, Sydney, 1925, pp. 4-5. See also R. M. Moore and A. B. Cashmore, *The Control of St. John's Wort (Hypericum*

Foresters had for some time suspected that the wort could be controlled through afforestation. Fast-growing conifers would quickly form a canopy; the wort, deprived of light, would be suppressed and eventually die. In 1926 the NSW Forestry Commission established a plantation at Mannus to test the theory, but the costs associated with the project quickly spiralled out of control and the commission raised the possibility of placing a prison camp on the site.<sup>54</sup> In 1930, Justice Minister, Jack Lee, approved the plan, after he was forced to abandon his plans for Cowan Creek.<sup>55</sup>

The prison labour force at the McLeod Settlement was used to fend off a different biological threat in the mid-1960s. One of the first outbreaks of the sirex wasp on the Australian mainland was identified in the French Island pine plantations. The sirex wasp, or horntail, is a wood boring insect of the Siricidae family native to the conifer forests of the northern hemisphere. *Pinus radiata* is particularly susceptible to horntail infestation—in it the wasp bores deep tunnels and spreads wood-rotting fungi.<sup>56</sup> In 1965 *P. radiata* accounted for more than half of the 200,000 hectares under pine in Australia. So when the wasp was identified in *P. radiata* in the island's plantation, forestry officials took the matter very seriously. The prisoners were given the job of eradicating it, and according to 'Jim Mc', the prisoner-foreman leading the 'general gang v the sirex wasp', it was grueling, and somewhat baffling work:

the General Gang faces the formidable task of falling and burning the trees affected. These cover many acres ... Equipped with axes, mattocks and a chain-saw, the Gang has been consistently thwarted in its operations by recent heavy rains; making for muddy conditions underfoot plus the frustrating experience of attempting to burn rain-soaked timber ... it seems incredible that the mere presence of so small an insect could warrant the wholesale destruction of a pine forest.<sup>57</sup>

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*perforatum L. var angustifolium D.C.) by Competing Pasture Plants*, Government Printer, Melbourne, 1942, p. 7

<sup>54</sup> Harris and Gill, 'History of the introduction and spread of St. John's Wort', p. 52; *Report of the Forestry Commission for the year ended 30th June, 1926*, Government Printer, Sydney, 1926), p. 16; *Forestry Commission; Report for the year ended 31st December, 1927*, Government Printer, Sydney, 1928, p. 14.

<sup>55</sup> *New South Wales Forestry Commission; Report for the year 1929*, Government Printer, Sydney, 1930, p. 15.

<sup>56</sup> F. G. Neumann, J. L. Morey and R. J. McKimm, *The Sirex Wasp in Victoria*, Lands and Forests Division, Department of Conservation, Forests and Lands, Melbourne, 1987, pp. 1-4.

<sup>57</sup> *Neptune News*, August 1965, pp. 14-15, CVRC.



FIGURE 33. The landscape of forestry at the Glen Innes Afforestation Camp c.1930<sup>58</sup>

The outbreak was eventually brought under control and the wasp repelled, but ironically, French Island's pine trees later turned biological invaders. As well as *P. radiata*, the prisoners also planted *P. pinaster*. Little was done to stop the trees spreading into the surrounding native vegetation, which *P. pinaster* did, aggressively. It colonised the island so successfully that a control strategy had to be formulated for the pines.<sup>59</sup>

At some camps, the ways in which landscapes were transformed had profound social implications. We have—in chapter two—seen how the Emu Plains Prison Farm was celebrated, in part, because it was seen to have exorcised the ghosts of the old penal farm, and the convict system it stood for. By contrast, in the Tumut region in the south of NSW, prisoners from the Mannus and Leslie Nott prison camps worked Forestry Commission plantations that eradicated the old pastoral landscape and its communities. Many of the district's settlers were bought out by the commission, and those who remained felt increasingly isolated. ‘Once they had other families as neighbours’, but the plantations were worked by commuters from distant towns, or by a transient pool of

<sup>58</sup> Anon., ‘The Prison Camps of NSW’.

<sup>59</sup> Dennis Corbett, ‘Aspects of the Ecology of Pinus Pinaster invasion in the French Island State Park’, Masters of Environmental Science, Monash University, 1988.

prisoners. Familiar landmarks and their names, known to locals since their childhoods, were obliterated by the uniform, numbered swathes of pine. According to oral historian Ruth Lane, ‘the change from pastoralism to pine plantations … effectively restarted the region’s history from year zero’.<sup>60</sup>

#### FIRE, SAND AND TREES OF GOLD

The most ambitious attempt to transform a landscape undertaken by an Australian penal system took place at the afforestation camp at Tuncurry, the first of the Australian prison camps and the model for many that followed. It is here that the connections between penal history and environmental history are clearest, and most compelling.<sup>61</sup>

The land around Tuncurry was—and is—a land of beaches, rivers and lakes. The name appears to be a transliteration of the Aboriginal word ‘Tukaree’, meaning ‘silver fish, plenty fish’.<sup>62</sup> On the coast there was little for local people to do but fish since the sandy soils were unstable and infertile. On the advice of the Forestry Commission, William Macfarlane, the NSW Comptroller General of Prisons stated: ‘The site, while suitable for the purpose of afforestation, is really waste land, and consists mostly of sand dunes useless for other purposes’. He also described the site’s original vegetation—mostly blackbutt and bloodwood eucalypts, smooth barked angophora and dense scrub—as ‘stunted’ and ‘valueless’.<sup>63</sup>

The camp was an experiment in forestry as well as penology. The poor soil supported a scrubby native forest, and the location presented foresters with an opportunity to grapple with a number of the great challenges presented by Australian landscapes: shifting, poor quality soils; alarming and unpredictable fire regimes; and low-grade timber. Results achieved with fast growing conifers in other countries, particularly France, gave

<sup>60</sup> Ruth Lane, ‘Frontiers of green: pine plantations and local communities’, in John Dargavel, (ed.), *Australia’s Ever-Changing Forests III*, Centre for Resource and Environment Studies, Canberra, 1997, 155-56. See also ‘Prison Labour. For Clearing Land’, *SMH*, 19 October 1928. See also Anne Rooks, *Over Hollow Hills: Tumbarumba, A Brief History*, A. Rooks, Tumbarumba, 1994, n.p.

<sup>61</sup> See also Benedict Taylor, ‘Trees of Gold and Men Made Good? Early Experiments in Penal Forestry in New South Wales, 1913-39’, *Environment and History*, vol. 4, no. 4, November 2008, pp. 545-62.

<sup>62</sup> Dawn McMaster, *Wallis Lake: Its Rivers and Villages*, Wallamba & District Historical Society, Tuncurry, 1994 n.p.

<sup>63</sup> *Report of the Comptroller-General of Prisons, New South Wales, for the Year 1914*, Government Printer, Sydney, 1915; Byles, ‘Radiata Site Quality Survey, Tuncurry State Forest’, p. 3.

Australian foresters reason to hope that these problems could be overcome. In the place of unruly and unproductive indigenous ecosystems, foresters imagined ordered ranks of fast growing exotic softwoods, easily workable and free from flame. They and their colleagues in the prisons departments hoped that the making of this forest would also be the making of previously unruly and unproductive men. Those who had fallen or slipped would be made upright, like the trees they sowed and tended.



FIGURE 34. Tuncurry plantation nursery and surrounds c.1918<sup>64</sup>

French foresters had turned a barren sandy waste of a million hectares, at Landes on the southwest coast, into an enormous, productive pine forest in a little over seventy years, beginning in the late eighteenth century. This coast had been, according to one Australian report, ‘composed of bare wild, shifting sandhills, which were at the mercy of every Atlantic storm’.<sup>65</sup> According to another Australian report:

The Landes consisted of a vast sand waste, supporting only scanty vegetation ... In the winter ... the country was a series of lakes and marshes, while in the summer the hot sun ... left the place practically a desert ... In this country the

<sup>64</sup> Source: *Report of the Comptroller-General of Prisons, New South Wales for the year 1918*.

<sup>65</sup> Anon., ‘A Rich Estate in France. Once a Marshy Waste’, *Australian Forestry Journal*, vol. 6, 1923, p. 10.

social conditions were pitiable ... A scanty livelihood was made [by the inhabitants] raising sheep on the sand plains.<sup>66</sup>

The shepherds in those years were often forced ‘to follow their flocks, mounted on high stilts’ to avoid becoming bogged (see Figure 35).<sup>67</sup>

The new forests protected the dunes from ‘the hungry sea’ and made Landes one of the most heavily timbered and wealthiest departments in France, whereas it had been among the poorest. At the same time, the population of the area quadrupled, and the nomadic shepherds were replaced by ‘picturesque hamlets and villages’ with ‘huts, nestling amid the pines’. The new landscape inspired romantic visions: ‘To watch from the dunes the setting sun slowly vanish beneath the waste of waters, transforming beach, sea, and forest into glory of crimson and gold, is a sight not easily forgotten’.<sup>68</sup>



FIGURE 35. Jean Louis Gintrac, Inhabitants of the Landes<sup>69</sup>

<sup>66</sup> J.B. White, ‘Miracle of Gascony’s Pine’, *Australian Forestry Journal*, vol. 2, 1919, pp. 192-93. The French word ‘landes’ means heath or moor.

<sup>67</sup> Anon., ‘A Rich Estate in France’, p. 10.

<sup>68</sup> Anon., ‘A Rich Estate in France’, p. 10.

<sup>69</sup> Museum of Fine Arts, Bordeaux; first half 19th century; oil on canvas; 32x46 cm. Source: <http://commons.wikimedia.org/wiki/File:GintragLandes.jpg>

The tree responsible for this extraordinary, almost biblical, transformation from a squalid pastoral existence to a flourishing forest economy was the maritime pine, *Pinus pinaster*. Through its success in France it acquired the sobriquet ‘the tree of gold’.<sup>70</sup> The French example was an instructive one for Australian foresters. As *The Australian Forestry Journal* put it in 1920:

there are many places, both on the coast and in the interior of the Commonwealth, where sand-drifts have caused much damage, and are certain to continue to do so, unless intelligent measures are initiated with the view of stopping the onward and disastrous advances. France furnishes some remarkable object lessons in regard to what may be done by skill and enterprise to recover lost land and to prevent the onward march of drifting sands.<sup>71</sup>

Large tracts of coastal land were ‘either already covered by drift sands or … in danger of encroachment’. It was a matter of public interest that these areas ‘be reclaimed or made safe by planting with suitable trees’. In the same year a Western Australian forester warned that a rising population ‘and the pushing forward of agriculture round the coastal belt’ meant that it would become ‘necessary to take these sand-drifts in hand, fix them and reforest them with pines’. There was, he insisted, ‘no reason why shifting sands should be permitted to spread or encroach on arable or other valuable land. The forester’s science provides a remedy’.<sup>72</sup>

Afforestation on sandy country could then either save the sand from the ‘hungry sea’ or the land from the ‘hungry sand’. The dunes at Tuncurry had previously been held in place by native vegetation and no significant problem was posed by erosion. Nevertheless, foresters around the country followed the Tuncurry experiment with interest; if marketable pines could be grown in the sand dunes of the North Coast, there was hope that the shifting sands in other parts of the country could be halted at reasonable cost. The two species of pine selected for the experiment were *Pinus pinaster* and *P. radiata*, or *P. insignis* as it was then known. The latter, a native of California, had acquired the

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<sup>70</sup> Anon., ‘New South Wales Afforestation: Wealth from Sandhills’, *Australian Forestry Journal* vol. 8, no. 2, 1925, pp. 36-37. In Australia, the term ‘the tree of gold’ was also applied to the red cedar, *Toona ciliata*.

<sup>71</sup> Anon., ‘Fixing Sand-Drifts’, *Australian Forestry Journal*, vol. 3, 1920, p. 349.

<sup>72</sup> *Ibid*, 351.

nickname ‘the remarkable pine’, on account of its prodigiously rapid growth in New Zealand and Australia.<sup>73</sup>

The dunes could only be stabilised, however, if fire was excluded from the forest. In these early days of organised forestry in Australia, foresters regarded wildfire as anathema and dreamt of the day they might tame the flames. Many wrote and spoke of fire in the language of militarism. It was ‘war’ and fire was the ‘enemy’. Following the logic of war, influential foresters such as David Hutchins believed that fire was a threat only to the poorly organised forest; in such a forest the flammable undergrowth was the source of the problem. When a forest became, in Hutchins’ words, ‘fully stocked’, the close growth of the trees would block out the light and kill the undergrowth, leaving only a rich, moist, almost fire-proof humus on the forest floor. At Tuncurry, foresters sought to create a fully stocked forest from scratch, and prisoners spent thousands of man-hours organising it, building and maintaining firebreaks, clearing the undergrowth while they waited for the canopy to close, and taking turns during the summer months watching for tell-tale plumes of smoke rising above the plantation.<sup>74</sup>

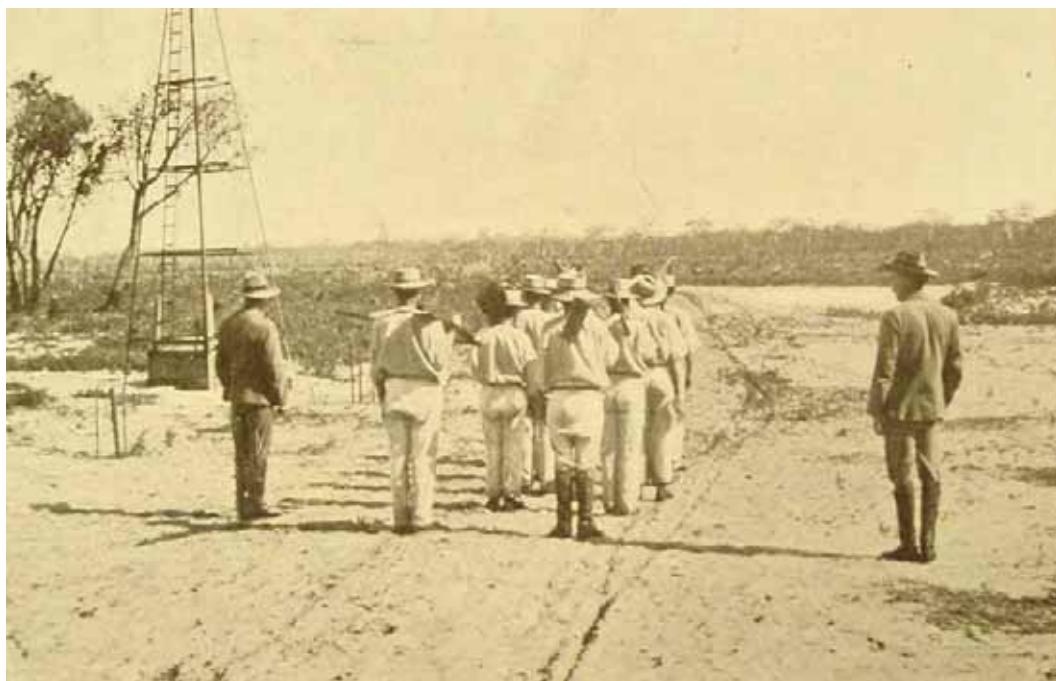


FIGURE 36. Work party drawn up in military style on sandy soil at Tuncurry, 1918<sup>75</sup>

<sup>73</sup> Ian Tyrell, *True Gardens of the Gods: Californian-Australian Environmental Reform, 1860-1930*, University of California Press, Berkeley, 1999, chapter four.

<sup>74</sup> D. E. Hutchins, *A Discussion of Australian Forestry, with Special References to Forestry in Western Australia, the Necessity of an Australian Forest Policy, and Notices of Organised Forestry in Other Parts of the World*, Government Printer, Perth, 1916, p. 28.

<sup>75</sup> Source: *Report of the Comptroller-General of Prisons, New South Wales for the year 1918*.

The early indications were promising, and the foresters were as pleased with the progress at Tuncurry as the penologists. The trees grew well in the sand; fires, though not entirely banished, were few in number and limited in their effect, thanks to the firebreaks. In 1917, J. Hetherington, one of the penal officers at the camp, reported that ‘the pines are looking healthy, and are growing fast, particularly the first year’s planting, thousands of which are eight and nine feet high’.<sup>76</sup> The following year Herbert Lyne, the district forester, declared ‘the pines look splendid’.<sup>77</sup> Richard Dalrymple Hay, the Chief Commissioner of Forests, was delighted with the project. After years of grappling with the problem of scarce and expensive labour, he found the prisoners at Tuncurry did ‘work which compares favourably with that done by free labour elsewhere, and are admirably handled’. W. J. Code, the Forest Commissioner of Victoria, had been sceptical when he first heard of the plan, but said, after visiting the camp in 1920: ‘any doubt which I had has since been removed by the vigorous growth of the trees which I saw’.<sup>78</sup> It was, one observer declared, an excellent means of ‘killing of two birds with one stone—the birds being unproductive lands & criminal proclivities’.<sup>79</sup>

‘It is assuredly strange’ wrote a visitor to the camp in 1922,

to set foot in this whispering forest, to see the lordly pine trees stretching in every direction, a vista of Christmas trees; but it is also a revelation to study the planters of this forest, the sunburnt men who live in the colony of little

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<sup>76</sup> *Report of the Comptroller-General of Prisons, New South Wales for the Year 1917*, Government Printer, Sydney, 1918, p. 9.

<sup>77</sup> *Report of the Comptroller-General of Prisons, New South Wales for the Year 1918*, p. 40.

<sup>78</sup> *Department of Agriculture; Report of the Forestry Department for the Year Ended 30th June, 1916*, Government Printer, Sydney, 1916, p. 3; *Report of the Proceedings of the Interstate Conference on Forestry, Brisbane, April 1922*, Government Printer, Brisbane, 1922, p. 29

<sup>79</sup> Tuncurry Afforestation Camp, Visitors Book, 1913-38, SRNSW 5/1620, 25 May 1917. This remark echoes Demetz’s call to ‘improve the boy by the earth and the earth by the boy’, and, occasionally, such dreams could take on grandiose proportions. In 1922, L. G. Irby, the Tasmanian Conservator of Forests, announced such a vision at the interstate conference of foresters, outlining a scheme in which neglected and delinquent English children would be sent to ‘forest colleges’ in Tasmania. The streets of England’s cities would provide the waifs, while Tasmania would make available the wastelands for them to reclaim. Irby maintained such a scheme would ‘solve the threefold problem of waste life, waste lands, and immigration’. Irby thought it could, if taken up around the world ‘pretty nearly solve the problem of the waste of child life’. To great applause, he concluded his presentation with a rhetorical flourish: ‘Let the waste children of the Empire reclaim the waste lands of the Empire, and in reclaiming those lands arrive at their own reclamation’. *Report of the Proceedings of the Interstate Conference on Forestry, 1922*, p. 24.

huts—dolls houses among the Christmas trees—and to realise they are nominally outcasts of society.<sup>80</sup>

In 1925, Andrew Guy, a New Zealand forester visited the Tuncurry plantation, on his way home from France, where he had inspected the forests at Landes, and come away deeply impressed. The French forests supplied ‘no fewer than 1000 tons of pit props per day’ to Great Britain alone, he told Australian foresters.<sup>81</sup> Turpentine, paving blocks for the streets of Paris, and resin all added to the value of the trees. The total value of the timber and its products ran to millions of pounds, he said. ‘Truly, the maritime pine is aptly termed in sunny France “the tree of gold”.’ Having inspected the Tuncurry plantation, Guy believed it to be particularly well suited to the maritime pine, even more so than *P. insignis*. The tree of gold ‘was the tree for the sand dunes’, and places like Tuncurry were only the beginning of a vast, magnificent project, that would ‘literally cause sandy deserts to be clothed with forests, and so beautiful will they be that children will walk under the trees as in a wonderland’.<sup>82</sup>



FIGURE 37. Young pines at Tuncurry plantation, 1918<sup>83</sup>

<sup>80</sup> ‘The Treatment of Crime’, *Evening News*, 20 October 1922.

<sup>81</sup> ‘New South Wales Afforestation: Wealth from Sandhills’ pp. 10-11. 1000 tons is approximately 1016 kilograms.

<sup>82</sup> *Ibid.*

<sup>83</sup> *Report of the Comptroller-General of Prisons, New South Wales for the year 1918.*

For some, Tuncurry was a wonderland for other reasons. Just as remarkable transformations were observed in the men at the camp, the whole place also seemed miraculously changed. Snakes, though plentiful in the area, were nowhere to be seen at the camp. Not only was the serpent banished from the garden, the native wildlife lived in almost biblical amity with the people there. In 1923, James Pringle, a journalist, visited the camp. He was told, by the prisoners, ‘the story of the wallaby which had been caught surfing’. One day, this wallaby, nicknamed Nibs by the men, was seen ‘surfing with his face to the rollers. Hearing shouts, he looked round and tried to escape by swimming, but was caught’. Pringle was disinclined to believe the tale, but when he went to the beach he saw for himself ‘a large wallaby, who, held by the tail, hopped along in front’ of a group of laughing prisoners returning from a swim. He then accepted the story ‘without reservation’. The camp’s domestic animals also seemed somehow elevated to Pringle. On the day of the visit, Mick, the ‘old camp gee-gee’ was required to put ‘a solid sixteen hours’ pulling the cart through the sand, from the camp to the beach and back. It was ‘hard collar-work’, according to the OIC, but Mick ‘never flinched’; he ‘appeared to know that something was expected of him’, which, according to Pringle was ‘the spirit animating the afforestation camp at Tuncurry’.<sup>84</sup>

#### *Minting the trees*

Foresters and prison officials spent years happily calculating just how much gold their trees would generate. In 1926, the *Daily Telegraph* reported that a net return of about £150 an acre was anticipated. ‘Experts regard this estimate as conservative and it is suggested that much of the area should be worth up to £500 an acre’.<sup>85</sup> During the early 1930s, however, signs suddenly surfaced that the experiment was failing. The growth of the trees slowed and they became discoloured and disfigured, particularly the most recent planting. A great number were damaged by rabbit and virus attacks. Kim Kessell, the leading Western Australian forester of the day, investigated the plantation during his survey of forestry in NSW in 1933. Although he was impressed by the penological dimensions of the scheme, he found the trees in poor shape. The encouraging growth seen in many of the early plantings was due, he said, to the original stands of eucalypt on the site. These had been felled and burned, fertilising the soil, but the nutrients had not been

<sup>84</sup> Pringle, ‘Planting Pines by Prison Labour at Tuncurry’, pp. 182-83.

<sup>85</sup> ‘Gaol or the Bush’, *Daily Telegraph*, 8 December 1926.

replenished. The original vegetation, derided as stunted and useless at first, was the only reason the new vegetation had thrived at all.<sup>86</sup>

A second survey was conducted by B. Byles, a NSW forester, in 1937. He found that the plantation was in an even more dismal state than Kessell had suggested. The sand lacked a number of important nutrients, particularly zinc. The plantation was, ‘a 99 per cent failure and is one of the three poorest plantations in the state’, Byles reported. Many of the *P. radiata* stands were nothing more than ‘scattered feathery spindles waving over a mass of scrub’. The *P. pinaster*, the ‘tree of gold’, was also ‘diseased and malformed ... The climate is totally unsuited to this species,’ said Byles.<sup>87</sup> He urged quick action:

In the past, plantations which were obviously failures have been maintained and extended in order to avoid the decision to cut the losses incurred and in the hope that something would be made of them. A clear cut decision is now essential and it is recommended that the Prison Camp be removed.<sup>88</sup>

Following Byles’ report, Lewis Martin, the Justice Minister, visited the camp. He found it ‘to be as it had been set out in the expert report ... useless and a waste of money’. The total loss on the camp, he announced, totalled £75,000.<sup>89</sup>

Word of these developments was not welcomed in Tuncurry township, and nor were rumours that the government planned to turn the area into a camp for Aboriginal people from nearby Purfleet and Forster. T. H. Chapman, the secretary of the Tuncurry Progress Association, wrote to his local member of Parliament to express his organisation’s ire at this proposal. It would be ‘a retrograde step and against the interests of Tuncurry’. Aboriginal people were regarded by the Association ‘as a most undesirable crowd of people’.<sup>90</sup> Why, Chapman asked, could they not be shifted ‘miles away where they will not be a nuisance to white people?’ Furthermore, he warned, ‘it is rumoured that once

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<sup>86</sup> ‘Tuncurry Camp. A Gaol without Walls. Modern Penal System’; S. L. Kessell, *Forestry in New South Wales: A Report on the Indigenous Forests, Plantations and Forest Industries of New South Wales with Recommendations for Future Administration and Practice*, Government Printer, Sydney, 1934 pp. 51-55.

<sup>87</sup> B. U. Byles, ‘Radiata Site Quality Survey, Tuncurry State Forest’, p. 1.

<sup>88</sup> *Ibid.*

<sup>89</sup> ‘Prison Camp. Abandonment Probable’, *SMH*, 16 August 1937.

<sup>90</sup> T. H. Chapman to C. E. Bennett, 26 October 1937, in Tuncurry S.F. No.283, Site Quality Survey, Forestry Commission of NSW, 1937, SRNSW 3/2377.

these people are sent to Tuncurry Afforestation Camp they will fire this valuable and magnificent forest of pines and destroy it'.<sup>91</sup>

Locals disagreed with the foresters' assessment of the state of Tuncurry's pine forests. A number of them were active in the timber industry and were aware that softwood timber was in short supply in Sydney. There were, they claimed, '500,000 marketable trees at Tuncurry Camp which should be milled ... the local mills would only be too glad to cut the timber, and the shipping is handy'.<sup>92</sup>

Tuncurry's trees of gold were, however, never minted. With removal of the prison camp, the Forestry Commission was obliged to devise an interim fire protection plan. Four forest guards, a utility truck and various pieces of fire fighting equipment were stationed at the plantation prior to the departure of the prisoners in February 1938. The men and equipment were in place by the end of December 1937, but heavy rain just before the New Year prompted the department to transfer them to other areas at greater risk of bushfire. Three weeks later, as a state-wide heatwave took hold, a large fire swept through the plantation burning or charring all 2,662,000 trees.<sup>93</sup> No one suggested Aboriginal people were to blame.

## CONCLUSION

The history of the Tuncurry Afforestation Camp makes plain that the birth of the prison camp movement in Australia was about more than redemptive agrarianism. Criminality has long been thought to be especially amenable to the balm of the farmed landscape, and reformers certainly hoped that the cultivated landscape would exert a positive influence on inmates. But the camp was established at key moment in the history of Australian forestry, and is part of that story too. The camp could not have existed without the enthusiastic cooperation of foresters. The plantation was the first exotic softwood plantation in NSW, one of the first in the country, and part of an experiment based on

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<sup>91</sup> Ibid.

<sup>92</sup> 'Tuncurry Still An Asset', *Truth*, 7 November 1937.

<sup>93</sup> Forestry Commission AR 1938-39 p. 4. Children did eventually wander through what remained of the forest. The camp site itself was relatively untouched by the flames, and was subsequently leased by a local family, who developed it into a tourist resort, called 'The Pines', although one wonders what the children made of a forest of blackened trees. Tuncurry S.F. No.283, Site Quality Survey; Elva Carmichael, *The History of Tuncurry, Darawank, Failford, Nabiac, Wang Wauk, Coolongolook, Krambach*, Great Lakes Historical Society, Tuncurry, 2001, pp. 40-41; A. G. Holman, *The History of Tuncurry*, Northern Champion, Taree, 1954, n.p.

international experience. Foresters saw themselves as partners with penologists in a grand project; men with ‘wasted lives’ would reclaim ‘wasted land’, and, in the process, reclaim themselves. Depraved city-dwelling criminals would be transformed into hardy, upright bushmen, while the unproductive native landscapes would be replaced by useful exotic softwood forests. The city meanwhile, would be cleansed of both crime and punishment. Rehabilitated men and reclaimed land went hand in hand.

This shared faith was short lived. After the failure of the pines at Tuncurry, foresters lost interest in penal forestry. Forestry was developing a more rigorously scientific edge, with little room for starry-eyed idealism. Lessons about fire management and the soil conditions required by exotic conifers had been learned. More afforestation camps were established, but for the most part they too were placed on inferior sites, and the calibre of the labour was mixed. For foresters grappling with a drastically inadequate supply of softwood timber, the camps were of little more than passing interest.

Tuncurry’s tale sheds light not only on the history of forestry. The camp was also established at a time when a new optimism about the future of the Australian landscape was germinating. From the late 1890s a movement scholars have described as ‘New Arcadianism’ emerged, born of rising nationalist sentiment, and the retreat of drought and depression, related to the ongoing pursuit of closer settlement. The New Arcadians, Melissa Bellanta argues, were very concerned with both the fate of the marginalised urban classes and with the redemption of Australia’s wastelands.<sup>94</sup> They:

drew a strong correlation between the waste lands and the unemployed, poising each at the brink of utopian transformation. They assumed intensive agriculture would convert the waste lands to Gardens of Eden ... They also assumed that contact with the land would allow the unemployed to ‘work out their own salvation ... Their key images were that of the environmental miracle: of the deserts reclaimed as oases, and waste lands bursting with water and fruit ... [they] drew a profound connection between the just society and the proper use of land...<sup>95</sup>

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<sup>94</sup> Melissa Bellanta, ‘Clearing Ground for the New Arcadia: Utopia, Labour and Environment in 1890s Australia’, *Journal of Australian Studies*, vol. 72, 2002, pp. 13-18.

<sup>95</sup> Ibid, pp. 13, 16. See also: Bruce Scates, *A New Australia: Citizenship, Radicalism and the First Republic*, Cambridge University Press, Cambridge, 1997, chapter four; Michael Cathcart, *The Water Dreamers: the Remarkable History of Our Dry Continent*, Text Publishing, Melbourne, 2009, chapters fourteen and fifteen; J. M. Powell, ‘Arcadia and Back’, pp. 134-49.

Bellanta picks up a refrain that echoes in penological discourse. The parallels between the New Arcadian movement and Tuncurry afforestation camp are clear.<sup>96</sup> It is impossible to adequately account for the development of the camp without this context.<sup>97</sup> The hopes for the camp drew on a narrative that the American environmental historian, Carolyn Merchant, would call ‘the garden of Eden story’: sinners in a fallen world, both world and sinners made good, deserts blooming, animals and men living in harmony. In reality, the golden vision was thwarted by a recalcitrant landscape—the dunes failed to bloom, fire was not banished, the wonderland was not to be.<sup>98</sup>

The history of the prison camps is now little known and little told and of the few who know it and tell it, most are current or former prison administrators, or their commissioned authors. According to them, the camps were simply another milestone on the road to a modern, humane, enlightened prison system. There is a degree of truth to this; but as the camps at Tuncurry and elsewhere demonstrate, penal reform has been intricately entangled with other, very different agendas.

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<sup>96</sup> The Kyeema Prison Camp and the McLeod Settlement were actually adjacent to village settlement sites.

<sup>97</sup> There are clear parallels also with the emergent ‘Australia Unlimited’ ethos championed by journalist E. J. Brady and others, such as Grant Hervey (see chapter seven).

<sup>98</sup> Carolyn Merchant, *Reinventing Eden: The Fate of Nature in Western Culture*, Routledge, London and New York, 2003, p. 2.

## CHAPTER SIX

### 'A nice sounding word': Prison Camps and the Experience of Rehabilitation

*If there was ever a word that has been misused and kicked around, it is rehabilitation. It is a nice sounding word, it rolls off the tongue easily and is considered 'in vogue' to use it in intelligent conversation concerning prisons. But just what in the world does it mean?*

An anonymous prisoner, Queensland, c.1967<sup>1</sup>

For over three decades prison camps were one of the centrepieces of rehabilitative penology in Australia. Along with developments in parole and probation, prisons departments held up the camps as proof of their commitment to this supposedly new ideal.<sup>2</sup> Clearly, the camps were not especially punitive compared to the rest of the prison system.<sup>3</sup> It was difficult to argue that they were particularly effective as a deterrent either. In penological terms, the camps rested squarely on the idea that imprisonment could and should seek to improve those who experienced it. In striking language, prison officials insisted that the camps did just that. In 1916, John Drew quoted *Les Misérables* in expressing the fundamental idea on which he later based the Pardelup Prison Farm:

Is there not in every human soul ... a primitive spark, a divine element, incorruptible in this world, immortal in the next, which can be developed by good, kindled, lit up and made resplendently radiant, and which evil can never extinguish?<sup>4</sup>

Others preferred mechanical, but no less ambitious metaphors. At the Hayes Prison Farm, Alfred Linton, the Controller of Prisons in Tasmania, wrote: 'here the waste materials of

<sup>1</sup> Anon., 'Wise Guy's Rehabilitation', *Self-Help*, no. 4, n.d., n.p., Special Subject Batches, Prisoners' Newspaper, QSA, Series 9097, Item 293164, Batch file.

<sup>2</sup> James Whitney called them 'our best contribution to penology' (see chapter one).

<sup>3</sup> According to the Melbourne *Herald*, Kyeema proved that one of the great maxims of modern penal theory had been realised, that 'men are ... punished by being sent to prison; they are not punished while in prison'. 'Where Trees Take the Place of Prison Walls', *The Herald*, 10 February 1934.

<sup>4</sup> J. M. Drew, *Penological Reform in Western Australia*, Government Printer, Perth, 1916, p. 1.

an imperfect social system are being salvaged and made up into useful assets'.<sup>5</sup> Linton's political master, A. G. Ogilvie, agreed, describing the work at Hayes as the 'rehabilitation of much would otherwise have become human scrap'.<sup>6</sup> Linton's successor, John Scanlon wrote in similar terms about the farm. 'The principal, and indeed most important product of our farm, is rehabilitated men,' he said.<sup>7</sup> Elsewhere, politicians and administrators regularly described the camps' inmates as salvaged 'flotsam and jetsam'.<sup>8</sup>

What did these rousing words mean, and how did the prisons departments actually go about this work? Which prisoners were to be rehabilitated, and what was it like for them? If 'rehabilitation' was the primary penological justification for prison camps, we must take a close look at how this ideal—often invoked but rarely described—was put into practice. The precise meaning of the word is hard to pin down, but we can examine elements of the experience of rehabilitation: the ways in which inmates came to be identified as suitable for the camps, and the aspects of camp life most closely associated with the discourse of rehabilitation.

#### SELECTING FOR SALVAGE

In the 1910s and 1920s prison officials publicly asserted that selection for the camps was based solely on strict penological grounds: those convicted of serious crimes against the person would be excluded, and selection would be based on the needs and temperament of the prisoner. William Holman, at the establishment of Tuncurry, said: 'No one who has

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<sup>5</sup> Linton, 'Short History of Hayes Prison Farm', 1942, in 'Proposal to confine the criminally insane at Hayes Gaol Farm, including a short history of Hayes Gaol Farm', n.p. AOT, Gaols file 20/9, Attorney General's Correspondence, AGD1/1/211.

<sup>6</sup> Ogilvie to Linton, 18 September 1942, in 'Proposal to confine the criminally insane at Hayes Gaol Farm, including a short history of Hayes Gaol Farm', n.p.

<sup>7</sup> 'Annual Report of the Controller of Prisons for the Year 1952-53', *Journals and Printed Papers of Parliament*, 1953, vol. CXLIX, No. 20, Government Printer, Hobart, p. 2. On another occasion, Scanlan, a man of deep faith, said that in seeking to rehabilitate the inmates at Hayes 'we humbly and respectfully follow the Great Reformer'. 'Annual Report of the Controller of Prisons for Year ended 30th June, 1948', *Journals and Printed Papers of Parliament*, 1949, vol. CXLI, No. 3, Government Printer, Hobart, p. 3.

<sup>8</sup> See also Charles A. Topp, *Report, by the Chairman, Indeterminate Sentences Board, on Reformatory Prisons and Institutions in Europe and America and on Legislation in Connexion Therewith and with Habitual Criminals*, Melbourne, Government Printer, 1910, pp. 16-17; Ex-Prisoner, 'The Cure for the Man in Gaol', *Daily Telegraph*, 15 July 1922; 'Prison Reform', *The Examiner*, 12 July 1938; 'Annual Report of the Comptroller General of Prisons for the Year ended 30<sup>th</sup> June, 1952', in *Minutes and Votes and Proceedings of the Parliament*, vol. 3, Government Printer, Perth, p. 3; John Morony, *The More Things Change: A History of Corrections in New South Wales*, J. Morony, Sydney, 1988, p. 539.

been imprisoned for crimes of violence or for sexual offences will be considered'.<sup>9</sup> Macfarlane elaborated: selection was limited to older offenders and based on 'the period of sentence served, personal habits, conduct, offence' and so on. When the Emu Plains Prison Farm opened shortly afterwards only young first offenders with 'decent habits, suitable physical qualifications, and proved industry' were eligible for selection.<sup>10</sup> No inmate who had been at camp, and been returned to a closed prison, would be eligible either. In Victoria, similar statements were made when the McLeod Settlement was established; particular weight was given to 'psychological considerations'.<sup>11</sup>

Until the mid-1920s, most of the prisoners transferred to camp had been convicted of offences relating to property or fraud, such as receiving stolen goods, embezzlement, larceny, bigamy, false pretences, forging and uttering, and stealing.<sup>12</sup> After the First World War, preference was also given to returned soldiers who had fallen foul of the law.<sup>13</sup> Exactly what it was, penologically, that fitted a prisoner for transfer to any of the Australian camps was never clearly outlined.

<sup>9</sup> 'Prison Work. Afforestation Camp', *SMH*, 1 November 1913. Nevertheless, within a matter of months, the chaplain to the camp called for 'hardened criminals' to be eligible too. 'It would have a decidedly elevating influence on their moral as well as their physical nature' he said. *Report of the Comptroller-General of Prisons, New South Wales, for the Year 1914*, Government Printer, Sydney, 1915, p. 52.

<sup>10</sup> *Report of the Comptroller-General of Prisons, New South Wales, for the Year 1914*, p. 10. See also J. H. M. Abbott, 'Emu Plains', *Town and Country Journal*, 15 January 1919; 'The Treatment of Crime', *Evening News*, 20 October 1922.

<sup>11</sup> 'A Penal Experiment', *The Argus*, 12 July 1916. When the Pardelup Prison Farm opened in 1927, Western Australian Chief Secretary Drew said prisoners would be 'specially selected' and those convicted of 'graver crimes of violence' would be excluded. 'Prison Reform. Farm to Be Established', *The West Australian*, 23 June 1927; Drew, *Prison Reform in Western Australia: The Pardelup Prison Farm*, Government Printer, Perth, 1928, n.p.

<sup>12</sup> Tuncurry Afforestation Camp Entrance Book, 1913-34, Vol.1 SRNSW 5/1092. It should be remembered that during this period prison camps were only to be found in NSW and Victoria.

<sup>13</sup> 'Soldier Prisoners', *Daily Telegraph*, 23 February 1920. It appears not all ex-soldiers appreciated the special treatment they were afforded as prisoners. In 1943, G. A., an inmate of the Hayes Prison Farm, and a former recruit told a warden that he did not think much of where he had landed: 'this is what you get for fighting for your fucking country'; see: prisoner file G. A., AOT, Gaols Department, Prisoners Individual Files, 1891-1960, GD 61/1/2, 811/207. The camps do however open an interesting window on the historical relationship between rehabilitation and military service. During the First World War, active service was encouraged in those released from the camps, and those who died in battle were seen to have reached a kind of ultimate redemption. In 1917, it was reported that many of those discharged from Emu Plains had 'found themselves fighting and dying for King and Country on the Western Front'. See: *Report of the Comptroller-General of Prisons, New South Wales for the Year 1917*, Government Printer, Sydney, 1918, p. 9, and also 'Annual Report of the Indeterminate Sentences Board for the Year Ended 30th June, 1917', in *Votes and Proceedings of the Legislative Assembly*, 1918, vol. 2, Government Printer, Melbourne, p. 5. David Hall, the political architect of Emu Plains liked to tell a story about a prisoner discharged from the farm who went on to serve with distinction in France. 'He fell fighting bravely', Hall said. 'I have no doubt, he did more for his country, and for civilisation, than was ever done for him'. (See: 'A Prison Story. Man Who "Had No Chance"', *The Argus*, 10 September 1918). By contrast, during the Second World War, administrators actively

Despite their early public assurances, it was not long before administrators realised that in practice, picking prisoners for transfer was a difficult matter, and that the selection criteria would need to be significantly relaxed. In public, they continued to state that ‘only specially selected prisoners of the highest grade’ would be selected, but inmates were not so cleanly divided into ‘types’.<sup>14</sup> Privately, they admitted that their knowledge of their charges was far from perfect. In 1937, Joseph Akeroyd recognised the essentially subjective nature of the decision-making process. The prisoners at French Island were, he said, ‘not all specially selected prisoners, selected for trustworthiness’, but simply men ‘deemed to have some latent spirit of worthiness which might be developed’.<sup>15</sup> In practice, selection was based on hopeful guesswork and compromise rather than systematic criteria.

Although the penology behind selection remained hazy, other grounds for transfer can be clearly discerned. More than anything else, the demands of the work carried out at the camps forced the departments to alter their selection policies. It was not possible to maintain farming and forestry operations with a workforce made up exclusively of well-behaved, able-bodied, short-sentenced, non-violent, first offenders near the end of their sentences, who had not been convicted of sex crimes.<sup>16</sup> There simply were not enough inmates who fitted the bill, especially from the late 1920s, when the second wave of camp building began and more camp inmates had to be found. NSW CGP William Hinchy reported in 1931 that ‘transfer requests from prisoners from the country with experience of farming are given special consideration’.<sup>17</sup> When the Palen Creek State Farm opened in 1934, Queensland officials originally intended to restrict eligibility in the way NSW initially had, but they could not make up the first contingent of prisoners without

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discouraged discharged prisoners from enlisting, and hoped that the military would reject those who tried to do so.; (see: J. F. Whitney to A. Lomas, re: prisoner W. K., 22 December 1941, Special Subject Batches, Escapes, 1942-63, QSA, Series 9097, Item 293123, and Attorney General James McDonald to L. Mullen, re: prisoner J. T., 18 December 1941, AOT, File: 21/35 - Prisoners; Attorney General’s Correspondence, 1937-71).

<sup>14</sup> ‘Gaols Department, Annual Report, 1944-45’, AOT, File: 20/28, Gaols/Annual Report, 1944-45; Attorney General’s Correspondence, 1937-71, AGD1/1/236.

<sup>15</sup> ‘Penal Establishments, Gaols, and Reformatory Prisons; Report and Statistical Tables for the Year 1937’, in *Votes and Proceedings of the Legislative Assembly*, 1938, vol. 1, Government Printer, Melbourne, p. 6.

<sup>16</sup> Residents living near the camps were deeply troubled by the presence of sex offenders at camp; see chapter eight for more on this issue.

<sup>17</sup> *Report of the Comptroller-General of Prisons, New South Wales for the Year 1929-30*, Government Printer, Sydney, 1931, pp. 5-6.

including one man convicted of manslaughter and another of incest.<sup>18</sup> On the transfer forms for most of the prisoners transferred to Queensland's state farms, the 'reason for transfer' was given as: 'to perform useful labour'.<sup>19</sup>

Selection criteria were incrementally relaxed from the mid-1920s, barring short periods after controversial escapes when they were briefly tightened.<sup>20</sup> In NSW, from 1925, long sentenced prisoners became eligible for transfer to Tuncurry.<sup>21</sup> In 1932, the rule that barred prisoners who had previously been at camp from being eligible for transfer was abandoned.<sup>22</sup>

The range of eligible offenders greatly expanded, and those with multiple convictions became eligible too. In 1931, the OIC at Bombala Afforestation Camp noted that:

prisoners with many convictions who have served years in the gaol are in most cases the best conducted. These men will do anything rather than be sent back to a gaol ... in the past twelve months, prisoners convicted of nearly every serious crime in the criminal calendar have passed through this camp and only one has had to be returned to a gaol.<sup>23</sup>

By the 1940s, the only offence which barred a prisoner from transfer to a camp was sodomy.<sup>24</sup> In Tasmania, penal bureaucrats found it impossible to maintain a single prison camp without 'a fair cross section of prisoners', including murderers and paedophiles.<sup>25</sup>

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<sup>18</sup> 'No Gaoler to This Prison', *The Herald*, 18 July 1936; Palen Creek State Farm Reception Register, 1931-57, QSA, Series 6199, Item 925582.

<sup>19</sup> See transfer forms in: Prisons Department, General Correspondence, 1935-47, QSA, Series, 7343, Item 271725.

<sup>20</sup> See 'Penal "Honour" System', *The Argus*, 19 December 1923; 'Report of the Comptroller-General of Prisons for the Year Ended 30th June, 1956', JOL, p. 2.

<sup>21</sup> For more on this modification in policy, see chapter seven.

<sup>22</sup> See CGP to OIC, Brookfield Afforestation Camp, Mila, 7 March 1932, Official Correspondence, 1927-32, SRNSW 3/1765.

<sup>23</sup> There was one type of prisoner notably absent from the camp musters in NSW at the time of Bartlett's remarks: those convicted under the *Vagrancy (Amendment) Act, 1929*. This legislation was aimed at members of organised crime syndicates in Sydney, and prohibited individuals from 'habitually consorting' with known criminals. See also minutes of meeting, 16 June 1940, Cooriemungle Prison Camp Correspondence, Minutes of Advisory Committee Meetings, and Documents, 1938-76, VPRS11795/P/0001/47.

<sup>24</sup> South Australia is an exception. Many offences precluded prisoners there from transfer to camp; see below for more on this.

<sup>25</sup> 'Annual Report of the Controller of Prisons for Year Ended 30th June, 1950', in *Journals and Printed Papers of Parliament*, 1950-51, vol. CXLIII, no.34, Government Printer, Hobart, pp. 5-6; see also: File: 20/5, Gaols/Request for info on open prison, 1953, Attorney General's Correspondence, 1937-71, AOT, AGD1/1/327

When Tom Foley, a journalist, visited Palen Creek in 1945, he was struck by the mix of prisoners there:

‘old lags’ and first offenders, professional men who’ve gone astray, and men who have lived ‘tough,’ all go to make up the team needed to run one of these farms ... there are very few men who are beyond hope.<sup>26</sup>

Although the ‘old lags’ were confirmed criminals, often with serious or multiple convictions, they accepted their circumstances, sought to make their time in prison as agreeable as possible, and usually proved docile and productive workers. Moreover, contrary to popular opinion and orthodox penological theory about the corrupting effects of seasoned criminals on young offenders, officers found that older inmates generally had a good influence on the younger prisoners. Male prisoners under twenty-five years of age were generally the most unruly and defiant inmates, regardless of their conviction or sentence. At camp, staff learnt that one of the most effective ways to subdue them was to place them in the company of older, more experienced prisoners. As long as the youths were kept in the minority, ‘they seem to mingle with the older men whose influence in most cases hold in check the larrikinism generally found in young prisoners of this type’, observed the OIC at the Mannus Afforestation Camp in 1936.<sup>27</sup>

The most dedicated and industrious camp inmates were often those with life sentences, or ‘lifers’ as they were called.<sup>28</sup> From the late 1920s, one or two could be found at most camps. J. F. Whitney, one of the founders of the prison camp movement in Queensland regarded lifers as ‘model members of the farm community’.<sup>29</sup> In 1954, Whitney’s successor, CGP Rutherford, noted, not without some pride, that he kept murderers, burglars and alcoholics all in the same camps. The murderers, he added ‘generally occupy the key positions’ such as cook, or animal handler, ‘and contribute, by their exemplary

<sup>26</sup> Tom Foley, ‘Murderers Keep Their Word’, *South West Pacific Annual*, December 1946, p. 54. Observers were impressed and titillated by the presence of violent criminals at the camps; see: ‘Lifers Are Serving out Time without Locks or Bars’, *The Courier-Mail*, 16 October 1959, and Bob Johnson, ‘A Poisoner Cooked My Lunch’, *Sun Herald*, 3 February 1963.

<sup>27</sup> *Report of the Comptroller-General of Prisons, New South Wales for the Period 1st July, 1935, to 30th June, 1936*, Government Printer, Sydney, 1937, p. 9; ‘Trust Is the Warder at Emu Plains Prison Farm’, *The Sun*, 2 September 1937; Foley, ‘Murderers Keep their Word’, p. 54.

<sup>28</sup> A life sentence did not doom a prisoner to die in prison. From the late 1910s to the early 1970s, lifers generally served between eleven and thirteen-and-a-half years before they were paroled. However, they did remain liable to be returned to prison by the authorities at any time thereafter. Arie Frieberg, and David Biles, *The Meaning of ‘Life’: A Study of Life Sentences in Australia*, Australian Institute of Criminology, Canberra, 1975, pp. 61-74, 122-24.

<sup>29</sup> Foley, ‘Murderers Keep their Word’, p. 54.

conduct and industry to the success of the farm'.<sup>30</sup> Sometimes the lifers had done as little as two years in a walled prison before being transferred.<sup>31</sup> Some spent decades at camp. The Western Australian CGP Alistair MacKillop said: 'I find that long term prisoners are the best for the farm in that they are there for long enough to become part of the institution'.<sup>32</sup>

Lifers were particularly useful in the early, pioneering stages of the camps. In the second wave of camp building, they were often among the first prisoners dispatched to the new sites.<sup>33</sup> In fact, the Stone River State Farm, was established explicitly for long-termers and lifers.<sup>34</sup> Over the years, some of Australia's most notorious twentieth-century murderers eventually found their way to the camps.<sup>35</sup> With the death penalty in decline, life sentences became the most powerful expression of societal condemnation, yet these inmates were often fast-tracked to the state's least punitive prisons.<sup>36</sup>

Sex offenders proved useful farm workers too. Their presence caused much agitation amongst local residents, camp officers and other inmates, but nevertheless by the 1930s,

<sup>30</sup> W. Rutherford, 'State Farms in Queensland, Australia', 5 January 1954, Special Subject Batch: Palen Creek State Farm, 1931-57, QSA, Series 9097, Item 293153.

<sup>31</sup> Rutherford to E. V. Shade, 30 May 1956, Special Batches, Head Office Correspondence, 1935-63, QSA, Series 9097, Item 293136.

<sup>32</sup> A. MacKillop to J. H. Allen, 1 October 1952, 'Chief Secretary's Correspondence, Pardelup Prison Farm, Requests for Information, General File, 1938-52, SROWA WAS 1512 Cons 752/1938/0270. See also: File: 20/5, Gaols/Request for info on open prison, 1953; 'Where Trees Take the Place of Prison Walls'; Precedent Book, 1931-34, p. 69, SRNSW 5/1099.

<sup>33</sup> 'Prisons Department, Information Contained in the Report for the Year Ended 31st December, 1940', in *Queensland Parliamentary Papers*, 1941, Government Printer, Brisbane, p. 973.

<sup>34</sup> W. Rutherford to Under-Secretary for Justice, 26 June 1951, Special Batches, Head Office Correspondence, 1935-63, QSA. Other types of prisoners became eligible soon after it was established.

<sup>35</sup> One of these was the murderer and musician Alister Clark, who poisoned his wife in 1928. Clark's death sentence was commuted to life imprisonment and his file marked 'never to be released'. In the late 1940s he was transferred to the Mannus Afforestation Camp where he was reported to be a 'model prisoner', before he was released—to public outcry—in November 1952. 'Labor's Leniency to Killers. Many Freed Behind Curtain of Secrecy', *Truth*, 25 January 1953. Reginald Frederick Woodley was released from Mannus in 1952 after spending twenty years in prison for killing a railway worker in 1932. 'Porter's Slayer out of Prison', *The Sun*, 23 April 1952. The gunman Frederick 'Chow' Hayes and the escape-artist Darcy Dugan both spent time in NSW camps in the 1950s and 1960s. David Hickie, *Chow Hayes: Gunman*, Angus and Robertson, Sydney, 1990, p. 308; Rod Hay, *Catch Me If You Can: The Life and Times of Darcy Dugan*, Pan Macmillan, Sydney, 1992, chapter fifteen. In recent years, high-profile criminals such as Alan Bond and Pauline Hanson have also been held at prison farms.

<sup>36</sup> Historically, life sentences have been available to judges as a penalty for a wide range of offences, including: sacrilege; aiding pirates; exhibiting false signals; bestiality; stealing wills or children; burning churches, crops or railways; and impersonating an owner of shares. In practice, though, the sentence has never been imposed for many of these uncommon offences, or for any offence for which other penalties have been available. Only for offences for which it has been a mandatory penalty, such as murder or rape, has it been used with any frequency—life sentences were commonly imposed for rape up to 1955. Frieberg, and Biles, *The Meaning of 'Life'*, pp. 6-7.

sex offenders could be found at camps around the country.<sup>37</sup> They were often among the best-behaved inmates, particularly those convicted of incest, or of offences against young children. They did not start fights (although they were sometimes attacked by other prisoners), they typically worked well without complaint, and were a low escape risk. Moreover, very few had to be transferred back to conventional prisons for disciplinary reasons.<sup>38</sup>

By the mid-1950s, there was barely a trace of the original selection policy left. ‘We live very “dangerously” at times,’ Queensland CGP Rutherford said in 1956:

as we classify the man and not the crime and we get a good type away from the closed prisons often in the first month of his sentence when he may have years to do ... I do not subscribe to manning these Farms according to any formula or proportion of sentence to be served.<sup>39</sup>

While administrators pragmatically relaxed selection criteria, they found to their frustration that those prisoners who were of most value at camp were often those with the least intention of changing their ways in the outside world. They worked well, made little trouble, and then happily carried on with their criminal careers after their release, confident that if they were re-convicted, they would find themselves back at a camp before long. When William Rutherford took the reins of Queensland’s prison system, he inherited this policy from Whitney, with some ambivalence:

While this ensures that the chances of escape are minimized as these ‘repeaters’ know when they are well off, it conflicts, in my opinion, with the intention of the Government to give every man a chance, but not to make gaol easy for the man who has no intention of rehabilitating himself.<sup>40</sup>

Officials were loath to publicly admit it, but at the camps the demands of order and discipline regularly came into conflict with those of rehabilitation, and order usually

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<sup>37</sup> See, for instance: Documents re prisoner’s early release or transfer to gaol farm, Prisoners File (20/54/1937), Attorney General’s Department, General Correspondence, 1937-71, AOT, AGD1/145; prisoner file A. A., Gaols Department, Prisoners Individual Files, 1891-1960, AOT GD 61/1/2 File 1067/1.

<sup>38</sup> ‘Editorial’, *Neptune News*, August 1965, p. 2, NLA.

<sup>39</sup> Rutherford to E. V. Shade, 30 May 1956, Special Batches, Head Office Correspondence, 1935-63.

<sup>40</sup> Rutherford to Under-Secretary for Justice, 26 June 1951, Special Batches, Head Office Correspondence, 1935-63.

won.<sup>41</sup> In reality, officials classified the worker rather than the criminal; the camps were for docile labourers, not for criminal flotsam specially identified as salvageable.

Even on pragmatic grounds, selection remained an uncertain and difficult matter. There were any number of ways in which a prisoner might be a problematic choice. In 1958, when a number of huts at Stone River became available for new prisoners, CGP William Kerr considered the candidates available for transfer, and the documents illustrate the difficulty of his task. A fair number of the best prospects had already been at the farm, and had either been transferred back to Townsville prison on account of some misconduct, or been released and reconvicted. Kerr had to choose from a list that included: one inmate who had been punished for fighting but was a good concreter; another was known to have an aversion to work; a ‘neurotic type’; ‘an agitator when it concerns others’; and an arsonist—‘he might be a risk on a Farm’. The list also included ‘a Bodgie type’ believed to be the ringleader of a gang of thieves, a ‘delicate type’, one ‘inclined to wander’, a ‘trouble maker’, one ‘subject to fits and blackouts’, and another who was ‘the greatest pest I have and is never out of trouble’. One prisoner was a skilled cane cutter and believed he would get the transfer as of right, based on his skills. Another wanted to go to the farm but had ‘sore feet and cannot wear boots’. The offences these inmates had committed included murder, rape, stealing, child molestation, and car theft.<sup>42</sup>

The exception to this pattern of selection based on caution, pragmatism and commonsense was South Australia. When the Kyeema Prison Camp opened in 1932, the policy was to select from only those convicted of relatively minor offences and of proven industry and conduct whose terms had nearly expired.<sup>43</sup> Moreover, regulations were gazetted preventing any prisoner over the age of 30, or serving a sentence of more than two years to be transferred to camp.<sup>44</sup> These rules drastically limited the pool of candidates for the camp. Indeed, in response to criticisms made in 1940 that the camp was running below capacity, CGP S. G. Blackman claimed that all those ‘suitable’ for Kyeema were there. Car thieves were not eligible and nor were sex offenders. ‘Critics would soon come down like a ton of bricks on the authorities if sexual perverts were sent

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<sup>41</sup> For more on this tension, see papers in: *The Conflict of Security and Rehabilitation: A Seminar on the Punishment of Crime*, NSW University of Technology, Sydney 1958.

<sup>42</sup> A. Whitney to CGP, 29 May 1958, Special Subject Batches, Stone River State Farm Monthly Reports, Electricity Supply and Transfer File, 1944-62, QSA, Series 9097, Item 293183. The surviving documents do not make it clear which prisoner was chosen.

<sup>43</sup> ‘Where Prison Is Almost Picnic’, *The Advertiser*, 21 May 1932; ‘Prisoners Who Do Not Want to Escape’, *The Advertiser*, 16 February 1933.

<sup>44</sup> ‘Young Prisoners Only for Camp’, *The Advertiser*, 24 March 1933.

there and escaped', Blackman said. After the Great Depression, when the total prison population fell, it was impossible to keep the camp at full capacity.<sup>45</sup> During its operational lifetime, Kyeema was the only prison camp in South Australia, and as a consequence of its inflexible selection criteria, it remained a backwater in the state's penal system until its closure in 1959.

#### DUBIOUS SELECTIONS: THE CASE OF NEVILLE HARRIS

Outside South Australia, in the absence of consistent selection principles, doubtful choices were sometimes made. Officials claimed they were classifying the criminal and not the crime, but at times it looked like they were classifying the offender's class or family. This fact is well illustrated by the most sensational scandal in the history of Tuncurry. It was front page news in March 1930, and it involved an inmate called Neville Harris.

In November 1926, Harris was convicted, with another man, of raping and assaulting a woman at Bondi in Sydney. To make matters worse, Harris was suffering from venereal disease at the time of the offence. He was sentenced to ten years imprisonment by Justice Ferguson, who said 'it was as terrible a story as I have ever heard'.<sup>46</sup> Harris, however, came from a respected and influential family and, after his sentence, he reportedly declared he would orchestrate his own transfer to Tuncurry, adding that he would be 'surfing' there within a year.<sup>47</sup> It took slightly longer than he hoped, but Harris arrived at Tuncurry from Goulburn Gaol in December 1929, having served less than a third of his sentence.<sup>48</sup>

The transfer came to the attention of the Labor opposition in March 1930. Jack Lang, the leader of the party, alleged that Justice Minister John Lee, and other members of the government, had intervened personally to have 'this fiend in human form' transferred to Tuncurry. Lang also claimed he had papers in his possession to prove the point. It struck

<sup>45</sup> 'Gaol Chief on Farm System', *The Advertiser*, 22 February 1940; *Report on Gaols and Prisons for the Year 1942*, Government Printer, Adelaide, 1943, p. 2; *Report on Gaols and Prisons for the Year 1954*, Government Printer, Adelaide, 1955, p. 4.

<sup>46</sup> Reported in: 'Politician Who Sets Himself up as Court of Revision', *Smith's Weekly*, 22 March 1930. See also Peter Doyle, *Crooks Like Us*, Historic Houses Trust, Sydney, 2009, pp. 212-216.

<sup>47</sup> 'Politician Who Sets Himself up as Court of Revision'; Vince Kelly, *Rugged Angel: The Amazing Career of Policewoman Lillian Armfield*, Angus and Robertson, Sydney, 1961, pp. 150-55.

<sup>48</sup> Tuncurry Afforestation Camp, Entrance Book, 1913-34, Vol.1, SRNSW 5/1092, pp. 103-04.

Lang as odd that William Brauner, the other man involved in the crime, who had received the same sentence on the same charges, but ‘who had no means’, remained in Bathurst Gaol while the affluent and connected Harris was confined at Tuncurry. With considerable support from the press, Lang campaigned to have Harris moved back to Goulburn. ‘The Minister’s justice’, Lang said in Parliament, ‘is an outrage on justice and the most glaring case of preferential treatment of prisoners that has ever been brought under notice’. Lee denied the allegation, and stated that the transfer was the idea of CGP Hinchy. Sensing class politics in the air, Lee proposed that had Harris been a ‘working man there would not have been a word said. It is because he is a boy of a good family that honourable members and scurrilous newspapers have hounded him’.<sup>49</sup>

Several women’s associations lodged formal complaints, and sent representatives to protest the matter to the Premier.<sup>50</sup> One of their number told the Minister that they thought the prison camps were supposed to be reserved for prisoners guilty of minor offences, and certainly not sex offenders. ‘If you put a rotten apple in a case it is not long before all the fruit is contaminated’, she said.<sup>51</sup> Other delegates thought the transfer smacked of ‘political interference’ and even wondered if money had changed hands. Lee saw the delegates as the opposition’s handmaidens, and insisted that the transfer had been made on routine administrative grounds. ‘I don’t know whether you want us to put the boot into this man until his full ten years have been served’, he said,

or whether you want us to get him on the treadmill or keep him locked in Long Bay until we have embedded in his soul more criminal instincts. I don’t know whether you want us to find whether there is any good in the man ... The policy of the Prisons Department is that if a man shows any tendency towards helping himself, it is the duty of the Department to help him ... That is all we are trying to do.<sup>52</sup>

<sup>49</sup> ‘Censure Motion in State Parliament’, *The Canberra Times*, 20 March 1930. See also: ‘Prison Reform’, *SMH*, 8 July 1930. The press picked up on other cases that suggested an improper and inconsistent policy, including that of Eugenie Falleni, the infamous murderer and transvestite who presented herself as Harry Leo Crawford. In 1920, Crawford was convicted of killing his wife, Annie Crawford. The court imposed the death penalty, but it was later commuted to life imprisonment. In 1930, with the Harris case in full swing, Falleni was in her mid-fifties and still in prison with no prospect of release in sight. *Smith’s Weekly* thought she was probably ‘an extinct fire’ and found the contrast with Harris provocative. ‘Falleni is poor and friendless,’ and would probably die in gaol, the paper alleged, whereas Harris ‘waits to rejoin well-to-do friends’; see: ‘Politician Who Sets Himself up as Court of Revision’.

<sup>50</sup> ‘Treatment of a Prisoner’, *SMH*, 15 April 1930; ‘Want Harris Gaoled Again’, *Daily Telegraph*, 16 April 1930.

<sup>51</sup> ‘Women’s Deputation. The Harris Case’, *SMH*, 9 May 1930.

<sup>52</sup> *Ibid.*

Harris would stay at Tuncurry, Lee said, ‘so long as he behaves himself, and the moment he misconducts himself he will go back to gaol’.<sup>53</sup> Nevertheless, the means by which Harris left Tuncurry were just as unclear as those by which he reached the camp. In October 1930, in the NSW election, Lang lead Labor to victory over the Bavin Government. Only a month after winning office, the new Cabinet had Harris transferred back to Goulburn. The labour press reported the move almost as if it were campaign promise fulfilled, and relished the fact that both Lee and Harold Jacques, the member for Bondi who had also allegedly intervened on Harris’s behalf, lost their seats.<sup>54</sup> The affair was later remembered as one of the factors leading to the result of the election.<sup>55</sup>

The case created a public penological debate, raising the question of how the relationship between the weight of an offence on the one hand, and the threat posed by the offender over time on the other, should influence the length and condition of an inmate’s incarceration.<sup>56</sup> It also raised the question of how to weigh the number of offences a prisoner had committed against their severity.<sup>57</sup>

In a sense, it was the camps themselves that gave rise to these questions. Few answers were forthcoming, but the affair did show that the process of selection was open to political influence. There were other ways to get to camp for those who were not necessarily useful workers. Of course, all bureaucratic processes are open to corruption, but the penological foundation of the camps—treating the criminal rather than the crime—made this sort of incident more likely to occur: individualisation of treatment could look a lot like nepotism.<sup>58</sup> Given how vague the grounds for transfer were, it would have been difficult to prove for certain whether or not there was anything genuinely corrupt about the transfer, but this was of little importance. The criminal justice system depends on public confidence, so the appearance of corruption had the same effect as corruption itself.

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<sup>53</sup> Ibid.

<sup>54</sup> ‘Cabinet Gets Busy. Wrongdoer Harris Shifted’, *Labor Daily*, 8 November 1930; ‘Neville Harris at Goulburn Reformatory’, *SMH*, 14 November 1930; Tuncurry Afforestation Camp, Entrance Book, 1913-34, Vol.1, SRNSW 5/1092, pp. 103-04.

<sup>55</sup> Quod-Erat-Demonstrandum, ‘Out with the Parole Board’, *The Sun*, 10 April 1962.

<sup>56</sup> ‘Harris Case’, *Labor Daily*, 21 March 1930.

<sup>57</sup> Ibid.

<sup>58</sup> See also: Lewis Martin to D. R. Hall, 3 July 1933, Precedent Book, 1931-34.

For a few years after the scandal died down, NSW officials were very cautious with the transfer of prisoners convicted of serious sex offences to camp—demonstrating again that the rehabilitative principles selection was supposedly based upon could be discarded without fuss when the circumstances demanded.<sup>59</sup>



FIGURE 38. Neville Harris, 1926<sup>60</sup>

#### THE MECHANICS OF REHABILITATION

Officials identified three main elements to the camps' rehabilitative capacity. One was redemptive agrarianism, which has been discussed in the previous chapter. Another was the so-called 'honour system', which was in effect a mixture of trust and self-government; the third was sport and the code of ethics it was to instil. The theories on

<sup>59</sup> The incident almost certainly postponed the release of Herbert O'Brien, another convicted sex offender held at a NSW prison camp. While waiting for a new release date, O'Brien was shot by a warder, apparently accidentally. See: Prisoner File, State Penitentiary, Long Bay, Herbert O'Brien, 1917-31 SRNSW 3/3207.1.

<sup>60</sup> Doyle, *Crooks Like Us*, p. 213.

which honour systems and sport were based are discussed below, followed by a critical examination of the workings of each.

### *Honour systems*

There were significant differences between the camps as they operated in the different states, but all were from time to time described as ‘honour systems’, so it is difficult to determine precisely what was meant by the label. In some states, like NSW and SA, prisoners signed written statements that they would not abuse the trust placed in them, while in Queensland, all that was required was a verbal, or ‘gentleman’s’ agreement between the prisoner and the CGP. According to the rules and regulations gazetted for H. M. Prison Farm, Palen Creek:

It shall be distinctly understood that the system in operation is to be essentially one of a reformatory nature, and that all prisoners are to be given to understand that they are placed on their honour to perform their duties faithfully and to the best of their ability, and not to attempt to escape.<sup>61</sup>

Queensland officials also maintained that only their institutions (unlike many of the camps in the southern states) in which locks were never turned on a prisoner, even at night, were genuine honour systems.

Despite their differences, the various systems shared some essential features. Apart from ‘honour’, the keywords were ‘trust’ and ‘freedom’. In all camps, the prisoners’ self-restraint was relied on more than supervision or security to maintain custody. At some camps, the prison boundary was marked by nothing more than a line on a map. Prisoners often worked unsupervised all day, sometimes at considerable distances from the camp. A few camps, such as the Hayes Prison Farm, were unstaffed at night.

Honour systems consisted of more than simply lowered security. Inmates at camp also had much more control over their day-to-day affairs than prisoners in conventional

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<sup>61</sup> Rules and Regulations for H. M. Prison Farm, Palen Creek, 1 December 1934, Special Subject Batch: Palen Creek State Farm, 1931-57, QSA. Queensland officials thought their system of state farms was significantly different, and superior, to the prison camps of the southern states. See: Rutherford to Shade, 30 May 1956, Special Subject Batch: Palen Creek State Farm, 1931-57, QSA.

prisons. They were better able to negotiate the type of labour they were to perform, they could use their leisure hours largely as they saw fit, and they could associate with other prisoners freely. In 1937, Inspector-General Joseph Akeroyd said the Victorian honour system required ‘an atmosphere where a man gets some measure of trust and is free, within reason, to manage his life as he deems wise’.<sup>62</sup> Akeroyd also said he could point to ‘many men who have spent long years in closed prisons suddenly reforming, mainly through the better outlook engendered by serving a sentence in a prison where the qualities of trustworthiness and self-reliance are fostered’.<sup>63</sup> In 1942, the prisoners at Hayes Prison Farm were said to be ‘submitting to the restraint imposed by their own sense of honour, and are being given a chance to rebuilt their lives in comparative freedom’.<sup>64</sup>

Many prisoners reacted positively to the experience of being trusted. ‘Honour is a very important adjunct to a man’s own welfare and if he feels trusted he will invariably respond to that trust’ wrote an inmate of the McLeod Prison Farm in 1961, adding that ‘basic good is never destroyed in the hearts of men’.<sup>65</sup>

Freedom itself, even semi-freedom, was taken to be rehabilitative, but to have any meaning, high-minded sentiments had to be given institutional form. From the 1920s, prison officials offered inmates at camps some control over the conditions of their confinement through limited self-government schemes in which elected inmates sat on committees which determined certain internal matters. The scope of each committee’s authority varied, but everywhere they were reported to be powerfully positive influences on prisoners. Inmates at Castlemaine and McLeod established committees in 1926, which according to the ISB quickly bore ‘good fruit’.<sup>66</sup> In 1932, A. T. Badger, the Superintendent at Fremantle Prison, said the members of the ‘Inmate Fair Play

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<sup>62</sup> Penal Establishments, Gaols, and Reformatory Prisons; Report and Statistical Tables for the Year 1937’, p. 6.

<sup>63</sup> Ibid.

<sup>64</sup> Proposal to confine the criminally insane at Hayes gaol farm, including a short history of Hayes gaol farm, 1942; AOT, Gaols File 20/9, Attorney General’s Correspondence, AGD/1/211; see also Drew, *Prison Reform in Western Australia*, n.p.

<sup>65</sup> ‘Editorial’, *Neptune News*, Spring 1961, CVRC.

<sup>66</sup> ‘Annual Report of the Indeterminate Sentences Board for the year ended 30th June 1926’, *Votes and Proceedings of the Legislative Assembly*, 1926, vol. 2, Government Printer, Melbourne, p. 194; ‘Annual Report of the Indeterminate Sentences Board for the year ended 30th June 1927’, *Votes and Proceedings of the Legislative Assembly*, 1927, vol. 2, Government Printer, Melbourne, p. 319.

Committee' at Pardelup Prison Farm had 'a good influence on their fellow prisoners'.<sup>67</sup> In 1936 the Palen Creek State Farm was even referred to as 'this democratic community'.<sup>68</sup> Through their committees, Akeroyd said prisoners at camp could, 'learn to live in a manner approximating to civil life'.<sup>69</sup> (See below for more detail on the workings of these committees).

Prisoners, or at least those elected to the committees, were animated by the confidence they felt had been placed in them. 'Show the men you trust them and they will go ahead and do the right thing by and for themselves', said Kevin J., the president of the inmate committee at the McLeod Prison Farm in May 1961, as he advocated an extension of the committee system.<sup>70</sup> The innovation did indeed spread to conventional prisons after its trial at the camps.

These committees were an American invention, but the principle on which they were based can be traced back to Alexander Maconochie, who said: 'man is a social being; his duties are social; and only in society, as I think, can he adequately be trained for it'.<sup>71</sup> Internationally, some administrators took this proposition to great lengths, such as Thomas Mott Osborne in the United States and Alan Paton in South Africa.<sup>72</sup> For Paton, freedom was 'the supreme rehabilitative instrument'. With it he felt he could create a 'moral community' in prison, which would be of greater benefit to inmates than psychological treatment or the mystical effects of the agrarian landscape.<sup>73</sup> This moral community would:

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<sup>67</sup> 'Annual Report of the Comptroller General of Prisons for the year ended 30th June, 1932', p. 14, Chief Secretary's Correspondence Files, Prisons, Annual Reports, 1924-27, 1932-37, 1939-41, 1944, 1946-47, SROWA WAS 675, Con 752.

<sup>68</sup> 'No Gaoler to This Prison'.

<sup>69</sup> 'Penal Establishments, Gaols, and Reformatory Prisons; Report and Statistical Tables for the year 1933', *Votes and Proceedings of the Legislative Assembly*, 1935, vol. 1, Government Printer, Melbourne, p. 1119. See also Chief Secretary Lyell McEwan's remarks in *Cadell Training Centre*, Government Printer, Adelaide, 1962, n.p.

<sup>70</sup> Kevin J., 'Committee's Comment', *Neptune News*, May 1961, p. 23 CVRC. See also Reformer, *Crime and Criminals: A Study of the Defects in Our Prison System*, G. W. Hall and Co, Sydney, 1923.

<sup>71</sup> Alexander Maconochie, *Thoughts on Convict Management and other subjects Connected with the Australian Penal Colonies*, John W. Parker, London, 1839, p. 60.

<sup>72</sup> Thomas Mott Osborne, *Society and Prisons: Some Suggestions for a New Penology*, Patterson Smith, Montclair, 1975, pp. 158-64. See also: Mordecai S. Plummer, 'The Honor System', *The Prison Journal* vol. 3, no. 2, 1923, p. 7, and 'Honor System', *The Prison Journal* vol. 3, no. 4, 1923, pp. 1-9

<sup>73</sup> Alan Paton, *Diepkloof: Reflections of Diepkloof Reformatory*, David Philip, Cape Town, 1986, pp. 96-98.

increase the freedom they enjoy, the responsibilities they shoulder, the privileges they earn, the temptations they encounter, till they are ready to return to society ... This is moral education, and it is what they will need most ... and who knows but that here one has stumbled upon the deepest hunger of all mankind—to count for something in the eyes of one's neighbours.<sup>74</sup>

### *Sport*

The camps were the first prisons in Australia into which organised team-sport was introduced, and the rehabilitation that they were supposed to provide must be seen in this context. Moreover, prisons, and particularly the camps, provide a useful lens through which to trace changing ideas about the moral qualities of sport more generally. In conventional prisons the scope for such activities was limited because of the constraints of space and security, but at camp there was room for cricket, football and other sports.

Until the 1890s, physical exercise in closed prisons was monotonous and designed merely to prevent physical deterioration. Inmates walked around circular yards carrying heavy knotted ropes for an hour or two a day, or simply walked up and down the narrow spaces between the cell-blocks. Toward the end of the century, physical exercise became more elaborate and organised, and administrators began to value it for reasons other than simply maintaining the health of inmates. When, for instance, Neitenstein introduced a new form of organised physical drill for young offenders in 1896, he said he hoped that 'by improving their bodies, a corresponding moral improvement might also take place'.<sup>75</sup> This change reflected the rise of muscular Christianity and the so-called 'cult of athleticism' in the second half of the nineteenth century, both of which stressed the importance of organised physical activity in building 'manliness', 'discipline', and 'character'.<sup>76</sup>

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<sup>74</sup> Ibid.

<sup>75</sup> *Prisons; Report for 1896*, Government Printer, Sydney, 1897, pp. 4, 63. Drill for female prisoners was introduced in November 1909. *Report of the Comptroller-General of Prisons, New South Wales for the Year 1909*, Government Printer, Sydney, 1910, pp. 6-7.

<sup>76</sup> Richard Waterhouse, *Private Pleasures, Public Leisure: A History of Australian Popular Culture since 1788*, Longman, Melbourne, 1995, pp. 109-113. See also: John Ramsland, 'The Aboriginal Boys' Training Home, Kinchela, 1924-70, and the Development of a Culture of Physical Fitness and Sport', *Journal of Educational Administration and History*, vol. 38, no. 3, 2006, p. 244.

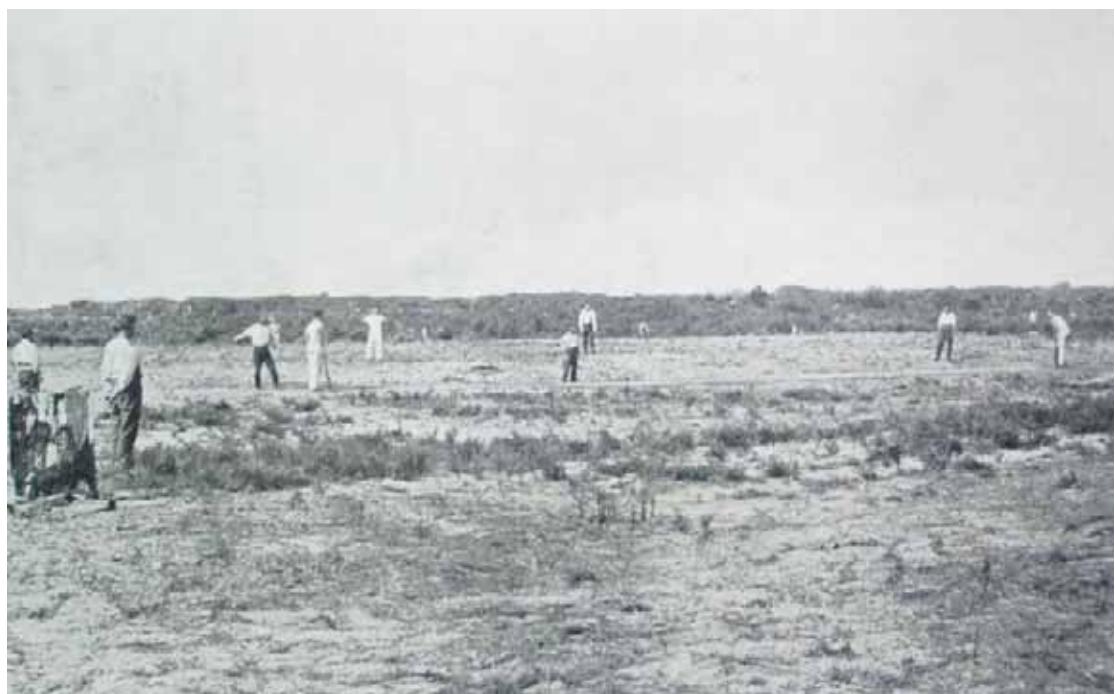


FIGURE 39. Prisoners playing cricket at the Tuncurry Afforestation Camp, 1918<sup>77</sup>



FIGURE 40. Prisoners playing football at Emu Plains Prison Farm, 1918<sup>78</sup>

<sup>77</sup> Source: *Report of the Comptroller-General of Prisons, New South Wales for the Year 1918*.

<sup>78</sup> Source: Ibid.

From 1916, football and cricket were played at the McLeod Settlement, and at the Tuncurry and Emu Plains camps from 1918 (see Figures 39 and 40).<sup>79</sup> Visiting teams from the local districts regularly visited the camps to play against the prisoners. Later, other sports such as tennis and badminton were also permitted. At most camps, substantial time was put aside in the weekly schedule for organised sport, usually on the weekends.

In the years following the Great War, organised physical activity for young men became increasingly para-military. In 1925, at William McKell's initiative, military drill was introduced at Emu Plains. 'The object of this scheme is not to allow the young prisoners to pass the time pleasantly', CGP George Steele said, 'but is an application of the principle that rational muscle culture in adolescence has its moral effects'.<sup>80</sup> In these years eugenics drew a supposedly scientific link between physical conditioning, and moral or mental quality. Rational exercise was seen as particularly important for young men, whether they were in school, the army, or prison.

By the 1920s, sport was gaining ground as a model for social behaviour, and inmates at camp were regularly exhorted to 'play the game' both on the field and when they returned to the community.<sup>81</sup> Sport had become a model for a sort of rehabilitation, and sporting language implied a set of agreed, uncontroversial rules which if followed by all, worked for the benefit of all. In this way, sport became a way to learn the values of 'citizenship', which was a word increasingly used in penological discourse. These new words brought into focus the stark difference between 'reformation' and 'rehabilitation'. In praising the Pardelup Prison Farm, John Drew singled out 'friendly rivalry in games' as one of the key ways Pardelup fostered 'a spirit of good citizenship'.<sup>82</sup> Samuel Mauger thought that the football and cricket matches played between the inmates and the McLeod Settlement and visiting teams from the mainland gave the inmates a sense they were 'not absolutely

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<sup>79</sup> 'Annual Report of the Indeterminate Sentences Board for the Year Ended 30th June, 1917', p. 6; *Report of the Comptroller-General of Prisons, New South Wales for the Year 1918*, Government Printer, Sydney, 1919.

<sup>80</sup> *Report of the Comptroller-General of Prisons, New South Wales for the Year 1925-26*, Government Printer, Sydney, 1926, pp. 5-6. See also: 'Prison Reform. Physical Culture Classes', *SMH*, 3 October 1925; 'Prison Reform Is Popular', *Daily Telegraph*, 14 June 1927; 'Making Men of Prisoners. The Emu Plains Farm', *Daily Telegraph*, 13 September 1927.

<sup>81</sup> See, for instance: Drew, *Prison Reform in Western Australia*, n.p.; 'Annual Report of the Comptroller General of Prisons for the year ended 30th June, 1934', pp. 3-5 and Chief Secretary's Correspondence Files, Prisons, Annual Reports, 1924-27, 1932-37, 1939-41, 1944, 1946-47. For a satirical perspective, see Hasen, 'Playing the Game', *The Bulletin*, 31 December 1925.

<sup>82</sup> Drew, *Prison Reform in Western Australia*, n.p.

turned down as social outcasts by the community'.<sup>83</sup> In the early 1930s Joseph Akeroyd declared he wished to establish more prison farms 'to instil ideals of citizenship and sportsmanship into youthful prisoners'.<sup>84</sup> Whereas the penitentiary embodied a belief that criminality could be erased by placing a prisoner alone with God and wounded conscience, the camps reflected a secular faith in social due process—gentlemen's agreements and fair play.

From the 1940s to the 1960s, sport became an increasingly central part of life in all prisons, not just prison camps, and this was reflected in changes in staff recruitment and prison design. Writing of the requirements for new staff, Akeroyd stressed education was of 'minor importance' and that athletic candidates should be 'given preference'. Well-built individuals 'who excel in games', he said 'usually have a good team spirit and are looked up to by criminals'.<sup>85</sup> The camps built after the war were often explicitly designed to give effect to the moral qualities of sport—it was one of their core functions. Announcing plans for the Langi Kal Kal training centre in 1949, Alexander Whatmore said 'special emphasis will be laid on the development of character training with appropriate participation in sporting activities and correct use of leisure hours'.<sup>86</sup> By this stage, as Whatmore's remark suggests, the Australian prison systems had taken it upon themselves not only to seek to equip inmates to enter the workforce, but also to train them to spend their time *away* from work in new ways.

By the 1960s, sport had become one of the most important parts of rehabilitative prison treatment. It had, the OIC at Laurel Hill prison camp said in 1960, 'an incalculable effect

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<sup>83</sup> Annual Report of the Indeterminate Sentences Board for the Year Ended 30th June, 1928', in *Votes and Proceedings of the Legislative Assembly*, 1928, vol. 2, Government Printer, Melbourne, p. 540.

<sup>84</sup> 'Youthful Prisoners. Farm Colony Suggested', *The Argus*, 4 November 1931.

<sup>85</sup> File: 20/24, Gaols/J Akeroyd report on prison system in Tasmania, 1944, AOT, Attorney General's Correspondence, 1937-71, AGD1/1/227.

<sup>86</sup> 'Penal Establishments, Gaols and Reformatory Prisons; Report and Statistical Tables for the Year 1948', in *Votes and Proceedings of the Legislative Assembly*, 1949, Government Printer, Melbourne, p. 1165. The Western Australian CGP, Alistair MacKillop stated: 'recreation is not a luxurious privilege; it is a vital necessity in life of every human being, and particularly in the lives of persons in confinement'. 'Annual Report of the Comptroller General of Prisons for the Year Ended 30th June, 1952', in *Minutes and Votes and Proceedings of the Parliament*, 1953, vol. 3, Government Printer, Perth, p. 5. According to John Morris, who led a Royal Commission into the operations of Hobart Gaol, 'physical education is...invaluable for restoring self-respect. Physical games, also under proper direction should be made use of for the purpose of developing those qualities which are recognised as entitled to a place in a modern educational programme...Anyone who has seen prisoners in the exercise yards in a prison where no provision is made for physical recreation can have no doubt that any sort of activity is preferable to the sinister propensity to congregate in whispering groups'. 'Report of the Royal Commissioner on the Hobart Gaol', in *Journals and Printed Papers of Parliament*, 1943-44, vol. CXXIX, no. 8, Government Printer, Hobart, p. 36.

for good on all Prisoners at this Camp'.<sup>87</sup> Indeed, for some officers, the relationship was axiomatic. 'Sportsmanship is Citizenship!', R. S. Vodden, the Governor of the McLeod Settlement told his charges in 1968.<sup>88</sup>

Prisoners, too, seemed convinced that sport was more than just a pastime in prisons. In 1962, 'Joe' an inmate at the McLeod Prison Farm responded to public criticisms that the new nine-hole golf course at the prison was an unwarranted luxury. Sport, 'if played as it should be', he said, 'must have a much better overall effect on the inmates than the old fashioned ideas of Penal Reforms'.<sup>89</sup>

An aptitude for sport might even be taken into account by the parole boards. In 1958, Tasmanian authorities considered a parole application from G. D., a young prisoner originally from Victoria, who was serving his sentence at the Hayes Prison Farm. In their deliberations, they gave some weight to the fact that: 'He is only a young man and was one of Latrobe's best footballers'.<sup>90</sup> After their release, prisoners highlighted their achievements in their reports to their parole officers. In 1948, H. C., who had also been an inmate at the Hayes Prison Farm, cited his success as a footballer to show how well he was settling into his new district:

I suppose you read about me in the paper and about my football career they spoke very well of me and they reckoned I'll hold my own with any of the other wingmen in Tasmania and I'll try and live up to it the moment they give me a chance.<sup>91</sup>

R. M., another former inmate of Hayes Prison Farm, telegrammed Controller Mullen from Sydney in 1938, to tell him: 'REPRESENTING YOUR INSTITUTION AT EMPIRE GAMES WON'T LET YOU DOWN'.<sup>92</sup>

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<sup>87</sup> OIC, Laurel Hill Afforestation Camp to CGP, 30 December 1960, Prison Department, Prison camp officers conferences, minutes, 1961-65 SRNSW 5/3728.1.

<sup>88</sup> 'From the Governor's Desk', *Hesperus*, Summer, 1968, p. 1 NLA.

<sup>89</sup> Joe W., 'Editorial', *Neptune News*, Easter 1962 CVRC.

<sup>90</sup> File: 21/34, Prisoners, 1958, AOT, Attorney General's Correspondence, 1937-71, AGD1/1/384.

<sup>91</sup> H. C. to J. J. Scanlan, 1 April 1948, Gaols Department, Prisoners Individual Files, 1891-1960, AOT, G.D. 61/1/9 File: 811/214.

<sup>92</sup> R. M. to L. Mullen, 31 January 1938, Gaols Department, Prisoners Individual Files, 1891-1960, AOT, G.D. 61/1/25 File: 811/232 (original emphasis).

## MEASURING SALVAGE

Given the confidence with which officials spoke and wrote of their efforts towards rehabilitation, it is quite astonishing how little they were able to gauge their efficacy. It is not surprising that they—and prisoners and observers too—took the relatively humane conditions at camp as evidence of something inherently rehabilitative. But being treated decently was not necessarily the same thing as being ‘rehabilitated’.

The only quantitative measure of rehabilitation available to officials was reconviction rates. Sanford Bates, a leading American penologist once called these rates ‘the acid test of all systems of prison administration’.<sup>93</sup> For years, Australian officials spoke as if lower reconviction rates at prison camps proved that the camps provided a better way of reforming prisoners than other techniques, and that crime as a whole was reduced by the camps. But such figures were blunt, arbitrary and occasionally misleading (and they remain so, despite the increasing sophistication of the statistical analyses).

There were three central problems with recidivism rates. First, they lumped together all sorts of acts and individuals. Offenders convicted again after their first sentence were equally chalked up as failures for a prison system, despite the clear difference between, say, a thief who later committed assault and a rapist later convicted of drunk driving. Second, the rates were usually calculated using the records of ex-prisoners for two years following their release. This was done to make the calculations manageable, but it also artificially inflated the success rates. Was there really a significant difference between an ex-prisoner who re-offended eighteen months after his or her release, and another who did not come before the courts for three years? The great number of criminal acts committed by ex-prisoners that went unreported or unpunished also limited the usefulness of reconviction statistics as a measure of a system’s rehabilitative capacity.

The third and greatest problem with reconviction rates as proof of the camps’ efficacy was that the rate had little integrity, in experimental terms: there was no control group and the sample was not randomly selected. One could apply a particular sort of treatment to an individual offender, or send him or her to a certain institution, but whether or not he or she returned to prison, there was no way to compare that outcome with what might have happened if that prisoner had been treated differently.

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<sup>93</sup> Sanford Bates, ‘Honor System for Inmates of Prisons and Reformatories’, *Journal of the American Institute of Criminal Law and Criminology*, vol. 13, no. 1, 1922, p. 115.

Officials almost never discussed these issues publicly, but in 1958, Norval Morris, a leading criminologist, summed up the predicament. ‘I do not think anyone in Australia knows the normal results of what we are doing in prisons’. Reconviction rates had some limited use, but ‘I know of no figures that indicate that any particular type of treatment for any particular type of prisoner works better than another type’. He suspected that those institutions which returned better than average reconviction rates were processing prisoners that were less likely to re-offend anyway. ‘The facts that we have in this whole area are exiguous ... our statistics slight’. Morris added that there had been no real attempt, either in Australia or elsewhere ‘to find out the basic facts on which one might be able to form judgement as to the relative values of different types of penal methods. We are guided largely by our good intentions’.<sup>94</sup> As late as 1988, John Morony thought that prison authorities still knew little about the long-term consequences of their actions.<sup>95</sup>

Although senior administrators read widely in the penological literature, they were slow to establish research divisions within their own departments, and they simply did not have the data to determine the effectiveness of what they were doing. Their assertions about the rehabilitative capacity of the camps were merely informed, hopeful assumptions. This is not to say that there was not some rehabilitative effect in being trusted, or in exercising a little control over one’s own affairs, or in playing organised sport. These may well have been improving influences, but prison authorities placed a confidence in these techniques that was unsupported by hard evidence.

Privately, administrators knew reconviction rates were a very imperfect measure, but they did not acknowledge that even if better data had been available, a fundamental uncertainty in rehabilitative penology would have remained: the meaning of the word ‘rehabilitation’ was never defined. As an objective it was much desired and much invoked, but there was no agreed meaning to the word, and if a goal is never properly identified, it becomes impossible to determine whether or not it has been met. Ultimately, rehabilitation is perhaps better understood as a powerful trope in prison reform discourse rather than as an effective purpose of imprisonment.

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<sup>94</sup> Norval Morris, ‘The Issues Raised’, in *The Conflict of Security and Rehabilitation*, p. 16.

<sup>95</sup> Morony, *The More Things Change*, p. 533. See also: Torsten Eriksson, *The Reformers: An Historical Survey of Pioneer Experiments in the Treatment of Criminals*, Elsevier, New York, 1976, pp. 248-49; Paton, *Diepkloof*, p. 104.

At this point it is useful to ask what other functions the mechanics of rehabilitation served at camp, because they were indeed integral parts of life there in a number of ways.

### *Limits of honour*

While the honour system sounded a fine thing in annual reports and newspaper articles, it is doubtful whether its workings ever came close to matching the rhetoric. Prisoners were human, and naturally tested the limits of their new-found freedom. Without constant supervision, and with the opportunity to hide objects in places that were never searched, inmates at camp could behave in ways that were difficult or impossible in closed prisons.

When out of sight of officers, inmates often roamed well beyond the limits of the prison reserve.<sup>96</sup> Prisoners from the Emu Plains Prison Farm were occasionally sighted across the river in Penrith, even drinking in the pubs.<sup>97</sup> At several camps, prisoners constructed rudimentary stills and made their own alcohol from farm supplies. In 1956, warder A. Collis, who had served at the Hayes Prison Farm since its inception in 1937, admitted that ‘from time to time empty liquor bottles have been found on the Gaol Farm property’.<sup>98</sup> Frederick ‘Chow’ Hayes claimed that he ran a profitable SP bookmaking business during his time at the Kirkconnell Afforestation Camp. ‘I had everything sewn up’, he said. ‘I was having a terrific time’. It was a simple matter for him to arrange meetings with punters: ‘You could walk out into the bush, because there were no iron bars, only forests’.<sup>99</sup> At the Mannus Afforestation Camp in the 1960s, Darcy Dugan was told about a car hidden in the forest, and encouraged to use it for night-time excursions, as long as he returned it before day-break. Most of the staff, he was told, were happy to turn a blind eye.<sup>100</sup>

The fact that staff *could* turn a blind eye was important. The camps offered an environment where minor misdemeanours did not have to be mechanically punished,

<sup>96</sup> File: 20/4, Gaols/Breaches of rules by gaol farm prisoners, 1945, AOT Attorney General’s Correspondence, 1937-71, AGD1/1/236; file of prisoner R. S., Gaols Department, Prisoners Individual Files, 1891-1960, AOT, G.D. 61/1/34 File: 811/239; ‘Prisoners on French Island’, *The Age*, 27 November 1936.

<sup>97</sup> ‘Prisoners in Pubs at Night’, *The Sun*, 21 April 1955; ‘Night Forays of “Escape Club” at Prison Farm’, *Truth*, 17 February 1952.

<sup>98</sup> File: 20/14, Gaols/Report on article in ‘Truth’ re alleged party at Hayes Gaol Farm, 1956, AOT, Attorney General’s Correspondence, 1937-71, AGD1/1/360; file of prisoner J. P. , Gaols Department, Prisoners Individual Files, 1891-1960, AOT, G.D. 61/1/57 File: 1067/22.

<sup>99</sup> Hickie, *Chow Hayes*, p. 308.

<sup>100</sup> Hay, *Catch Me If You Can*, pp. 253-54.

because they were not systematically detected.<sup>101</sup> In a conventional prison relatively inconsequential breaches of discipline, if detected, must generally be punished if order is not to be undermined. Arrangements at camp ensured that small—and sometimes not so small—breaches of the rules could go unnoticed and unpunished, without undermining the overall authority of the officers, as long as the incidents did not become public knowledge. As a result, discrete, but not particularly honourable acts were common at most camps.

In practice, the self-government schemes rarely if ever lived up to their names. Australian officials never countenanced the radical forms the system occasionally took overseas, where prisoners were given substantial control over prison discipline.<sup>102</sup> When such a scheme was suggested by NSW prison reformers in the early 1920s, CGP Urquhart dismissed it as irredeemably and ‘glibly’ naïve. He thought the scheme’s advocates had failed to realise that ‘inability to exercise self-control is mainly responsible for people being sent to gaol’. He predicted that such a system, if implemented, would inevitably degenerate into ‘mob-law’.<sup>103</sup>

The committees’ powers were severely limited, usually to the use of leisure time, such as what films were to be shown or which sport was to be played on the weekend, or to trivial matters, such as when the kitchen was to serve fish instead of meat. Only rarely did committee members have any authority over issues relating to labour, and never over issues of discipline or security. And on all matters, the final say belonged to staff. For some, the committees were not a means to practice the rudiments of citizenship, but simply new vehicles to pursue the politics of status and privilege common to all prisons. Rather than acting in the common good, the members of a number of committees used their positions to engineer the removal of particular prisoners from camp.<sup>104</sup> Most of the

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<sup>101</sup> See entry on 24 July 1965, Corriemungle Prison Camp Governor’s Diary, 1964-1967, PROV, VPRS 5356/P0/1.

<sup>102</sup> Osborne, *Society and Prisons*, pp. 158, 182-83, 214.

<sup>103</sup> *Report of the Comptroller-General of Prisons, New South Wales for the Year 1922*, Government Printer, Sydney, 1923, p. 3.

<sup>104</sup> Pardalup [sic] Prison Farm, Inmates’ ‘Fair Play’ Committee Reports, 1927-31, Chief Secretary’s Correspondence Files, SROWA WAS 675, Con 752, 1930/0519. For details about similar committees in Tasmania see ‘Prison Honour Farm. Hayes Experiment Proves of Real Value’, *The Mercury*, 9 November 1937, and also Documents re: locals’ fears about gaol farm, Gaols File (19/1937), AOT, Attorney General’s Correspondence, 1937-71 AGD1/145. For details of the scheme at the McLeod Settlement in Victoria see: ‘The Self-Government Scheme; report on two years’ progress in self-government at McLeod P. F., compiled by prisoners’ committee’, 1961, CVRC.

committees didn't last long, and were abandoned in the face of intractable disputes, cronyism or simple apathy.<sup>105</sup>

Whether or not a camp had a committee, the real inmate hierarchies were informal, and determined by the inmates themselves. These hierarchies could support or undermine order. In 1944, a senior Tasmanian official reported that, at the Hayes Prison Farm, 'as time goes on it is possible to trace the gradual building up of a tradition which governs the behaviour of the members of the colony'.<sup>106</sup> It was generally the older, long-sentenced inmates who occupied the upper echelons of these organic structures. Within a few weeks of arriving at the Kirkconnel Afforestation Camp, the infamous gunman Chow Hayes found himself 'virtually running' the place, or so he claimed.<sup>107</sup> Likewise, it did not take long for Darcy Dugan to 'cultivate a godfather role', after he was transferred to Mannus Prison Camp in 1964.<sup>108</sup>

The more astute officers recognised that the prisoners' own hierarchies were more meaningful than the somewhat contrived structures they tried to impose. After his retirement, the former NSW CGP John Morony remembered how, at camp, 'the prisoners developed their own community rules, which they enforced'. He recalled a particular incident at an unnamed prison camp when 'one dissident attracted a few malcontents, and the small group were surreptitiously destroying the morale'. The officers at camp were well aware of what was going on, but lacked 'hard evidence'. Morony was informed of the situation during a visit to the camp, and decided that it was a matter best dealt with by the prisoners themselves. He referred the matter to a prisoner with a 'long history of toughness', who said 'he would look after it. He did, the position improved quite dramatically, and I still do not know who was the instigator'.<sup>109</sup> Officials almost never publicly acknowledged that they used techniques like this. They preferred to say that camp inmates were free to 'very largely manage their community life'.<sup>110</sup>

Self-government schemes—whether organised around a formal inmate committee or an informal hierarchy—and the other features of the honour system looked good on paper,

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<sup>105</sup> Kevin J., 'Committee's Comment'; 'Committee Report', *Neptune News*, March 1965, p. 3, NLA.

<sup>106</sup> Proposal to confine the criminally insane at Hayes gaol farm, including a short history of Hayes gaol farm, 1942, n.p.

<sup>107</sup> Hickie, *Chow Hayes*, p. 308.

<sup>108</sup> Hay, *Catch Me If You Can*, p. 251.

<sup>109</sup> Morony, *The More Things Change*, p. 507.

<sup>110</sup> 'Penal Establishments, Gaols, and Reformatory Prisons; Report and Statistical Tables for the year 1933', p. 1119.

and ignited deep enthusiasms in a few prisoners, but it is difficult to believe that they did much to re-make prisoners into good citizens. Nevertheless, these freedoms and latitudes did a great deal to reduce the friction of life in prison.<sup>111</sup>

#### *Sport in the life of the camp*

Inside the camps, sport galvanised prisoners, and it was one of the very few parts of the prison experience that inmates got genuinely excited about. After conversation and smoking, sport was perhaps the most popular pastime at the camps. And indeed, sport was not just something to do, but something to talk about as well. According to one inmate at the McLeod Settlement, the men there ‘although remotely placed from the body of the community, are not so far removed in relation to their sporting outlook. It is logical to assume that football will dominate their conversation too’.<sup>112</sup> From the early 1920s, they decorated their quarters with posters of boxers and race horses.<sup>113</sup> In the 1930s and 1940s the inmates at a number of camps pooled their meagre earnings from their prison labour to purchase wireless radio sets for their camps on which to listen to the test cricket.<sup>114</sup>

Matches against visiting teams were some of the most important events in the camps’ calendars. Prisoners trained for weeks in advance, and wrote excitedly about upcoming games in internal newsletters and magazines. When, in October 1931, the Pardelup Prison Farm Australian Rules football team won its first match against a visiting side, the reaction was intense. D. R. Jones, the camp’s OIC, told his superiors in Fremantle that ‘the visitors were outclassed’. After the final whistle blew ‘enthusiasm knew no bounds amongst the inmates’. In an era of paper rationing in the public service, when Jones’ monthly report was usually a single handwritten page, he devoted four typed pages to describing the game, play-by-play, and effect of the win. ‘In no department of the game were they beaten’, he crowed, adding: ‘It is with gratification I have to report this, the

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<sup>111</sup> Probation and parole are, in a sense, much more effective ‘honour’ systems, because the challenges and temptations are real.

<sup>112</sup> ‘Editorial’, *Neptune News*, March 1965, p. 2, NLA.

<sup>113</sup> ‘Making Men. State Prison Farm’.

<sup>114</sup> Precedent Book, 1931-34, p. 69, SRNSW 5/1099, p. 147; Jack A. Hetherington, ‘A Prison without a Wall’, *The Herald*, 21 May 1938.

farm's maiden success'. It was, he concluded, 'a very pleasant, enjoyable and memorable day'.<sup>115</sup>

Prisoners' reactions when they were denied sporting opportunities were also revealing. They were despondent when outside teams cancelled their visits. 'The air of expectancy which surrounds an impending visit must be experienced to be realised, as too the disappointment when a visit is cancelled, especially at the last moment', one of McLeod's inmates wrote in 1965.<sup>116</sup>

Despite the enthusiasms of staff and prisoners it is remarkable how little evidence they had, or sought about the penological effects of sport. It was simply taken for granted, largely on the basis of anecdote, that participation in sporting activities made prisoners into better people, and less likely to re-offend after they got out of prison.

Whether or not it had any genuine rehabilitative effect, sport was central to the life of the camps in several ways and served a number of purposes. It was a very effective tool for maintaining internal order and discipline. It created identities and competitive allegiances within the institution, and dissipated prisoners' energies. Senior administrators described sport as an 'amenity' or as a reward for 'a proper observance of discipline and a hard day's work', or as a way to 'foster the competitive spirit'.<sup>117</sup> But its value ran deeper, as officers at camp well understood. Warder E. Fletcher was OIC at Emu Plains in the mid-1920s, and, he candidly admitted that cricket and football were excellent ways to 'keep them out of mischief'.<sup>118</sup> Fundamentally, sport was a way of maintaining good order, not a reward to prisoners for doing so.

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<sup>115</sup> Jones, 'Report on Football Match', 7 October 1931, Pardalup [sic] Penal Outstation, Games and Recreation for Prisoners & Inmates, 1927-60, Chief Secretary's Correspondence Files, SROWA, WAS 675, Con 752 Item: 1927/1098.

<sup>116</sup> 'Editorial', *Neptune News*, July 1965, p. 3, NLA. In the early 1950s, there was still no provision for organised sport in most closed prisons, and prisoners yearned for some sort of game to distract their minds and exercise their bodies. John Carslake was a prisoner at Parramatta Prison during this time, and one day a group of children playing outside the wall accidentally sent their tennis ball sailing into one of the yards. Carslake watched on 'enviously' as the two inmates who picked it up 'tried to have a game with the ball, throwing it surreptitiously to one another', before it was confiscated by the patrolling warder. 'Two Years in Jail: John Carslake, an Unlucky Gambler Tells of His Experiences in Australian Prisons', *People*, 3 December 1952, pp. 10.

<sup>117</sup> 'Youthful Prisoners. Farm Colony Suggested'.

<sup>118</sup> *Report of the Comptroller-General of Prisons, New South Wales for the Year 1925-26*, pp. 6, 24. Sport was also used in this way at state homes for Aboriginal children; see Ramsland, 'The Aboriginal Boys' Training Home, Kinchela', p. 243.

Sport could be used to pit prisoners against each other, both as individuals, and as groups. The OIC at Emu Plains believed in the ‘value of the noble art’ of boxing in ‘teaching the unruly self-restraint and in inculcating manliness in those that practice it’.<sup>119</sup> He handled disputes between prisoners by giving the antagonists boxing gloves and instructing them to settle their differences in the ring.<sup>120</sup> Sport was one of the few areas of prison life in which inmates could establish, maintain and contest hierarchies amongst themselves in ways acceptable to the authorities, with those who excelled at sport often held in high regard by their fellow prisoners.

Many of the camps, particularly those for younger offenders, were, like boarding schools, divided into ‘houses’, which competed against each other in sporting contests. In the 1920s and 1930s, the two wings of huts at Emu Plains were unofficially named ‘Potts Point’ and ‘Woolloomooloo’, after the inner-city Sydney suburbs.<sup>121</sup> The two were regularly pitted against each other on the sporting field, and from 1935, the ‘farm shield’ was awarded to the wing that performed best across the course of a season.<sup>122</sup>

Most inmates at the camps were dissatisfied young men with limited ways to expend their energies. Sport was one of few outlets, and they played hard. In 1957, an inmate at the McLeod Prison Farm wrote a poem about the intensity of the football field:

At French Island they breed ‘em tough,  
And the football they play so rough  
When on the ground it’s no use mopein’  
This is frustrated humanity, with the safety valves open!<sup>123</sup>

Another prisoner at French Island similarly attested to the ferocity of the games, telling how the casualties were removed from the field in the ‘French Island Ambulance’ (a

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<sup>119</sup> ‘Crime, Boxing, Etc!’, *The Arrow*, 20 December 1918.

<sup>120</sup> ‘Trust Is the Warden at Emu Plains Prison Farm’.

<sup>121</sup> *Report of the Comptroller-General of Prisons, New South Wales for the Year 1926-27*, Government Printer, Sydney, 1927, p. 24.

<sup>122</sup> *Report of the Comptroller-General of Prisons, New South Wales for the Period 1st July, 1935, to 30th June, 1936*, p. 7. At the Langi Kal Kal Training Centre, group identities were created around the two accommodation wings, ‘The Pioneers’ and ‘The Mod Cons’; see ‘Notes from Langi Kal Kal’, *Penal Officers’ Journal*, July 1961. In the 1960s, the inmates were similarly divided between ‘Toorak’ and ‘Fitzroy’; see ‘Brief History of McLeod’, *Neptune News*, August 1965, pp. 12-13 NLA. At the Aboriginal Boys’ Training Home at Kinchela, sport helped to create, according to John Ramsland, ‘a flourishing and engrossing sub-culture’. ‘The Aboriginal Boys’ Training Home, Kinchela’, p. 239.

<sup>123</sup> ‘Island Capers’, *Neptune News*, vol. 3, no. 8, 1957, SLV MSS 10663 Box 78.

wheelbarrow) with not a few needing to be transported to the mainland to be hospitalised.<sup>124</sup> One of the guards at McLeod who took to the field in 1961 later wrote to his superiors in Melbourne: ‘I am pleased to report that your scribe has since regained the use of both hands. Sport naturally brings out the competitive spirit’.<sup>125</sup> Sport perhaps also made it easier for prisoners to deal with their thwarted sex drives. One of McLeod’s inmates thought the best way to deal with ‘the homosexual’ was not to ‘moralise with him’, but ‘to see that his energies are channelled into other fields. A full sporting programme goes a long way in taking a prisoner’s mind off matters sexual’.<sup>126</sup>

Sport was also related to labour. The capacity of many camps increased in the 1940s and 1950s, and from this time many of the camps—particularly the prison farms and camps for young offenders—carried more manpower than they could use for purely agricultural purposes. Skilled labourers were still fast-tracked to the camps, but the camps were required to carry many other, less productive prisoners too. Up to eighty inmates were held at farms that could have been worked comfortably by a large family. Time spent on the sporting field was time in which farm tasks did not have to be found to occupy the over-inflated workforce. The connection between sport and prison labour has been noted in relation to American prisons by Blake McKelvey. There, sport was certainly seen as an agent of rehabilitation, but ‘its welcome was doubly enthusiastic because the lax industrial activity was failing to occupy the full time and energy of the prisoners’. Sport was, in other words, an extremely useful way ‘to control men in masses’ in prison.<sup>127</sup> When CGP Leslie Nott expanded the sporting program in the NSW prison camps in the 1940s, it was done quite consciously with an eye towards filling the hours of the day not spent working.<sup>128</sup>

As well as helping maintain order within the camps, sport, like the honour system, helped officials project positive images of the prison camp system outwards, to the media, local residents, politicians and the public. In 1927, a journalist visited Emu Plains and saw ‘thirty vigorous healthy, young men lined up in the morning sunshine … Muscles rippling on limbs left free by gymnasium singlets’.<sup>129</sup> In 1935, another journalist

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<sup>124</sup> Quoted in Ruth Gooch, *Frontier French Island*, Prahan Mechanics Institute Press, Melbourne, 2006, p. 200.

<sup>125</sup> ‘Topical Taps’, *Penal Officers’ Journal*, July 1961, pp. 13-14.

<sup>126</sup> ‘The Self-Government Scheme; report on two years’ progress in self-government at McLeod P. F.’.

<sup>127</sup> Blake McKelvey, *American Prisons: A History of Good Intentions*, Patterson Smith, Montclair, 1977, pp. 261, 293.

<sup>128</sup> Morony, *The More Things Change*, p. 531.

<sup>129</sup> ‘Making Men of Prisoners. The Emu Plains Farm’.

described the farm's inmates 'bronzed and very fit, as one can judge from the fact that they have beaten every football team within miles'.<sup>130</sup> Whether or not sport made for rehabilitated criminals, it certainly made for good public relations.

Similarly, the visits by outside teams were important in humanising prison camps and their inmates in the eyes of local residents, and in smoothing interactions between the camps and their neighbours. Many of the residents in the districts surrounding the camps were hostile to the camps when they were first established, and officers-in-charge reported the positive effects that these fixtures had on local relations.<sup>131</sup> The sociologist Erving Goffman, perceptively described the ceremonial importance of intermural sports in 'total institutions' such as asylums and prisons. By competing against the visitors, inmates take

roles that palpably fall outside the stereotype of what an inmate is—since team sport requires such qualities as intelligence, skill, perseverance, cooperativeness, and even honour—and these roles are taken right in the teeth of outsiders and staff observers. In addition, the outsider team, and any supporters it manages to bring into the grounds, are forced to see that there are natural places on the inside where natural things go on. In exchange for being allowed to demonstrate these things about themselves, inmates through their intermural team convey some things about the institutions ... that the staff, in this setting at least, are not tyrannical, and that a team of inmates is ready to take on the role of representing the whole institution and allowed to do so. By vocal support of the home team, both staff and inmates show a mutual and similar involvement in the institutional entity.<sup>132</sup>

At the Tuncurry camp, the nearby surf-beach permitted the communication to outsiders of one of a most compelling image of 'rehabilitation' at work. It was established at a time when the image of the bushman, the pre-eminent male Australian archetype, was being supplemented by other roles. The bushman was still a potent cultural figure—and many

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<sup>130</sup> 'Braemar', 'Prison Walls and Prisons without Walls', *The Sydney Mail*, 31 July 1935.

<sup>131</sup> Under-Secretary for Justice to Minister for Justice, 1 September 1960, in: Prison Department, Prison camp officers conferences, minutes, 1961-65.

<sup>132</sup> Erving Goffman, *Asylums: Essays on the Social Situation of Mental Patients and Other Inmates*, Penguin, London, 1961, p. 100.

of the images of the camps tapped this nerve—but in the inter-war years there was no more powerful image of acceptable masculinity than the lifesaver.<sup>133</sup>

From 1924, the Tuncurry camp was a surf-lifesaving training centre. Regular drills were held in the summer months, and on at least one occasion, prisoners were called on to assist in rescues of shipwrecked sailors.<sup>134</sup> J. F. Whitney, the OIC at Tuncurry, reported that ‘the prisoners much appreciate being permitted … to have an hour in the surf’ and that ‘a life-saving team has now been chosen … the line taken out, and the drill performed in a proper manner once a week’.<sup>135</sup> (See Figure 41). The camp thus associated prisoners with one of the consummate forms of Australian masculinity, a form in which disciplined men developed physical prowess and performed selfless civic labour.



FIGURE 41. Prisoners performing surf-lifesaving drill at Tuncurry beach, c.1929<sup>136</sup>

<sup>133</sup> Caroline Ford, ‘Lifesaver’, in Melissa Harper and Richard White (eds.), *Symbols of Australia: Uncovering the stories behind the myths*, UNSW Press, Sydney, 2009, pp. 153-57; Saunders, Kay, ‘“Specimens of Superb Manhood”: the Lifesaver as National Icon’, *Journal of Australian Studies*, vol. 56, 1998, pp. 96-105; Nancy Cushing and Leone Hunstman, ‘Surf lifesaving and Australian culture and society’ in Ed Jaggard (ed.), *Between the Flags: One Hundred Years of Australian Surf Lifesaving*, UNSW Press, Sydney, pp. 1-21.

<sup>134</sup> ‘Gales on NSW Coast’, *Northern Territory Times and Gazette*, 28 June 1921; James M. Pringle, ‘Planting Pines by Prison Labour at Tuncurry, NSW’, *Australian Forestry Journal*, vol. 7, no. 7, 1924, p. 183.

<sup>135</sup> *Report of the Comptroller-General of Prisons, New South Wales for the Year 1924*, Government Printer, Sydney, 1925, pp. 17-18.

<sup>136</sup> Anon., ‘The Prison Camps of New South Wales’, c.1929, ML365.3/1A1.

Surf lifesaving training had no proven effect on recidivism rates, but it provided a very useful emblem for administrators. The drill camouflaged the fundamental uncertainty about the meaning of rehabilitation, giving the word some content, if not a definition. In the end however, it probably did much more to mend the image of the prison than it did to rehabilitate prisoners.

## A HOME IN PRISON

Even if the practice of rehabilitation appears on closer scrutiny to have had demonstrable effects only on public relations and internal camp management, implicit in the concept of ‘rehabilitation’ was the idea that prisoners were to be prepared for the world outside prison. However, a small but significant number of prisoners found a much more meaningful and productive life at the camps than they could ever reasonably expect to find on the outside, and their experience casts an interesting light on the question of rehabilitation.

Prison authorities actively encouraged inmates to regard the camps as their homes, and treat them with the same respect.<sup>137</sup> As we have seen, some inmates took the invitation more literally than it was intended, and deliberately re-offended after their release in the hope that they would be returned to a camp. Queensland prisoner E. S. was one of these ‘repeaters’. Unofficially the prison carpenter, he ‘was never on the pay-roll’. He had been in prison twenty times in the course of fifteen years, and since the mid-1930s had spent the great bulk of his time at Palen Creek. Within a week of being discharged, he would pass a bad cheque, and wait for the police to catch up with him. It was ‘his little lark ... He loved the place. It was his home. His hut was painted inside and out and no one occupied that hut even during his absence’.<sup>138</sup>

Phil Hancox was a conscientious objector imprisoned at Palen Creek State Farm in 1942, where he met E. S. and took an interest in him. Hancox himself thought that ‘life was quite pleasant on the farm’. He only served a short sentence but if he had not had family

<sup>137</sup> *Report of the Comptroller-General of Prisons, New South Wales for the Year 1917*, Government Printer, Sydney, 1918, p. 9; E. G. Ogilvie, ‘Kilderry Farm Gaol’, Documents re locals’ fears about gaol farm, Gaols File (19/1937), 1937, AOT, Attorney General’s Department, General Correspondence, 1937-71, AGD1/145.

<sup>138</sup> Phil Hancox, ‘Cavalry or Calvary’, in Peter Brock (ed.), *‘These Strange Criminals’: An Anthology of Prison Memoirs by Conscientious Objectors from the Great War to the Cold War*, University of Toronto Press, Toronto, 2004, p. 306.

to return to, he felt he could have quite happily spent a year or two on the farm. And, though his time was short, there was still ‘a ring of sadness when saying “farewell” to the fellows’ he had come to know.<sup>139</sup>

One group of prisoners did not have to re-offend to extend their stays at camp. The camps were, according to a lifer at Emu Plains, ‘the goal towards which all the “old hands” strove’.<sup>140</sup> Lifers and long sentenced prisoners often became deeply attached to their camps. For example, in 1962, inmate W. N. became unwell. A murderer serving a life sentence at the Glen Innes Afforestation Camp in NSW, he had been in imprisoned since 1925, had lived at the camp since 1947, and had ‘never shown the slightest wish to leave it’. He had no known relatives, and before his arrest had lived a solitary life roaming the west of the state. His ‘memories of freedom are centred on an Australia that has vanished, and to go back to those days … is to go back to a dead world’. When he was transferred to hospital, he repeatedly asked the medical staff: ‘When will they be taking me home?’<sup>141</sup>

The following year, a Tasmanian probation officer considered the case of I. N., a refugee from Europe, and an inmate serving a long sentence at the Hayes Prison Farm. ‘His health is not good’ the officer noted,

and he speaks very little English. He has no friends to turn to and is afraid to leave the Institution. This is a most pathetic case of an inadequate personality and I feel that to turn him out from the security which he has found in the Institution would be disastrous.<sup>142</sup>

Another prisoner, who was serving a long sentence at Palen Creek for attempted murder in the mid-1960s, told his keepers:

I would like to remain here if possible. Prison life suits me in many respects as the work is comparatively light, the hours short and plenty of leisure and rest and

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<sup>139</sup> Hancox, ‘Cavalry or Calvary’, pp. 309-11. See also: Wanted to Return to Prison’, *The Canberra Times*, 1 April 1954.

<sup>140</sup> ‘Trust is the Warder at Emu Plains’.

<sup>141</sup> ‘37 Years in Gaol. Bush Killer. Critically Ill’, *The Sun*, 4 December 1962.

<sup>142</sup> Report by Probation Officer D. M., 25 September 1963, File: 20/25, Prisons/Visits to persons committed to Hayes Gaol Farm, AOT, Attorney General’s Correspondence, 1937-71, AGD1/1/452.

no fear of losing a job because of ill health, so I doubt very much if I will bother applying for parole but serve out my full term.<sup>143</sup>

In conventional penological discourse, prisoners who made or sought a home in the prison camps would be regarded as ‘prisonised’. From the 1940s, researchers became interested in the psychological consequences of long confinement. The deleterious effects of long-term incarceration had long been recognised by prisoners and guards, but it was not until the American sociologist Donald Clemmer coined the term that the phenomenon became the focus of sustained research.<sup>144</sup> According to Clemmer, prisonisation—sometimes referred to more generally as ‘institutionalisation’—occurred when the prisoner took on ‘in greater or lesser degree the folkways, mores, customs and general culture of the penitentiary’.<sup>145</sup> This was often a debilitating experience. The symptoms of prisoners who experienced it included: forgetfulness, agitation, disrupted sleep patterns, ‘the clouding of the consciousness’ and a persistent tendency to speak in general terms in situations where specific responses were called for. One criminologist described a variation of the condition as ‘a peculiar hysterical twilight state’.<sup>146</sup>

In 1957, a prisoner at the McLeod Prison Farm, called for his fellow inmates to ‘think of the long-timers’ in the closed prisons:

Their existence passes without events or emotion, almost without hopes, without the memories which other men create over the years. Their life is a monotonous pattern of same-ness, meal-times, lock-up, muster times; nothing interrupts the monotony of the same deeds, or the same thoughts. Perhaps they have served

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<sup>143</sup> Prisoner A. E. to Deputy Commissioner, Repatriation Department, 26 May 1967, Prisons Department, Ex-Prisoners Files, Box 11, QSA, Series 17926, Item 151162.

<sup>144</sup> Others had recognised the phenomenon before Clemmer gave it a name. Charles Dickens described something like it, a century before. Dickens, *American Notes and Pictures from Italy*, Oxford University Press, London, 1957 (orig. publ. 1842), p. 104. In 1916, after experiencing a week in prison as prisoner, Thomas Mott Osborne described it thus: ‘I had come to have a curious feeling, like that which pervades the end of a sea voyage. Your world has become so circumscribed that you almost forget that your voyage ever had a beginning or that you ever expected it to end. In the same way even my gray prison suit had come to seem so natural that I almost felt as if any other clothes would be strange. This may sound exaggerated; but it really only serves to show how soon one can become used to the most unnatural sort of life. A man can get so accustomed to a ball and chain that he is unable to walk comfortably without one’. Osborne, *Society and Prisons: Some Suggestions for a New Penology*, Patterson Smith, Montclair, New Jersey, 1975 (orig. publ. 1916), pp. 133-34.

<sup>145</sup> Donald Clemmer, *The Prison Community*, Christopher Publishing House, Boston, 1940, p. 299.

<sup>146</sup> Quoted in H. Bryan McKay, C. H. S. Jayewardene and Penny B. Reedie, *The Effects of Long-Term Incarceration: and a proposed strategy for future research*, Solicitor General of Canada, Ottawa, 1979, p. 19.

long years; of which nothing remains. Not a memory. Not a misfortune. The last days like the first. Nothing.<sup>147</sup>

Prisons departments and parole boards recognised the conflict between prisonisation and rehabilitation, and their duty to release prisoners before the effects of prisonisation set in for good, if possible. The Queensland Parole Board, for instance, noted in 1961:

If a prisoner is ever to be rehabilitated, it is essential that he be released before he becomes too ‘institutionalised’. Otherwise the difficulties of readjustment to the outside world after a long period of incarceration, are likely to be too formidable to be overcome.<sup>148</sup>

The perils of prisonisation were (and are) real, but it is a cold word, with pathological implications. As a concept, it makes it hard to see that, for some prisoners, rehabilitation was a nonsense. These prisoners were hopelessly ill-suited to life in the free community, but still yearned for some sort of purposeful existence. A few of these prisoners found such a life in the camps. Some were happier there than they were at any other point in their lives. These were people who had lived in poverty, been abused, suffered mental illness and lived without the support of friends or family. Sadly, these prisons became the only havens they had ever known. They cared little about rehabilitation, they were simply looking for a refuge. ‘Desire is the foundation of the rehabilitated man and without it rehabilitation is just another penal cliché’, wrote an inmate at the McLeod Settlement in 1965.<sup>149</sup>

When one realistically considers the alternatives open to these men, the proposition that prison could be a real home is perhaps not as perverse as it seems. In a 1958 issue of their

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<sup>147</sup> Ernest, ‘The “Inside” Story or the Importance of Being Ernest’, *Neptune News*, vol. 3, no. 10, 1957, SLV MSS 10663 Box 78. In Britain, prisoners often spoke of the need to ‘do your time and not let your time do you’. Stanley Cohen and Laurie Taylor, *Psychological Survival: The Experience of Long-Term Imprisonment*, Penguin, Harmondsworth, 1972, p. 90.

<sup>148</sup> Quoted in Arie Frieberg and David Biles, *The Meaning of ‘Life’: A Study of Life Sentences in Australia*, Australian Institute of Criminology, Canberra, 1975, p. 46. See also: Council for Civil Liberties and the Penal Reform Council, final Submission to *Royal Commission into New South Wales Prisons*, vol. 8, Government Printer, Sydney, 1978, p. 402; John O. Ansell, ‘hey! what am I doing here?’, *InPrint* February 1978, ML MDQ 365.991/1. John Anderson, ‘From Marble to Mud: The Punishment of Life Imprisonment’, Paper presented at the ‘History of Crime, Policing and Punishment’ Conference convened by the Australian Institute of Criminology in conjunction with Charles Sturt University and held in Canberra, 9-10 December 1999 p. 10; available online at [www.aic.gov.au/events/aic%20upcoming%20events/1999%20media/conferences/hcpp/anderson.aspx](http://www.aic.gov.au/events/aic%20upcoming%20events/1999%20media/conferences/hcpp/anderson.aspx) accessed 1 February 2010.

<sup>149</sup> ‘Editorial’, *Neptune News*, August 1965, p. 2, NLA.

magazine, the inmate-editors at the McLeod Prison Farm on French Island, reprinted a poem written by author and broadcaster John Thompson, and titled ‘Westernport’, after the bay in which the island lies:

Here is my true place,  
My watercoloured country cold and pale,  
My wide transparencies of browns and greys,  
Brushed by rainshowers bending with the gale.

Sway of an austere sea  
Surrounds my cloudy melancholy isles.  
Southerly skies and tides on them and men  
Press the loneliness of their thousands of miles.

The plover’s anxious cry  
Wheels with the winds and always drifts away;  
Rabbits are fugitive, black swans are shy;  
People withhold the words they wish to say.

So strenuous a scene,  
Ground of myself, my ego in a glass,  
Is my heart’s home—a region hard and lean,  
Walls of bleak water, hills of bending grass.<sup>150</sup>

## CONCLUSION

The word ‘rehabilitation’ has been used a great deal and very often in relation to the prison camps. Beneath the high-minded statements however, lay a practice that was pragmatic, inconsistent and unsupported by research. The camps were undoubtedly a successful exercise in the reform of the prison itself. They ran smoothly, were appreciated by prisoners, and looked good to outsiders. Few areas of prison management have ever commanded such a consensus, and it was in no one’s interests to contest officials’ claims about the rehabilitative capacity of the camps. Nevertheless, any special potency they had

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<sup>150</sup> *Neptune News*, vol. 4, no. 1, 1958, SLV MSS 10663 Box 78. Originally published in Hal Porter (ed.), *Australian Poetry 1957*, Angus and Robertson, Sydney, 1957. See also Figure 42. Other responses by prisoners to the landscapes surrounding the camps are discussed in the next chapter.

as reformatory places remains unproven. For the prisoner from Queensland who asked ‘just what in the world’ rehabilitation meant, there was no simple answer. Moreover, many of the most important elements that determined the direction of an ex-prisoner’s future were entirely out of the hands of prison officials, and it is this issue that we turn to next.



FIGURE 42. View toward Corinella from the former McLeod Settlement, French Island<sup>151</sup>

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<sup>151</sup> Photograph taken by the author, October 2006.

## CHAPTER SEVEN

### 'An Ex-Convict Has a Piece to Speak': Recidivism, Prison Reform and the Life of Grant Hervey

On Tuesday, 30 April 1918, William Holman, the Premier of New South Wales, visited the prison forestry camp at Tuncurry he had established nearly five years before.<sup>1</sup> The men were paraded before the Premier, whereupon the Comptroller-General, Samuel McCauley, asked them if they had anything they wished to say to their guest. Holman and the other official visitors were surprised when one of the prisoners stepped forward, and 'in perfect English and beautifully balanced sentences' thanked the 'author of the scheme' on behalf of the inmates. McCauley assured the assembled inmates that they were not 'confirmed criminals' but rather 'fellows who had made a mistake', who would not, he was sure, return to gaol. The prisoners' spokesman then expressed the men's 'deep obligation' to Holman for 'this practical experiment of social reconstruction'. Holman replied that the prisoners were simply 'men who had been caught in the meshes of the criminal law', adding that in McCauley and himself 'they had not enemies, but friends'.<sup>2</sup> At the conclusion of this speech the Premier was treated to three cheers by the assembled prisoners.

This episode, typical of the positive reports during the early years of the camp system, offers insights into both the lives of the varied characters who found their way into the camps, and into the practice of using recidivism rates to evaluate penal reform.

Despite Holman and McCauley's assurances, some of Tuncurry's prisoners did find their way back to gaol again. Shortly after Holman's visit, Tuncurry's recidivism rate was

<sup>1</sup> *Report of the Comptroller-General of Prisons, New South Wales for the year 1918*, Government Printer, Sydney, 1919, p. 8; Tuncurry Afforestation Camp, Visitors Book, 1913-38, SRNSW 5/1620.

<sup>2</sup> 'Prison Work. Afforestation Scheme', *Daily Telegraph*, 1 May 1918. Holman himself was quite familiar with the meshes of the criminal justice system; in 1896, he served two months of a two year sentence for conspiracy to defraud a creditor, after the disastrous collapse of a daily socialist newspaper he helped establish. Bede Nairn, 'Holman, William Arthur (1871-1934)', *Australian Dictionary of Biography*, vol. 9, Melbourne University Press, Melbourne, 1983, p. 341. Tuncurry was not the only prison camp founded by an ex-prisoner: in the 1890s, John Drew worked as a journalist, and had once spent two weeks in prison for refusing to name a source. In 1927, as Chief Secretary, he established the Pardelup Prison Farm. Mary Albertus Bain, 'Drew, John Michael (1865-1947)', *Australian Dictionary of Biography*, Vol. 8, Melbourne University Press, Melbourne, 1981. pp. 343-44.

reported to be slightly more than eight per cent.<sup>3</sup> In 1938, just before the camp closed, 136, or just under twelve per cent, of the 1152 prisoners who had passed through the camp, had since returned to prison in NSW.<sup>4</sup> By any standards, these were impressive numbers. Tuncurry had the lowest rate of recidivism of any of the NSW camps; by 1938 the average rate for NSW's five afforestation camps was just under thirty-three per cent—approximately the overall male recidivism rate for Australian prisons in the twentieth century.<sup>5</sup> On this measure, Tuncurry was probably the most successful camp in Australia. Indeed it is quite possible that no Australian penal institution has ever recorded a lower rate of recidivism over such a sustained period, although it must be kept in mind that Tuncurry's inmates were some of the most carefully selected in the country. Nevertheless, while those who returned to prison after a period at Tuncurry were few, their experiences remain illuminating.

Tuncurry's ex-inmates experienced a weight of expectation not felt by other prisoners. The camp's reputation and statistics made those who committed further crimes after serving time there seem particularly incorrigible. 'The man who becomes a criminal after leaving there', wrote a former inmate of the camp in 1916, 'is, in my opinion, a bad man indeed'.<sup>6</sup> According to a journalist who visited the camp in 1922, 'for the man who fails after treatment at the camp, there can be no hope'.<sup>7</sup>

One of Tuncurry's inveterates was the eloquent spokesman who thanked Holman in April 1918. His name was not divulged in the press coverage of the Premier's visit, but the *Daily Telegraph* could not resist dropping a rather large hint when it described 'a well-known literary man, who was the central figure in a big criminal case in Sydney some

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<sup>3</sup> *Report of the Comptroller-General of Prisons, New South Wales for the year 1917*, Government Printer, Sydney, 1918, p. 10.

<sup>4</sup> *Report of the Comptroller-General of Prisons, NSW for the year ended 30th June, 1938*, Government Printer, Sydney, 1938, pp. 6-7. The rate at Emu Plains was reported to be a similar figure in the 1930s; see 'Prison Farm. Minister's Visit. Honour System. Experiment Successful', *SMH*, 4 March 1930, and 'Braemar', 'Prison Walls and Prisons Without Walls', *The Sydney Mail*, 31 July 1935.

<sup>5</sup> Morony p. 533; Barbara Thompson, 'Recidivism in NSW: General Study', *Research Publication*, NSW Department of Corrective Services, Sydney, 1995, p. 3; [SPOT WELD] recidivism reports; rates in United States much higher; camp rate included the camp near Bombala, which was for confirmed recidivists.

<sup>6</sup> *Report of the Comptroller-General of Prisons, New South Wales, for the year 1916*, Government Printer, Sydney, 1917, p. 9.

<sup>7</sup> 'Gaol Treatment. Humane Modern Methods', *Newcastle Herald*, 18 October 1922; Tuncurry Afforestation Camp, Visitors Book, 1913-38, SRNSW 5/1620, 14 October 1922.

time ago'.<sup>8</sup> The man in question was George Cochrane, better known as Grant Madison Hervey, a poet, gifted liar, and regular contributor to *The Bulletin*.<sup>9</sup>

In 1918, Hervey was serving four and a half years for false pretences and for forging and uttering.<sup>10</sup> He was released from Tuncurry a few months after Holman's visit, but in the years that followed he found himself in the 'meshes of the criminal law' many more times. Indeed, he even found himself back at Tuncurry following another conviction for forging and uttering.<sup>11</sup> Although charges were never laid, he was almost certainly a bigamist as well.<sup>12</sup> Sometimes, even when he avoided the law's censure, he was subjected to vigilante justice. He was tarred and feathered on at least one occasion, and run out of a number of towns.<sup>13</sup>

For all his problems with the law, Hervey's story highlights the fact that, for many prisoners, a successful rehabilitation depended on what happened after a prisoner was released from prison more than it did on with how they were treated in prison. Free citizens were not concerned with which prison the ex-inmate had been held, or whether his or her keepers were abreast of the latest thought in modern penology. For most of the people the ex-prisoner encountered, the stigma of any kind of imprisonment was enough to cause deep mistrust.

The suspicious world created a dilemma for the ex-prisoner—whether to embrace the past and risk being ostracised, or to lie and risk being caught in the deceit. Grant Hervey felt the disgrace of imprisonment acutely, and grappled unhappily with this dilemma.

<sup>8</sup> 'Healthy Prison Life', *Daily Telegraph*, 4 May 1918. See also 'Tuncurry Afforestation Camp Entrance and Description Books', (1913-37), SRNSW 5/1092, p. 27.

<sup>9</sup> Geoffrey Serle, 'Hervey, Grant (Maddison) (1880-1933)', *Australian Dictionary of Biography*, vol. 9, Melbourne University Press, Melbourne, 1983, p. 275. See also the documents collated in Les Milborn, 'George Henry Cochrane @ G. Madison Harvey @ Grant Hervey [sic]', *Mildura Police Station—The First 100 Years, Addendum and Corrigendum*, Les Milborn, Red Cliffs, 1996, pp. 58-160.

<sup>10</sup> Under the NSW *Crimes Act 1900*, false pretences was defined as fraudulently obtaining property by means of knowingly untrue promises or representations. Forging and uttering was the twin act of counterfeiting a document and fraudulently presenting it.

<sup>11</sup> 'Tuncurry Afforestation Camp Entrance and Description Books', p. 65; 'Forging and Uttering', *SMH*, 14 December 1923.

<sup>12</sup> See transcript of Hervey's partial disclosure in the Mildura courthouse in November 1921, in 'The Tarring and Feathering Cases', *Sunraysia Daily*, 23 November 1921.

<sup>13</sup> 'Grant Hervey. Tarred and Feathered in Mildura Yesterday', *Sunraysia Daily*, 26 October 1921; 'Mildura Sensation. Grant Hervey Tarred and Feathered', *Truth* (Melbourne), 29 October 1921; Peter Hay, 'Grant Hervey (George Cochrane, 1880-1933)', in Peter Hay (ed), *The Meeting of the Sighs: the folk poetry of Victoria's Western Desert*, Warrnambool Institute Press, Warrnambool, 1981, p. 110; Adam Francis, 'Tar and Feathers for a Con Man', *Cavalcade*, January 1947, pp. 24-26; 'C. J. De Garis', *People*, 9 May 1951, pp. 39-40; Ernestine Hill, *Water Into Gold*, Robertson & Mullens, Melbourne, 1937, p. 211.

Initially, he set his sights on a truly grand rehabilitation, not only for himself, but for the post-war Australian Federation itself. Thwarted in this scheme, he later embraced his tainted past, and brandished his prison experience as his credentials to campaign for improved prison conditions. Subsequent prison sentences extinguished his career as a reformer, but his continued struggle with the stigma of imprisonment, and his past, can be clearly seen in his later life and writing.

There are obvious risks of relying too heavily on a single case history. But there are risks too in not facing the individual prisoner, in treating the prison population as a faceless bloc. Hervey was a strange and deeply troubled man, but his story casts an unexpected light on the lives of the people most directly affected by prison reform, and upon the limits of such reform. Perhaps he was, as he himself once said, ‘a good representative of the average man in gaol’.

#### ‘WHO IS THIS CHAP, GRANT HERVEY?’<sup>14</sup>

Hervey was born George Henry Cochrane, on 31 October 1880 at Casterton, Victoria, to Scotch-Irish parents, Robert and Alice Cochrane.<sup>15</sup> As a youth, he worked as a wheelwright and blacksmith. In the late 1890s he began to write. He submitted a few pieces to *The Bulletin*, and came under the notice and favour of the editors and journalists Jules Archibald and Alfred Stephens. A move to Sydney followed, and he became a regular contributor to the magazine, ‘in thunderbolt prose and hammering stanzas’.<sup>16</sup> Several other writers and bohemians, including E. J. Brady, James Edmond and Joseph

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<sup>14</sup> E. J. Brady, ‘Autograph Letters Received’, 1891-1915, ML MSS 914. In his day, Hervey was a notorious figure: newspapers around the country followed his exploits and misfortunes. But he has been largely forgotten by history, and the few scholars who have written on him have been uninterested in his prison experience. Geoffrey Serle thought him little more than a ‘versifier and swindler’; see ‘Hervey, Grant (Madison) (1880-1933)’, p. 275. David Nichols casts him as a deranged antagonist in the life of Mildura from 1919 to 1921 in his essay, ‘An Australian Ohio? Fighting for Mildura’, *Journal of Australian Studies*, vol. 83, 2004, pp. 25-34. Paul Eggert’s account is interesting and well-researched, but primarily concerned with Hervey’s literary career. Eggert, ‘Colonial King: Grant Madison Hervey, and the *Bulletin* of the 1900s’, in David Garrioch, Harold Love, Ian Morrison and Meredith Sherlock, (eds.), *The Culture of the Book: Essays from Two Hemispheres in Honour of Wallace Kirsop*, Bibliographical Society of Australia and New Zealand, Melbourne, 1999, pp. 446-67,

<sup>15</sup> Registry of Births, Deaths and Marriages, Victoria, online historical index <https://online.justice.vic.gov.au/bdm/index-search?action=getHistIdxSearchCriteria> viewed 16 November 2009.

<sup>16</sup> Nettie Palmer, *Nettie Palmer: her private journal, Fourteen Years, poems, reviews and literary essays*, University of Queensland Press, St Lucia, 1988, pp. 113-14.

Furphy, counted him a friend.<sup>17</sup> After stints on the railroads and in the Western Australian goldtowns, he returned to Sydney in 1902 and tried, unsuccessfully, to set up his own literary journal.<sup>18</sup> He also wrote for British and American newspapers and magazines, sometimes posing as the leader of a non-existent republican movement.<sup>19</sup> From the dock of a court Hervey once said, quite accurately: ‘there is generally something doing where I am’, while a judge in another courtroom, on another occasion, called him ‘a pastmaster in scoundrelism’.<sup>20</sup>

Hervey came to Tuncurry via a dramatic and rather sordid chain of events. He lived an expansive, hedonistic life in the early years of the century. In 1904, Furphy, who was for a time a great admirer of Hervey, ruefully observed that Hervey was ‘sending his Black Horse through the mallee of Dissipation and the glue-pot of Wantonness with some success’.<sup>21</sup> The journalist and politician, Wallace Alexander Nelson thought Hervey ‘turned out poetry by the square yard with mechanical regularity. When he had done a fair morning’s work he used to put his coat on and go and have a drink’.<sup>22</sup>

The young Hervey’s poetry certainly suggested an immodest life. In ‘Down Hill’, published in 1902 in *The Bulletin* alongside a lurid engraving by Norman Lindsay, he wrote:

Ah downward, downward, downward!  
Old Satan’s merry town-ward  
O, that’s the road I go  
With girls and wine beside me  
And Hades beams to guide me.<sup>23</sup>

<sup>17</sup> Brady, ‘Autograph Letters Received’; Eggert, ‘Colonial King’, p. 449; John Barnes, *The Order of Things: A Life of Joseph Furphy*, Oxford University Press, Melbourne, 1990, pp. 319-20, 349.

<sup>18</sup> Hervey to Brady, 29 August 1902, ‘Autograph Letters Received’; Palmer, *Nettie Palmer*, p. 113-14; Eggert, ‘Colonial King’, p. 449; Serle, ‘Hervey, Grant (Madison)’, p. 275; William Wilde, Joy Hooten and Barry Andrews, ‘Hervey, Grant (George Henry Cochrane) (1880-1933)’, *The Oxford Companion to Australian Literature*, Oxford University Press, Melbourne, 1985, p. 337.

<sup>19</sup> For instance: Grant Hervey, ‘Democracy: The Great Dead-End’, *The New Age*, vol. 13, no. 13, 24 July 1913, pp. 355-57.

<sup>20</sup> ‘Grant Hervey Under Fire’, *Sunraysia Daily*, 14 December 1921; ‘Grant Hervey’s Re-Trial’, *The Argus*, 18 June 1915.

<sup>21</sup> Barnes, *The Order of Things*, p. 408; see also pp. 331, 349, 350. On another occasion Furphy confided to a friend that ‘Grant H. is still morally ricocheting back and forth between heaven and sheol’ (p. 339).

<sup>22</sup> Quoted in Serle ‘Hervey, Grant (Madison) (1880-1933)’, p. 275.

<sup>23</sup> Hervey, ‘Down Hill’, *The Bulletin*, 13 December 1902. In ‘Propriety’, another *Bulletin* poem, Hervey asked ‘What is Proprietee?— / Who is the beast and why? / I’faith, amightly boon ‘twould be / If old morose Propriety / Would go away and die!’ (10 March 1904).



FIGURE 43. Grant Hervey c.1913<sup>24</sup>

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<sup>24</sup> *Australians Yet.*

In Melbourne in 1905 Hervey was found not guilty of attempted murder, after he fired a pistol at a man who suspected him of carrying on an affair with his wife.<sup>25</sup> Six years later, in his hometown of Casterton, he was convicted of assault. His work for *The Bulletin* was by this time well known; the prosecuting lawyer told the court he found it strange that a man who could write ‘such honeyed words’ was capable of the crime.<sup>26</sup>

Hervey later wrote a poem called ‘The Night I Spent in Quod’, presumably based on his experience of arrest and remand. It appeared in *Australians Yet*, his only published collection of poetry. Apparent already were themes that would become major preoccupations for him in later life: a passionate anger over prisons, his own fatalistic thoughts about the paths that lead men into them, and a confused, bitter sense of solidarity with other gaolbirds. The poem’s narrator encounters, in a mystic vision, the ghosts of history’s prisoners, ‘a motley, nameless crew’ of ‘shadow-felons’:

With sunken eyes and shoulders bent, the pallid legion sat;  
All hopeless and impenitent—the scum of Fortune’s vat.  
They spoke no word, but on their soul the vivid ciphers burned;  
I scanned the blazing, fateful rolls, and knew how much they spurned  
The plastic lies and sophistries which wrap the lives of men—  
The paltry, pale theologies, diluted ten times ten!  
I laughed at Christianity; how cheap the parson’s God  
Among those wrecks appeared to be—the night I spent in Quod...<sup>27</sup>

In late 1914, after campaigning to extend the railways in South Australia, and a failed tilt at politics in Tasmania, Hervey was short of money.<sup>28</sup> John Norton, the populist publisher of *Truth*, was known to be seeking to prove that his wife, Ada Norton, had been unfaithful, in order to prove her unfit for the custody of their children. Hervey had from time to time worked for Norton, and he spied an opportunity. He visited Norton in his offices in December 1914, offering to provide ‘intimate evidence’ of the infidelity. This was, he claimed, contained in a diary, which he offered to bring to *Truth*’s offices later that day, in return for £200. Norton was sceptical, and while Hervey fetched his diary Norton planted police officers within earshot of the room. Hervey returned in the

<sup>25</sup> ‘Shooting at an Actor. The Hervey-Baker Case’, *The Age*, 24 November 1905; Eggert, ‘Colonial King’, p. 456; Serle ‘Hervey, Grant (Maddison)’, p. 275.

<sup>26</sup> ‘Assault Case’, *Casterton Free Press*, 21 December 1911.

<sup>27</sup> Hervey, *Australians Yet and Other Verses*, Standard Publishing Company, Sydney, 1913, p. 9.

<sup>28</sup> H. J. McConville, ‘The Portland Railway’ (letter to the editor), *The Advertiser*, 29 March 1910; ‘Workers Political League’, *The Mercury*, 16 July 1909.

afternoon with the diary that ‘recorded’ a number of private encounters with Norton’s wife. Whether they actually took place is unclear, and Ada Norton certainly denied everything. The officers entered the room, and when they questioned Hervey about the matter, he denied the liaisons, at which point Hervey was arrested and charged with false pretences. He was found guilty in both the initial trial, and the re-trial he later obtained. In a separate matter, he was also convicted of forging and uttering after he attempted to sue a newspaper editor who published information suggesting that Hervey was bankrupt—information which was false and had been supplied anonymously to the editor by Hervey himself. Hervey maintained his innocence on all counts and claimed Norton set him up and fixed the jury.<sup>29</sup> His sentences, imposed consecutively, amounted to four and a half years.

After his convictions, Hervey was held at first at the State Penitentiary at Long Bay, and then, in August 1915, he was transferred to Goulburn Prison. From there he tried to enlist in the armed services, but was refused by the gaol authorities, a decision that rankled with him for the rest of his life.<sup>30</sup> On 26 July 1917 he was transferred to Tuncurry, at, he claimed, his own request.<sup>31</sup>

There is little record of Hervey’s time at Tuncurry, other than his speech to Premier Holman. By his own account, he relished the physicality of life at the camp, and appreciated the opportunity to work in the bush.<sup>32</sup> Much of Hervey’s poetry—like that of many of his contemporaries—revealed a reverence towards the Australian bush, and an ambivalence towards the city.<sup>33</sup> In any case, Tuncurry must have made a lasting impression on Hervey; his experience there became central to his later campaign as a prison reformer. He was released from the camp on 20 June 1918.<sup>34</sup>

<sup>29</sup> Michael Cannon, *That Damned Democrat: John Norton, an Australian populist, 1858-1916*, Melbourne University Press, Melbourne, 1981, pp. 41-42; ‘Court Reports’, *SMH*, 21 May 1915; ‘Forging a Telegram’, *The Argus*, 5 February 1915; ‘Grant Hervey Sentenced’, *The Argus*, 6 February 1915; Eggert, ‘Colonial King’, p. 457. Hervey alleged that Norton’s motive for setting him up arose from an manuscript book Hervey had written and sent to the United States for publication, that exposed Norton as villain. ‘Grant Hervey Again’, *The Advertiser*, 20 May 1915. There was also some suggestion that Hervey was to be Ada Norton’s principal witness in a divorce suit against her husband, and that John Norton therefore wanted ‘to get him out of the way’; see: ‘The Grant Hervey Case’, *The Advertiser*, 7 January 1915.

<sup>30</sup> Hervey, ‘Official Schools of Crime’, *The Forum*, November 1923, pp. 2100

<sup>31</sup> ‘Tuncurry Afforestation Camp Entrance and Description Books’, p. 27; Hervey, ‘Leg-Irons, the Lash, and the Gallows Tree’, *The Daily Mail*, 1 May 1922.

<sup>32</sup> He was once described as ‘a massively built, lantern jawed blacksmith’ (Cannon, *That Damned Democrat*, p. 39), Hervey himself believed physical health necessary for intellectual vitality and moral balance.

<sup>33</sup> See, for instance: ‘Back to the Bush’ and ‘My Creed’ in *Australians Yet*.

<sup>34</sup> ‘Tuncurry Afforestation Camp Entrance and Description Books’, p. 28.

## TAR AND FEATHERS IN AN AUSTRALIAN OHIO

Before he looked to reform the prison system, Hervey had some changes in mind for himself—and for the nation. Shortly after his release, he married Annie Crowe, née Jeffreys, a widow with two children.<sup>35</sup> But he quickly allayed any suspicions that he might settle into a quiet life. While in prison Hervey had read a book. The title is not known, but it concerned the establishment of the state of Ohio by General Rufus Putnam in 1787, and it stimulated in Hervey ideas about the possibilities of new states in Australia. He dreamed of an Australian Ohio, with Mildura as its capital, and his brief cameo-role in the history of Mildura is today his chief source of fame.<sup>36</sup>

In a series of letters written to the *Mildura Cultivator* during the influenza epidemic of 1919, Hervey posed as an American publishing magnate under the name G. Madison Harvey.<sup>37</sup> The letters described the settlement of Ohio by Putnam and his band of former soldiers ‘who were willing to face the wilderness, provided that they could get land’.<sup>38</sup> With an impressive array of statistics, he painted a picture of a prosperous and populous state founded by hardworking soldiers eager to get out from under the thumbs of politicians in Boston, Washington and New York. As the American cities had been, Mildura was ‘still ruled by the old colonial-spirited coastal capitals’, he said.<sup>39</sup> Pointing to the Australian ex-soldier’s appetite for land, and to a few superficial geographical parallels between Ohio and inland Western Victoria, G. Madison Harvey declared Mildura to be ‘the predestined capital of the Australian Ohio of the future’.<sup>40</sup>

At first, the grand scheme fell on receptive ears. ‘This is an age ... when practically the entire world is being reconstructed,’ the *Cultivator* told its readers, encouraging them to listen to Harvey, who was shortly to visit the town to present his ideas in person.<sup>41</sup> At a gathering at the Mildura Council Chambers on 1 August, 1919, sporting a magnificent

<sup>35</sup> Registry of Births, Deaths and Marriages, Victoria, online historical index <https://online.justice.vic.gov.au/bdm/index-search?action=getHistIdxSearchCriteria> viewed 16 November 2009. Hervey married Crowe under the name George Henry Cochrane.

<sup>36</sup> Nichols, ‘An Australian Ohio?’, pp. 25, 27; Hill, *Water Into Gold*, p. 211; Francis, ‘Tar and Feathers’, pp. 24-26; C. J. De Garis, *The Victories of Failure: a Business Romance of Fiction, Blended with, and Based on, Fact* (Melbourne: Modern Printing Company, 1925), pp. 298-304.

<sup>37</sup> See the reprinted articles in Milborn, ‘George Henry Cochrane’, pp. 66-76. The pseudonym was an ‘unusually poor disguise’, as Nichols points out, given that he had published widely as Grant Hervey for nearly twenty years. ‘An Australian Ohio?’, p. 27.

<sup>38</sup> G. Madison Harvey, ‘How to Make Mildura Move Ahead’, *The Mildura Cultivator*, 16 July 1919.

<sup>39</sup> Harvey, ‘How to Make Mildura Move Ahead’, *The Mildura Cultivator*, 26 July 1919.

<sup>40</sup> Ibid.

<sup>41</sup> ‘A Live Issue’, *The Mildura Cultivator*, 30 July 1919.

astrakhan coat and a reasonably plausible American accent, he fleshed out his scheme to some of Mildura's leading citizens with 'infectious eloquence', and offered his services to implement it, for a substantial—but not extravagant—fee. Among those present was Clement John De Garis, the famous aviator, and chairman of the Australian Dried Fruits Association. Many of those present at the meeting were impressed, and invited Harvey to address a larger gathering.<sup>42</sup> Harvey's proposal was also noticed in the Melbourne press, and tentatively endorsed by Premier Alexander Peacock.<sup>43</sup>

On 2 August at Mildura's Band Rotunda, in front of a crowd of two thousand, Harvey rose and declared that his life 'was before his Maker as an open book', and that he followed in the footsteps of the Chaffey brothers.<sup>44</sup> 'There is good land near Mildura', he said, 'room for the whole returned army'. The land would bloom, with the benefit of hydro-engineering, he said, channelling his old friend, the writer and booster, E. J. Brady.<sup>45</sup>

Unfortunately for Hervey, his life was open before De Garis: a former resident of Casterton had recognised the visitor and given him away.<sup>46</sup> In the middle of the oration, De Garis stood and announced he had a few questions. Who was the newcomer, and would he give an account of his movements for the past seven years? At this Hervey threw off his coat, dropped the American accent, and admitted 'in impassioned tones' that he had spent much of that time in prison in Australia. It was in gaol that he had conceived his dream of a 'Greater Mildura'. He had adopted an American persona because he felt that Australians would pay more attention to 'a man from abroad' than they would to a local.<sup>47</sup> The meeting broke up 'with several expressions of resentment' directed at

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<sup>42</sup> De Garis, *Victories of Failure*, pp. 298, 301.

<sup>43</sup> 'Proposed New State', *The Argus*, 2 August 1919.

<sup>44</sup> 'Harvey Exposed as a Fraud', *The Mildura Cultivator*, 6 August 1919; Hill, *Water Into Gold*, p. 211.

<sup>45</sup> 'Harvey Exposed as a Fraud'. See also E. J. Brady, *Australia Unlimited*, G. Robertson, Melbourne, 1918. Consciously or not, Hervey was also channelling the heroes of the so-called 'Lemurian' novels of the 1890s and 1900s. These books, which were heavily influenced by Rider Haggard and the American populist tradition, feature heroes with names like Harry Holdfast, emerging from unjust imprisonment in dismal cities to lead utopian land settlement schemes. See for instance, David Andrade, *The Melbourne Riots or How Harry Holdfast Emancipated the Worker*, Andrade & Co., Melbourne, 1892. See also: Bruce Scates, *A New Australia: Citizenship, Radicalism and the First Republic*, Cambridge: Cambridge University Press, 1997, chapter four, and Michael Cathcart, *The Water Dreamers: the Remarkable History of Our Dry Continent*, Text Publishing, Melbourne, 2009, chapters fourteen and fifteen.

<sup>46</sup> 'Harvey Exposed as a Fraud', *Mildura Cultivator*, 6 August 1919. Like Hervey, De Garis was a great admirer of the United States, and was familiar with the North American accent; he claimed to have suspected Hervey all along. *Victories of Failure*, p. 299.

<sup>47</sup> 'Harvey Exposed as a Fraud', *Mildura Cultivator*, 6 August 1919.

Hervey, who promptly left town.<sup>48</sup> In later years, the meeting would be remembered as ‘one of the city’s most hilarious memories’.<sup>49</sup>

‘When his mask fell’ wrote one local resident, Hervey ‘betrayed his awful moral unbalance’.<sup>50</sup> After his return to Melbourne, he wrote a series of increasingly unhinged letters to the *Cultivator*. Comparing himself, in the course of this correspondence, to Napoloen, Moses, George Goethals and Herbert Kitchener, he declared himself the predestined ‘Boss’ of Mildura, and defended his right ‘to mercilessly flog and scarify any half-baked suckling Solomon’ who dared disobey him. ‘I am the sort of man who cannot be ignored ... I am conscious of no limit to what I can do’, he insisted. Elaborating on his vision for Mildura, he announced that he intended to go to Ohio and bring back ‘the ablest engineer that I can find in America’ to ‘lock and control’ the Murray River. His fee, he said, was now £10,000. ‘Quick! Make out your cheques. For I am a true King, and King by God appointed’.<sup>51</sup>

Thereafter, Hervey abandoned his duplicity in favour of a form of ruthless honesty. When R. G. Hudson, of Mildura bemusedly asked what guarantee Hervey might give that he would return from America, if his fee were paid, Hervey wrote back offering just one reference. ‘Let Mr Hudson write to the Comptroller-General of prisons ... asking for the prison record of prisoner 76’. His record would show that at the Tuncurry Afforestation Camp he was ‘released every morning at 5 o’clock, winter and summer alike, and allowed to go away absolutely unguarded to the sea’ to swim. ‘Ask ... whether the said prisoner ever failed to come back—to return to his duty, having once pledged his word?’<sup>52</sup>

Hervey returned to Mildura, in mid 1921, bringing with him not an American engineer, but Florence Lockwood, a pregnant woman whom he called his wife.<sup>53</sup> As editor of the

<sup>48</sup> Ibid.

<sup>49</sup> Hill, *Water Into Gold*, p. 211; ‘C.J. De Garis’, *People*, 9 May 1951, p. 40.

<sup>50</sup> Steele Blayde, ‘Notes and Comments’, *Mildura Cultivator*, 6 August 1919. The pen name belonged to Gifford Hall, one the men later accused of tarring and feathering Hervey.

<sup>51</sup> G. Madison Harvey, ‘Greater Mildura’, *Mildura Cultivator*, 20 August 1919; Harvey, ‘An Humble Request’, *Mildura Cultivator*, 30 August 1919; Harvey, ‘Some Physic for Flaneur’, *Mildura Telegraph*, 2 September 1919 ‘Wanted: a Goethals for Mildura and 5,000 Pounds’, *Mildura Cultivator*, 10 September 1919; Harvey, ‘The World as Moral Power’, *Mildura Cultivator*, 20 September 1919.

<sup>52</sup> Hervey, letter to the editor, *Mildura Cultivator*, 27 September 1919. See also ‘Brass Tacks for Boomsters’, *Mildura and Merbein Sun*, 1 October 1920.

<sup>53</sup> No record of the marriage exists, nor of Hervey divorcing Annie Crowe, but when giving evidence in court at Mildura in 1921, he claimed to have married Lockwood on 19 November 1920. ‘The Tarring and Feathering Cases’, *Sunraysia Daily*, 23 November 1921.

newly established *Mildura and Merbein Sun*, he launched himself into a dishonest, vindictive, and ultimately quite successful campaign to ruin De Garis, in retaliation for ‘his famous prison-record stunt’.<sup>54</sup> On 22 October, a posse of De Garis’ sympathisers, reported to be a hundred strong, decided enough was enough. They rounded Hervey up, stripped him naked, and tarred and feathered him.<sup>55</sup> Hervey pled the case for an Australian Ohio one last time in the pages of *The Sun*. Then, after remaining in Mildura long enough to see several of the De Garis gang successfully prosecuted for assault, he left the district for good.<sup>56</sup>

#### GRANT HERVEY, PRISON REFORMER

Hervey had held a cursory interest in prisons before his early brushes with the law, but it was not until after he had found himself in the cogs of the criminal justice system that he became seriously interested in the subject.<sup>57</sup> Prison tropes—chains, black marias and iron bars—are central in several poems in *Australians Yet*, published in 1913. Two years later, as the judge in Sydney passed sentence on him for forging and uttering, Hervey, who had already spent months in custody, said that ‘enough iron had entered his soul … to build the North Shore bridge’.<sup>58</sup> After his conviction, he signed the first poem he submitted to the *Bulletin*, ‘Prisoner Number 1, State Penitentiary, Long Bay’, and pleaded with his readers to ‘remember the Grey-Coats’.<sup>59</sup>

<sup>54</sup> Hervey engineered De Garis’s ruin by publishing reports, in Melbourne and Mildura, that De Garis was bankrupt. De Garis’ owed a great deal of money to creditors who had invested in his land development at Kendenup in Western Australia. The reports of bankruptcy were untrue, but De Garis’s creditors panicked before the claim could be refuted, and the scheme collapsed. See Milborn, ‘George Henry Cochrane’, pp. 95-109; De Garis, *Victories of Failure*, pp. 450-58; and ‘Kendenup Development’, *The Argus*, 7 January 1922; C. J. De Garis, ‘Mr De Garis and Kendenup’ (letter to the editor), *The Argus*, 7 January 1922.

<sup>55</sup> Milborn, ‘George Henry Cochrane’, pp. 110-42; De Garis, *Victories of Failure*, p. 459. ‘Sensation at Mildura’, *The Argus*, 26 October 1921. In reprisal, a gang of Hervey’s sympathisers carried out an attack against the De Garis mob, but no charges were laid in connection with this matter (see ‘Retaliatory Demonstration’, *The Argus*, 28 October 1921). One of Hervey’s more winning traits was the enthusiasm for turning his misfortunes or mistakes to his advantage. He wrote to the manufacturers of a well-known brand of soap, offering, for a fee, to write a testimonial that theirs was the only soap capable of removing tar and feathers. Francis, ‘Tar and Feathers’, p. 27. See also Sheila Kelly’s poem ‘The Retribution of Grant Hervey’, in Milborn, ‘George Henry Cochrane’, p. 160.

<sup>56</sup> In a rather extraordinary twist of events, another con man, Anthony Rothesay Stuart-Wosley, later claimed to have impersonated ‘Grant Madison Harvey of California’ in Mildura. See ‘Prince of Cheats’, *Truth* (Melbourne) 8 September 1962.

<sup>57</sup> See Hervey ‘Floggings for Violence’ (letter to the editor), *The Argus*, 11 June 1904.

<sup>58</sup> ‘Grant Hervey’s Re-Trial’, *The Argus*, 18 June 1915.

<sup>59</sup> Hervey, ‘World-Ache’, *The Bulletin*, 1 July 1915.

While at Tuncurry, Hervey agitated for better conditions for himself and his fellow inmates. The prisoners laboured at felling a forest ‘where the trees run up to ten and twelve feet in diameter’, or so he claimed, but the food was of ‘the most meagre description’. He led a prisoners’ strike over the matter in late 1917, which, he said, was ‘carefully kept out of the papers’.<sup>60</sup> He claimed he drew Holman’s attention to ‘the wretched food we had to labour upon’, when the Premier visited in 1918, at which Comptroller McCauley ‘became violently agitated, and requested me to talk about something else’.<sup>61</sup>

After his release in 1919, Hervey became increasingly pre-occupied with reform of the broader prison system. He wrote an open letter to William Holman and, cataloguing the horrors of imprisonment, he called on the Premier to remember his own days in Darlinghurst Gaol. ‘What were your sensations then? ... Did you not thrill with indignation to your heart’s core? Did you not in your soul determine that this convict system should come to an end?’<sup>62</sup> After the debacle at Mildura, he seriously turned his energies to the issue. From August 1920 until late 1923, Hervey appeared before a major inquiry into the Victorian penal system, wrote vigorously on the subject for Australian and American publications and regularly harangued outdoor audiences at the Domain in Sydney.<sup>63</sup> Whereas he had previously gone to great lengths to conceal his prison-tainted past, he now proclaimed it from the rooftops and publicly used his identity as an ex-prisoner to emphasise his right to speak. ‘I have been melted, heated, swaged, forged, banged, bloomed and billeted in the penitential mill’, he wrote in 1923. ‘Listen to me ... An ex-convict has a piece to speak ... Will you not be courteous, and hear it now?’<sup>64</sup>

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<sup>60</sup> Hervey, ‘Leg-Irons, the Lash, and the Gallows Tree’.

<sup>61</sup> Hervey, ‘Prison Reform’, *The Daily Mail*, 19 May 1922. Hervey also claimed to have been instrumental in having one of the officers at camp dismissed (see Hervey, ‘Leg-Irons’). Neither of these matters were reported in the press at the time either.

<sup>62</sup> Hervey, ‘As Man to Man: An Open Letter to William Arthur Holman, MLA, Premier of New South Wales’, in Vance Marshall, *The World of the Living Dead: Prison Poems and Sketches*, W. J. Anderson & Co, Sydney, 1919, pp. 92-98.

<sup>63</sup> ‘Minutes of evidence taken before the Board of Inquiry re Pentridge Penal Establishment’, 7<sup>th</sup> day, Tues 31 August 1920, pp. 544-573, Supplementary Inward Registered Correspondence, Chief Secretary’s Department, PROV, VPRS1226/P0000/130; ‘Pentridge Inquiry. Former Prisoner’s Views’, *The Argus*, 1 September 1920; Ex-Prisoner, ‘The Cure for the Man in Gaol’, *Daily Telegraph*, 15 July 1922; Hervey, ‘Leg-Irons’; Hervey, ‘Prison Reform’; Hervey, ‘The Prison Reform Movement’, *The Bulletin*, 22 March 1923; Hervey, ‘Official Schools of Crime’, *The Forum*, p. 2095-2101; ‘Reformer’, *Crime and Criminals: A Study of the Defects in Our Prison System*, G. W. Hall and Co., Sydney, 1923 (for more on this last publication, see below). Hervey was described as a ‘Domain orator’ by Sydney police in 1923. ‘Grant Hervey Sentenced’, *The Argus*, 18 December 1923.

<sup>64</sup> Hervey, ‘Official Schools of Crime’, p. 2096.

As a reformer—with strangely unconscious irony—Hervey argued that conventional prisons had failed to reform inmates and had instead ‘flooded the world with expert crooks’.<sup>65</sup> He told a Victorian prison inquiry that prison was ‘the factory for the production of criminals’. No one came out rehabilitated, instead ‘they learn in gaol all the tricks of the criminal’.<sup>66</sup> The fact that half a million people went to prison annually in the United States was, he said, ‘a direct challenge to the assumed soundness of our civilisation’. Hervey had been in Goulburn prison at the same time as members of the so-called Sydney Twelve—members of the Industrial Workers of the World who had publicly opposed conscription during the First World War. Although he was no fellow traveller, Hervey asked: ‘Is it not a mad business? … the out-of-date prisons of this world, and not Lenin or Trotsky, are the supreme menace of this epoch’.<sup>67</sup>

Like other reformers of the period, Hervey used the spectre of Australia’s convict past to rhetorical effect.<sup>68</sup> He claimed he came across ‘an enormous collection of heavy leg-irons’ once, while working in a disused section of Goulburn prison. He believed them to be relics of the convict period; their presence in the so-called ‘modern’ prison underlined for Hervey, the essential continuity between the convict period and twentieth-century penal practice. ‘Human beings lived and died in those things; wretched creatures clanked along the roads of Australia within them’. With typical brio, he took it upon himself to expunge this evil:

I went down upon my knees and swore a mighty oath to God that, when the opportunity came, I would so speak to the living hearts of men that the convict regime in Australia, which still obtains in Australia in spirit and in practice, would forever cease.<sup>69</sup>

Hervey reserved some of his best vitriol for Frederic Neitenstein. Contrary to Neitenstein’s reputation as a moderniser, Hervey thought him ‘entirely representative of the spirit of the early convict days’. By this stage, Neitenstein had been dead for over a decade, and Hervey thought it ‘a good job’. Admitting that William Urquhart, the present Comptroller-General was a sympathetic and principled individual, Hervey asserted that

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<sup>65</sup> Hervey ‘Leg-Irons’.

<sup>66</sup> ‘Minutes of evidence’, p. 545.

<sup>67</sup> Hervey, ‘Official Schools of Crime’, pp. 2095, 2099-2100.

<sup>68</sup> See also chapter two.

<sup>69</sup> Hervey, ‘Leg-Irons’.

‘not even the virtues of fifty good Comptrollers-General could cover the faults in a system that is so utterly out of date’.<sup>70</sup>

In 1922, the Minister for Justice, T. J. Ley proposed to reopen Parramatta Gaol, which had been closed since 1919. Hervey decried the ‘Botany Bay intelligence’ behind the policy. It prompted him to ponder of state’s leaders, ‘are their minds stuck in the convict epoch—the eighteen-twenties and the eighteen-thirties? Personally, I am inclined to think that they are’.<sup>71</sup> Instead of re-opening an institution ‘which still resounds with the clanking of invisible fetters upon poor dead men’s heels’, the way of the future was to be seen on the north coast. At Tuncurry there was ‘a changed tune’.<sup>72</sup> Hervey praised the scheme as ‘the first sensible thing that was ever done in the prison history of New South Wales’. His fellow prisoners at the camp were:

burglars, racecourse players, pillar box thieves—all the indescribable flotsam and jetsam that flows into prison out of the temptation ducts of a great city. And yet, with all their faults, they were white. They were true to the State. They gave it their labor in the forest.<sup>73</sup>

Publicly addressing William Holman again, Hervey issued a plea for the former Premier to re-enter Australian politics as a prison reformer and become ‘a world-force for good’. The success of Tuncurry entitled its founder to ‘say to the people of Australia, “Close down your convict prisons”. Men behave like men when they are treated white. This is the way that true reform should go’.<sup>74</sup>

In addition to his call for a greatly expanded prison camp system, Hervey also laid out a detailed agenda of other reforms. Every first offender, bar those convicted of crimes such as rape or murder, ‘instead of being plunged into the soul-blackening, mind-contaminating vats of prison’ should be treated ‘as a man with the makings of a worthy and a useful citizen, and so be given a new chance’.<sup>75</sup> For those who committed serious

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<sup>70</sup> Hervey, ‘The Prison Reform Movement’.

<sup>71</sup> Hervey, ‘Leg-Irons’. See also ‘Reformer’, *Crime and Criminals*, p. 11, and ‘Prison Reform. Self-Supporting Gaols’, *SMH*, 9 May 1922.

<sup>72</sup> Hervey, ‘Leg-Irons’.

<sup>73</sup> Ex-Prisoner, ‘Cure for the Man in Gaol’. By ‘white’ Hervey did not mean skin colour. For his time, he was open-minded about race. He was instead referring to exemplary character—see ‘white’, *Australian National Dictionary*, <http://203.166.81.53/and/index.php> accessed 25 November 2009.

<sup>74</sup> Hervey, ‘Leg-Irons’.

<sup>75</sup> Hervey, ‘Official Schools of Crime’, pp. 2100-2101.

crimes or were convicted more than once, Hervey argued for better conditions in prison. He called for improved remuneration and training for guards, better architecture, and more visits from religious and community groups. The average prisoner, he said,

becomes discontented and willing to take any risk because he feels that nobody cares for him or takes any interest in him ... Just so soon as they see that they see that there is someone taking an interest in them, then just so soon will the improve in different areas.<sup>76</sup>

He argued for improved prison libraries, and better training for librarians to enable them to provide prisoners ‘with the class of book that is likely to help them’.<sup>77</sup> New prisons should be built in rural areas, ‘at least twenty to thirty miles from a city ... so that when he gets out, his face is turned to the country, rather than to the city’. With distinct echoes of his own experience, he also addressed the ex-prisoner’s stigma:

When a man goes into gaol for the first time, he is terribly humiliated, especially if he held a responsible position ... it is when the man goes outside and finds the world so hostile and there is no hope given to him, he says to himself I may as well become a professional crook.<sup>78</sup>

Just as he had in Mildura, Hervey looked to American models, and he was particularly influenced by the work of the pioneering humanitarian penologist Thomas Mott Osborne. Osborne was ‘a millionaire industrialist with a reputation for philanthropy’ and a taste—like Hervey—for disguise and impersonation.<sup>79</sup> From 1896, Osborne served as a trustee and later chairman of the board of the George Junior Republic in Freeville, New York.<sup>80</sup> The Republic was an institution for delinquent youths. There, Osborne

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<sup>76</sup> ‘Minutes of evidence’, p. 545. See also ‘Reformer’, *Crime and Criminals*, p. 14.

<sup>77</sup> ‘Minutes of evidence’, p. 544. No prison library, Hervey said, was complete without a copy of Ralph Waldo Emerson’s essays: ‘nothing struck me more in the prisons of New South Wales, than the enormous effect that Emerson’s Essays had on the average man. It may seem strange that the philosophy of Emerson should have any effect on prisoners, but I have seen men ... fight one another for the possession of the book when they were released’. See also ‘Reformer’, *Crime and Criminals*, pp. 12-13. Hervey himself later worked as librarian in Bathurst Prison in the early 1930s. Palmer, *Nettie Palmer*, pp. 113-14.

<sup>78</sup> ‘Minutes of evidence’, p. 545-46, 562.

<sup>79</sup> Osborne would often wander the streets at night incognito. He claimed it was ‘only in this way that he was able to find out what people were really thinking’. Gordon Hawkins, ‘Thomas Mott Osborne—Pioneer in Penology’, in Norval Morris and Mark Perlman, (eds.), *Law and Crime: Essays in Honor of Sir John Barry*, Gordon and Breach, New York 1972, pp. 158-159.

<sup>80</sup> Hawkins, ‘Thomas Mott Osborne’, pp. 158-59. He was also a friend of Franklin Roosevelt, with whom he helped secure the nomination of Woodrow Wilson as the Democrats’ presidential

experimented with a number of innovations, including the honour system, paid labour and self-government. In 1913, before taking up an appointment as chairman of a state prison reform commission, he spent a week in Auburn prison, as an ordinary prisoner. ‘I have come out’, he later wrote, ‘with a new sense of human brotherhood, a new faith in God’.<sup>81</sup> He later went on to serve as Warden at Sing Sing Prison in New York and Portsmouth Naval Prison in Maine, where he pursued similar lines of reform to those he developed at the George Junior Republic.

In the mid 1910s, Osborne published a number of works of radical penology.<sup>82</sup> ‘It is liberty alone that fits men for liberty’, he wrote in one.<sup>83</sup> For Osborne, this simple truth made the traditional prison an absurdity. It endeavoured:

to make men industrious by driving them to work; to make them virtuous by removing temptation; to make them respect the law by forcing them to obey the edicts of an autocrat; to make them far-sighted by allowing them no chance to exercise foresight; to give them individual initiative by treating them in large groups; in short, to prepare them again for society by placing them in conditions as unlike real society as they could well be made.<sup>84</sup>

As a prison administrator, Osborne sought to make prisons more like the society to which prisoners were returned. Most prisons were, he said ‘monuments of wasted effort, of misguided service’.<sup>85</sup> He helped abolish floggings and the rule of silence, and established inmate self-government committees and prison camps. Although some of his reforms were short-lived, he had a significant influence on other penologists and administrators.<sup>86</sup>

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candidate in 1912. See also Frank Tannenbaum, Frank, *Osborne of Sing Sing*, The University of North Carolina Press, Chapel Hill, 1933; Rudolph Chamberlain, *There is no truce: a life of Thomas Mott Osborne*, Macmillan, New York, 1935.

<sup>81</sup> Thomas Mott Osborne, *Within Prison Walls: Being a Narrative of Personal Experience During A Week of Voluntary Confinement in the State Prison at Auburn*, Patterson Smith, Montclair, 1969, (orig. publ. 1914), p. 10.

<sup>82</sup> Osborne, *Within Prison Walls*, 1914; *Society and Prisons: Some Suggestions for a New Penology*, Patterson Smith, Montclair, 1975, (orig. publ. 1916); *Prisons and Common Sense*, J. B. Lippincott, Philadelphia, 1924.

<sup>83</sup> Osborne, *Society and Prisons*, p. 153. In so saying, Osborne was adapting a remark made the British politician Herbert Gladstone in relation to Ireland’s demand for home rule.

<sup>84</sup> Osborne, *Society and Prisons*, p. 153.

<sup>85</sup> Osborne, *Prisons and Common Sense*, p. 8.

<sup>86</sup> Including Alan Paton in South Africa and Samuel Mauger in Australia. Alan Paton, *Towards the Mountain: An Autobiography*, Oxford University Press, London, 1981, pp. 133-34; and Samuel Mauger, *Society & Prisons: An Address delivered by Hon. Samuel Mauger, J.P. , before the congregation of the Australian Church, Melb., on Sunday, December 4th, 1921*, Ruskin Press, Melbourne, 1921.

Hervey greatly admired Osborne. ‘That man sounded and reported upon the penitential depths … he put into effect … actual reforms, not official plasterings and eye-wash pretences’.<sup>87</sup> Hervey became a conduit through which Osborne’s ideas were transmitted to penological debate in NSW.<sup>88</sup> He called for Australian prisons departments to imitate the reforms made by Osborne at Sing Sing. Although he failed to persuade administrators, he did raise sufficient public support for Osborne’s precepts that Urquhart was forced to refute them in print. Referring to ‘local critics’ who saw ‘perfection’ in Osborne’s work, Urquhart relegated Osborne’s schemes to ‘the limbo of unattainable ideas’.<sup>89</sup>

Forcing the head of the NSW prison system to consider Osborne’s ideas was probably Hervey’s paramount achievement as a prison reformer.<sup>90</sup> Whether or not he might have gone on to greater things not clear; his career as a reformer was curtailed by a return to prison in late 1923 for stealing a cheque book and forging and uttering cheques from it.<sup>91</sup>

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<sup>87</sup> Hervey, ‘Leg-Irons’; ‘Reformer’, *Crime and Criminals*, p. 4. The fact that Osborne had achieved great things with the help of disguise and role-play was surely not lost on Hervey too.

<sup>88</sup> In Victoria, the most prominent of Osborne’s advocates was Samuel Mauger, the chairman of the ISB. Mauger visited the United States in 1919 and came away deeply impressed with Osborne’s thinking. It is possible that Mauger introduced Hervey to Osborne’s work when Hervey visited Melbourne in 1920 to appear before a Victorian penal inquiry. See Mauger, *Society and Prisons*, and also ‘Minutes of Evidence’.

<sup>89</sup> *Report of the Comptroller-General of Prisons, New South Wales for the year 1922*, Government Printer, Sydney, 1923, p. 3. See also ‘Reformer’, *Crime and Criminals*, p. 32.

<sup>90</sup> This conclusion is based, in part, on an assumption that Hervey was ‘Reformer’, the author of a number of articles written for the *Sunday Telegraph* in mid 1923 and later republished as *Crime and Criminals: Study of Defects in Our Prison System*, G. W. Hall & Co., Sydney, 1923. Hervey was the most prominent critic of the NSW prison system in 1923, and his agenda bore a striking resemblance to Reformer’s: they both argued forcefully on the need to improve prison libraries—and both cited Emerson in so doing; prison food was a subject close to both their hearts; both were fierce critics of solitary confinement, prison labour policy and the Prisoners’ Aid Association; both championed Thomas Mott Osborne’s principles and evoked the convict past as a rhetorical device; both insisted that people were not to be sent to prison for punishment, but were punished by being sent to prison, both heavily stressed the importance of regular visits to convicts by religious and community groups; both praised Tuncurry and were in favour of a large expansion of the camp system in order to develop what they saw as a vast, unexploited wilderness. Reformer’s articles were, admittedly, written in a more measured tone than that Hervey usually adopted, but Hervey adopted different styles when he wrote under pseudonyms, as he often did. The content of Reformer’s articles suggest they were written by a ex-prisoner with the same mix of sympathy and scorn for prisoners that Hervey had. By contrast, outspoken critics of the prison system usually cast prisoners as innocent victims. In addition, it appears that Reformer was also a prohibitionist, as Hervey was at this time.

<sup>91</sup> ‘Forgery and Uttering’, *SMH*, 14 December 1923; ‘Grant Hervey Sentenced’, *The Argus*, 18 December 1923. In court, he stated that he had deliberately committed the crimes as a form of ‘protest’ against his earlier convictions and to provide for his wife and child. Florence told the court that her husband’s ‘mind had become affected by the nursing of a grievance against society’ because of his previous convictions and sentences.

It is possible that Hervey had greater practical success in changing the prison system from within, as a prisoner, than he did as a concerned citizen. In August 1925, Justice Minister William McKell approved a change in regulations under which prisoners serving long or life sentences became eligible for special transfer to Tuncurry, so that they might improve their physical health. Up to this point only prisoners near the end of relatively short sentences had been eligible. The prisoners themselves would decide who would be transferred, and would be ‘held responsible for a proper selection’. Those chosen would be given to understand that ‘their failure at the camp will lead to the arrangement being discontinued’.<sup>92</sup> The practice, which appears to be derived from Osborne’s penology, was approved by George Steele, Urquhart’s successor as CGP. At the time the regulation came into effect, Hervey had been back at the north coast camp for six months. The OIC later reported that the prisoners transferred under the scheme were the best workers he had.<sup>93</sup>

#### A GRADUATE OF ‘THE TRUE ACADEMY OF LETTERS’<sup>94</sup>

Grant Hervey was released from the Tuncurry Afforestation Camp for the second time on 17 October 1925.<sup>95</sup> Whether or not he had anything to do with the change in regulations in August, it seems that he left without the will to continue as a reformer. And for a time it seems he was content to try and work out his salvation on a personal, domestic stage. In 1922 Lockwood and Hervey’s son, Lincoln, had been born. In late 1925 or early 1926 the three moved to Brisbane.<sup>96</sup> Watching his family grow had a profound effect on Hervey. He thought he had escaped his past self, that he had been ‘saved from the everlasting masculine curse of selfishness by the arms of a little child’:

I suspect that I have been one of the most selfish men alive ... I make no bones about my own confession. I say, candidly, that I am utterly ashamed of myself—of that base self which existed in my name, in childless days. But

<sup>92</sup> George Steele to Governor of Goulburn Gaol, 4 August 1925, Tuncurry Afforestation Camp: Miscellaneous Matters, SRNSW 5/1623; *Report of the Comptroller-General of Prisons, New South Wales for the year 1925-26*, Government Printer, Sydney, 1926, p. 6. See also Osborne, *Society and Prisons*, p. 158.

<sup>93</sup> William Hinchy, note made in January 1933 in Precedent Book, 1931-34, p. 69, SRNSW 5/1099.

<sup>94</sup> E. J. Brady, ‘Personal Note on Grant Hervey’, 1937, ‘Autograph Letters Received’

<sup>95</sup> Tuncurry Afforestation Camp: Receptions and Discharges, 1913-37, SRNSW 5/1618, p. 278.

<sup>96</sup> Lincoln’s name reflected his father’s American enthusiasms; in his writings, Grant Hervey often referred to the ‘spirit of Lincoln’, (e.g. ‘Official Schools of Crime’, p. 2096).

Motherhood cured me. Motherhood in my own home put that inferior fellow in the cemetery. And I want him to stay there, good and hard, for the next three million years ... Motherhood is a miraculous thing that can swallow up many a lazy useless Jonah—and cast him up, re-invigorated, with a soul, a will, and a purpose of his own, upon the Beach of Time.<sup>97</sup>

Hervey lent his support to the campaign to have Mother's Day recognised in Australia, adding, 'I am proud to identify myself with the Motherhood movement'.<sup>98</sup> But he soon turned his pen to less idealistic purposes. Back in Sydney in 1929 he became joint-editor of a scurrilous weekly newspaper called *Beckett's Budget*. In 1930 he was fined for unseemly language during one of his Domain speeches and, according to rumour, he was again tarred and feathered in his home town, Casterton, for further disreputable journalism.<sup>99</sup> In April 1931, he found himself facing a term of imprisonment once more, and there would be no return to Tuncurry this time. In sentencing Hervey to two years in prison for forging a telegram, the judge specified that Hervey be held in Bathurst Gaol.<sup>100</sup>

By the time he got to Bathurst, Hervey's attitude towards imprisonment had changed again. He still acknowledged his status as an ex-prisoner, but bitterly now, and without zeal. The reformist fire had gone out of him—all that was left was smouldering resentment.<sup>101</sup> The prison and its stigma were no longer political obstacles to be overcome; they were instead an evil he had deliberately faced, and overcome:

I deflated prison itself. I went back there ... to laugh at it and treat stone walls and iron bars with derision for I am a living sword of realistic will power which passes through prisons and kings' palaces with the swift thrust of eudemonic contempt.<sup>102</sup>

As he gave up on redeeming himself by redeeming the prison, he began to see his degradation as an inmate as an essential part of his education as a writer. He compared

<sup>97</sup> Hervey, 'Motherhood: the Driving Force of Civilisation', in Vincent Read, (ed.), *Motherhood: A Compilation of Prose and Verse on the Subject Beautiful*, The Read Press, Brisbane, 1926, pp. 41-42. See also Hervey's poem to his son: 'Song of Sydney City', *The Bulletin*, 6 December 1933.

<sup>98</sup> Hervey, 'Motherhood', p. 42.

<sup>99</sup> Hay (ed.), *The Meeting of the Sighs*, p. 110.

<sup>100</sup> Hervey responded to a notice placed in the *SMH*, by Mrs J. Mahoney, asking for information about her sister, Mrs F. Hervey. Mr G. Hervey wrote to Mahoney, under the name of her sister asking for a cheque for £20 to be sent to a post office box. 'Remanded for Sentence', *SMH*, 8 April 1931; 'Most Vile Criminal', *SMH*, 9 April 1931.

<sup>101</sup> Hervey, 'Colonial Kings', p. 62.

<sup>102</sup> Hervey, 'Colonial Kings', p. 39-40. See also 'Song of Sydney City'.

himself to other authors who had been prisoners, including Oscar Wilde, Henry Lawson, O. Henry, and Fyodor Dostoevsky.<sup>103</sup> His old friend E. J. Brady remembered Hervey telling him, late in life, that ‘no man could expect to become a great writer until he had undergone a term of imprisonment. He looked upon gaol as the true Academy of letters’.<sup>104</sup>

While in Bathurst Gaol, Hervey worked as prison librarian, and wrote his one published novel, *An Eden of the Good*.<sup>105</sup> In the prologue, he describes American academics of his acquaintance who spent sabbatical years in China or Peru. ‘I have gone one better, myself ... I habitually shock the right thinking philanthropoid apes of Australia by going back to gaol with a quiet smile and a confident heart’ in order to examine ‘these human snakes and legless reptiles of Australia, and in order to see for myself, at close range, in short, how the spiritual, moral and intellectual resurrection of Australia proceeds’.<sup>106</sup>

Hervey funnelled his remaining fantasies of redemption into his book.<sup>107</sup> Set in the 1830s, it was a novel of thin disguises, concerned largely with the fate of George Hervey, a lowly convict transported to Van Diemen’s Land. It also relates the rise of the freeborn brothers Cochrane of Bathurst: Randolph, a poet with an impressive physique, and Walter, who married Mildura Saltram, a daughter of the squattocracy, and then founded a town on the River Murray named after his wife. Several historical personages figure in the narrative too, including William Wentworth, John Dunmore Lang, and Charles Darwin. The penal system that George Hervey encounters is a grotesque caricature, full of ‘groaning, quivering and screaming creatures upon the triangles’.<sup>108</sup> But George survives, and rises to become the enlightened Comptroller General of all the prisons in Australia. ‘They did their damnedest with their iron-gangs, but they have not made a villain out of me yet ... I am the man that Australia needs—a man who has been through the unspeakable depths of this convict system—and I intend to be heard’.

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<sup>103</sup> Hervey, ‘Official Schools of Crime’, p. 2099-2100; ‘Colonial Kings’, pp. 39-40; *Motherhood*, p. 55. It would appear that Hervey failed to take Henry’s famous lines to heart: ‘it was beautiful and simple, as all great swindles are’.

<sup>104</sup> E. J. Brady, ‘Personal Note on Grant Hervey’, 1937, ‘Autograph Letters Received’.

<sup>105</sup> The book was published in 1934, a year after Hervey’s death. Hervey claimed to have completed a sequel, but it was not published and the manuscript appears to have been lost. He also wrote an unfinished serialised novel *A Don Quixote of the Saltbush*. A story of redeemed convicts, bountiful irrigated landscapes and Australian interracial harmony, it ran in the *Mildura and Merbein Sun*, from August to October, 1921.

<sup>106</sup> Hervey, *An Eden of the Good*, p. 16. See also ‘Colonial Kings’, pp. 39-40.

<sup>107</sup> Paul Eggert called the book ‘a novel of wish-fulfilment’, see ‘Colonial King’, p. 462.

<sup>108</sup> Hervey, *An Eden of the Good*, p. 386.

Nettie Palmer, the famous writer and critic, reviewed the book in 1935. It was, she said, ‘a fairy-tale that at some parts holds together, at others collapses: the work of an unusual man’, words that apply to Hervey’s life, as much as his novel.<sup>109</sup> He never read the review. Shortly after his final release from prison, in 1933, he died of diabetes.<sup>110</sup> Brady remembered him as:

a genius with a kink ... Although he spent some time in the penitentiary one never could regard him as a true criminal ... Certainly a self-made victim of social circumstance ... He was not strong enough to stand up to economic pressure. He was in a measure the victim of enemies more ruthless & less gifted than himself. Others have had similar experiences of life & surmounted their difficulties. Hervey failed to do so ... his mind had slipped a cog. But for the grace of God—there might have gone any of us!<sup>111</sup>

## CONCLUSION

Modern penology offers attractive terms. ‘Rehabilitation’ sounds appealing, and coherent as a process, and it is tempting to read recidivism statistics as measures of its success or failure. Grant Hervey’s unfortunate life reminds us that beneath the smooth rows of official statistics and pleasant-sounding words lie messy, complicated lives. Was he ‘rehabilitated’ by his time in Tuncurry? In one sense, he quite clearly was not. In the official records, he figures as one of Tuncurry’s few failures, and he himself admitted he ‘went to gaol a good deal’.<sup>112</sup> He sought redemption in several quarters, but it is quite probable that no prison treatment in the world could have prevented his recidivism. He acknowledged he was ‘no angel’, and he appears to have suffered from what would now be described as mental illness.<sup>113</sup> But others are implicated in his recidivism. When he was released no one cared that he had been held at the Tuncurry Afforestation Camp, and that his incarceration there had been based on the latest penological principles, nor that he

<sup>109</sup> Palmer, ‘A Reader’s Notebook’, *All About Books*, 11 February 1935, pp. 21-3.

<sup>110</sup> Registry of Births, Deaths and Marriages, Victoria, online historical index <https://online.justice.vic.gov.au/bdm/index-search?action=getHistIdxSearchCriteria> viewed 16 November 2009. See also: ‘Death of Mr Grant Hervey’, *Casterton News*, 9 November 1933; ‘Death of Notorious Grant Hervey’, *Truth* (Melbourne), 18 November 1933, p. 1.

<sup>111</sup> Brady, ‘Personal Note on Grant Hervey’, 1937.

<sup>112</sup> Palmer, *Nettie Palmer*, pp. 113-14.

<sup>113</sup> ‘Grant Hervey’, *The Advertiser*, 6 February 1915. Hervey himself had in 1904 publicly argued that criminals ‘should be considered mentally deranged’. ‘Floggings for Violence’, *The Argus*, 11 June 1904. He had also, in court, declared that that there was ‘insanity in his family’. ‘Grant Hervey’s Re-Trial’, *The Argus*, 18 June 1915.

had been, by all accounts, a model prisoner. Prison authorities tried to make prison camps seem as little like prisons as possible, but to free citizens, prisons without walls were still prisons, and Hervey felt acutely stigmatised regardless.

So, there was a certain irony in Hervey's remarks to Premier Holman in April 1918, and in his pains to reform the prison system with Tuncurry as his model. Like the administrators and the general public, he wanted to believe that the solution to crime could be found in the right prison treatment, but while the camp could make him into a prison reformer, it could not make him a reformed person. In this way he was an excellent exemplar of the camp—proof that the reformed prison and the reforming prison were very different things.



FIGURE 44. Grant Hervey, c.1927<sup>114</sup>

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<sup>114</sup> Source: NLA <http://nla.gov.au/nla.pic-an3085138> - accessed 17 February 2010.

## CHAPTER EIGHT

### 'My foolish, boyish escapade': Escapes from Prison Camps

*The taxpayers do not provide the money to allow their crooks and gunmen  
to come back upon them with impunity.*

Brisbane Sun (1924)<sup>1</sup>

*Custodial routines are simply the residue of a punitive orientation  
toward the criminal, the contaminated man.*

Gresham Sykes (1958)<sup>2</sup>

In 1935, a sympathetic observer of the NSW prison system, writing as 'Braemar', thought there were many reasons to admire the Emu Plains Prison Farm, 'but the highest compliment of all is this: in four years only one attempt to escape has been made from this prison without walls'.<sup>3</sup> In saying so, 'Braemar' identified a penological item of faith. Among all the conflicting theories of incarceration—punishment, deterrence, rehabilitation, expiation and so on—one of the few points of agreement has been that penal institutions exist to maintain custody over those sentenced to imprisonment by the courts. Whatever else prisons have or have not done, a consensus has existed that custody must be secure. Accordingly, rates of escape from prison have long been 'a basic performance measure for all correctional departments'.<sup>4</sup>

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<sup>1</sup> 'How Gunman Charles Leslie Escaped', *Brisbane Sun*, 7 December 1924.

<sup>2</sup> Gresham M. Sykes, *The Society of Captives: A Study of a Maximum Security Prison*, Princeton University Press, Princeton, 1958, p. 15.

<sup>3</sup> 'Braemar', 'Prison Walls and Prisons Without Walls', *The Sydney Mail*, 31 July 1935. Incidentally, he was wrong: there had been at least three escapes during this period.

<sup>4</sup> Angela Gorta and Tony Sullivan, 'Escapes from New South Wales Gaols: Placing the Risk in Perspective', *Australia and New Zealand Journal of Criminology*, vol. 24, 1991, p. 204. For a rare alternative view see Sykes, *The Society of Captives*, p. 15, 133. As Séan McConville has pointed out, secure custody was the first, and for a long time the only 'criterion for success in gaol management'. Indeed the keepers of the old gaols faced heavy financial penalties in the event of escape. McConville, *A history of English prison administration, Volume I, 1750-1877*, Routledge & Keegan Paul, London, 1981, pp. 4-5.

The low escape rates initially recorded at Tuncurry and Emu Plains helped drive the spread of prison camps around Australia.<sup>5</sup> Nevertheless, the lack of security measures at the camps provoked public anxiety about the likelihood of prisoners escaping. After all, it was so simple—as one observer noted of Palen Creek State Farm in 1945, with the cattle grid at the front gate, more was done at the farm to stop stock wandering than to prevent inmates escaping (see Figure 45).<sup>6</sup> These anxieties reflected stereotypes about prisoners in general and escapees in particular as desperate, dangerous villains. The history of escapes from the Australian prison camps, read in light of recent criminological research on escapes, suggests that these stereotypes were ill-founded. Yet escape rates continued to influence penal policy, with unfortunate, and arguably unnecessary consequences.



FIGURE 45. Main gate, Stone River State Farm, c.1960

<sup>5</sup> When administrators from other states visited NSW, they were struck by the remarkably low incidence of escape at Tuncurry and Emu Plains. Upon their return they used these figures to persuade politicians to establish similar institutions. ‘Prison Reform. Gratifying Results. New South Wales System’, *Courier Mail*, 26 September 1933. Indeed, low escape rates from the New Zealand camps helped persuade NSW authorities to experiment with prison camps in the first place. ‘Prison Work. Afforestation Camp’, *SMH*, 1 November 1913.

<sup>6</sup> Tom Foley, ‘Murderers Keep Their Word’, *South West Pacific Annual*, December 1946, p. 51. The ease with which escape could be made from Palen Creek prison farm forms a key part of a recent novel: Carolyn Jacobs, *Under the Affluence*, Eloquent Books, New York, 2008, chapter two. In 1953, it was reported that the sign at the front entrance of the Mannus Afforestation Camp, which read ‘please shut the gate’, often went unheeded. ‘Prison Without Bars’, *Sunday Herald*, 26 July 1953. In 1959, an officer at Emu Plains mused on what would happen if the inmates organised a mass breakout. ‘We might catch one of them’, he said. ‘Prisoners In The Sun Held By Trust’, *SMH*, 26 September 1959.

## ESCAPES AND THE MASS MEDIA

The great majority of inmates who chose not to escape were effectively invisible, but for them, the ever-present possibility that they *could* escape was an important test of trust, and a key element of the penology behind the camps. The British Prison Commissioners thought that the great value of the open institution lay in the choice it presented to the prisoner: to escape or to remain. ‘Here is an acid test which, if successfully borne, goes a long way towards instilling a sense of responsibility’.<sup>7</sup>

Newspapers have been more interested in the few who failed the test. In 1958, Alexander Whatmore, the Director of Prisons in Victoria, said that prison administrators went to bed with the prayer ‘God save me from the front page headlines’.<sup>8</sup> Nothing made for better copy than reports of convicted criminals on the loose, no matter where it happened. In 1924, after a prisoner with a record of violence escaped from St Helena, the *Brisbane Sun* railed against the Queensland prisons service: ‘This slipshod imitation of a gaol has now been in existence too long, and it is time that it was tightened up … If this thing is to be called a gaol, then let it be something approaching one at least’.<sup>9</sup> This was one of a number of sensational escapes in the mid-1920s which fuelled sentiment against the St Helena institution, contributing to its closure in 1933.<sup>10</sup>

‘DANGEROUS LUNATIC ESCAPES’, the *Sydney Morning Herald* shrieked when a prisoner escaped from a prison farm in Western Australia in 1940.<sup>11</sup> Officials were concerned to the point of secrecy about this sort of media coverage. In June 1953, the Victorian press caught wind of a mass breakout from the McLeod Settlement some

<sup>7</sup> Lionel W. Fox, *The English Prison and Borstal Systems*, Routledge & Keegan Paul, London, 1952, p. 445. Some prisoners did not trust themselves to resist the temptation to escape. ‘We’ve even had a prisoner or two who have come to us to say he doesn’t think Kirkconnell is the right place for him – the absence of bars and gates is too great a temptation’, the Chief Warder told a reporter in 1963. Bob Johnson, ‘A poisoner cooked my lunch’, *Sun Herald*, 3 February 1963.

<sup>8</sup> A. R. Whatmore, ‘The Penal Institution’, *The Conflict of Security and Rehabilitation: A Seminar on the Punishment of Crime*, NSW University of Technology, Sydney, 1958, p. 58. Alan Paton had charge of a prison farm for young offenders in South Africa in the 1930s and 1940s, and knew that problems with escape ‘could bring a man’s career to an end’. Alan Paton, *Towards the Mountain: An Autobiography*, Oxford University Press, London, 1981, p. 148.

<sup>9</sup> ‘How Gunman Charles Leslie Escaped’.

<sup>10</sup> Jarvis Finger, *The Escapes from St Helena*, Booralong Publications, Brisbane, 1987, p. 46.

<sup>11</sup> ‘Dangerous Lunatic Escapes’, *SMH*, 14 February 1940 (emphasis in original). This prisoner was recaptured without fuss the next day. ‘Escaped Criminal Recaptured’, *SMH*, 15 February 1940. In a measure of the public anxiety escapes caused, Gorta and Sullivan found that approximately five times as many articles about escapes from prison appeared in the print media nationally than articles about HIV-AIDS, between March and April of 1987. ‘Escapes from New South Wales Gaols’, p. 204.

months earlier. Seventy-eight prisoners were said to have absconded. No mention of the matter had been made at the time to the media. In response, Chief Secretary William Galvin stated that only forty-nine had escaped, that none of the escapees had made it off the island, and that all had been quickly recaptured, so that under the circumstances, he saw no reason why the prisons department should have notified the press.<sup>12</sup>

## ESCAPES AND LOCAL COMMUNITIES

Those who lived near prison camps were deeply unsettled when a prisoner got away. After the first escape from Hayes Prison Farm, in July 1937, M. B. Terry, whose property adjoined the prison reserve, told acting Premier, E. Dwyer Gray, ‘we are all on edge round this district & wonder what to expect next’.<sup>13</sup> One morning in December 1938, after hearing a shot in the night and the gaol bell rung, Terry woke to learn of another escape from Hayes. He wrote again to the Premier: ‘It is a very unpleasant state of affairs ... my wife will not stay alone & is very nervy. If the prisoners cannot be controlled, in fairness to the district, it would only be proper to close the thing up’.<sup>14</sup>

Across the country, unease simmered in the communities adjacent to the camps. In the 1940s, on the basis of several scandalous breakouts, Pardelup Prison Farm was described by Arthur Watts, the Member for Katanning, as ‘a menace to the surrounding territory’.<sup>15</sup> Tensions ran particularly high between the Victorian penal authorities and the settlers on French Island, near the McLeod Settlement. Escapees sometimes stole settler’s boats, motor vehicles or horses as they made their escape.<sup>16</sup> A few entered homes to steal food or clothes, or to use a telephone.<sup>17</sup> In 1927, B. A. De La Haye of French Island complained that since the camp was established in 1916, property values had dropped to the point that it had become impossible to sell land on the island, and outsiders could not

<sup>12</sup> ‘Minister for Island Visit’, *The Age*, 28 June 1953. Rod Wise, ‘McLeod Reformatory Prison (French Island Prison Farm)’, internal report, c.1990, n.p. CVRC.

<sup>13</sup> Documents re locals’ fears about gaol farm, Gaols File (19/1937), Attorney General’s Department, General Correspondence, 1937-71, AOT AGD1/145.

<sup>14</sup> Ibid.

<sup>15</sup> *Parliamentary debates: Legislative Council and Legislative Assembly*, 1945, vol. 115, Government Printer, Perth, pp. 623-34. See also 1945, vol. 115, p. 381; 1945, vol. 115, , p. 457; and 1945, vol. 116, p. 1661. See also J. E. Thomas and Alex Stewart, *Imprisonment in Western Australia: Evolution, Theory and Practice*, University of Western Australia Press, Nedlands, 1978, p. 112. For tensions surrounding escapes in the 1970s from the Mannus prison camp, see David Grey, ‘Prison Breakouts, farm extensions anger residents’, *The Land*, 23 June 1977.

<sup>16</sup> ‘French Island Prisoners’, *The Argus*, 15 December 1923; ‘French Island Escapees’, *The Argus*, 30 November 1943.

<sup>17</sup> ‘French Island Escapees’, *The Argus*, 30 November 1943.

be induced to settle.<sup>18</sup> ‘French Island used to be a lovely place once,’ an unhappy resident said in 1936, ‘but since the penal farm came it has gone back’.<sup>19</sup> Some in the community laid in weapons and others formed armed vigilante groups to round up escaped prisoners.<sup>20</sup> By 1936, many were afraid to leave their homes and families unprotected.<sup>21</sup> They complained of:

the futility of endeavouring to maintain discipline over fifty or sixty criminals without having any walls of restraint ... It is absurd trying to reform prisoners by allowing them to roam at liberty.<sup>22</sup>

Some on the island adapted to living next to the camp, but escapes always remained a source of unease.<sup>23</sup> In November 1955, the farmers were reported to ‘hate their proximity’ to the camp, and sleep ‘with shotguns at their beside, their womenfolk a prey to fears’.<sup>24</sup> A poem written by long-term French Island resident, “Grandad” Chandler, caught the concern escapees caused residents with less melodrama but equal effect:

Three rings on the phone, is the cause for alarm,  
A couple of crims broke loose from “The Farm.”  
Now these coves may be dangerous, they’re not in there for fun,  
So ya hide all yer ammo and dismantle yer gun!

<sup>18</sup> ‘Mannus Prison Camp’, *Tumbarumba Times*, 28 January 1927 (De La Haye wrote the letter to the Times to encourage the residents of Tumbarumba in their opposition to the Mannus camp).

<sup>19</sup> ‘French Island. Penal Farm-Settlement?’, *The Age*, 28 April 1936.

<sup>20</sup> ‘French Island. Penal Farm-Settlement?’. In other communities, locals even seemed to relish being involved in the hunt for escapees. In 1961, for instance, several members of the Taplan football team, still in their playing uniforms, helped police and blacktrackers catch a number of prisoners escaped from the Cadell Prison Farm. The footballers obviously enjoyed the chase; they reportedly ran ‘whooping’ through the bush. The escapees promptly gave themselves up, later saying that the noise of the search party ‘sounded like Maoris doing a war dance’. ‘3 Escapees Caught’, *The Advertiser*, 3 August 1961.

<sup>21</sup> ‘French Island Settlers’, *The Age*, 20 October 1944; Open-Eyes, ‘Prisoners on French Island’, *The Age*, 27 November 1936. See also ‘French Island Perils’, *The Argus*, 17 January 1939. It was, of course, in the newspapers’ interest to stress the residents’ worries, and some of the reports were possibly exaggerated.

<sup>22</sup> ‘Open-Eyes’, ‘Prisoners on French Island’. For more on the ongoing tension between the McLeod Settlement and its neighbours, see: ‘Minister for Island Visit’, *The Age*, 28 June 1953; Jonathan J. King, ‘Open Gaols’, *The Sun*, 12 June 1954; ‘Says Promise Not Honored’, *The Age*, 16 July 1954.

<sup>23</sup> From time to time, the Victorian government considered plans to expand the penal settlement on French Island. On each occasion, after ‘spirited opposition’ from residents, the plans were shelved (see, for instance: ‘The Reformation of Delinquents’, *The Age*, 8 May 1945). When the camp finally closed in 1975, authorities claimed that a stabbing of a resident by an escapee had influenced the decision (see Paul Heinrichs, ‘Sorry farewell to home-from-home’, *The Age*, 1 May 1975).

<sup>24</sup> Allan Dawes, ‘It’s Time We Built Our Own Alcatraz’, *The Argus*, 11 November 1955.

Ya bar all yer windows and lock all yer doors,  
And hide any rowboats around the sea shores.  
For the next few days, yer on “Q.V.”  
Ya see that there criminal behind every tree!<sup>25</sup>

#### ANXIETY, STATISTICS, LANGUAGE

Administrators tried to calm residents and newspaper readers by emphasising the infrequency of escape from the camps. In late 1932, for instance, A. T. Badger, the Superintendent of Fremantle Prison reported that since the Pardelup Prison Farm opened in 1927, 427 prisoners had passed through the institution, and of these only three had escaped, all of whom had been quickly re-captured.<sup>26</sup> Queensland CGP J. F. Whitney announced that of the 2142 prisoners who had been confined at the state's three prison farms up to June 1947, only six had attempted to escape.<sup>27</sup> Statistics like these bolstered the image of the camps, and suggested the working of an enlightened penal policy: here were prisons so benevolent that prisoners chose to remain imprisoned, even when there was little to prevent them leaving. Shortly after the opening of the Kyeema Prison Camp in February 1932, *The Advertiser* remarked:

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<sup>25</sup> From ‘They Call It “French Island”’ by ‘Grandad’ Chandler 1974, on public display at the McLeod Eco Farm and Historical Prison, viewed 15 October 2006. By ‘Q.V.’, Chandler most likely meant ‘quod vide’. In Latin, the phrase means ‘which see’, and is used to direct readers to further information, but it also has a punning effect, because ‘quod’ is a slang term for prison (see *Macquarie Dictionary Online*, <http://www.macquariedictionary.com.au> - accessed 1 December 2009).

<sup>26</sup> ‘Annual Report of the Comptroller General of Prisons for the Year Ended 30th June, 1932’, p. 14, Prisons, Annual Reports, Chief Secretary’s Files, SROWA WAS 675, Con 752.

<sup>27</sup> J. F. Whitney, ‘Prison Farms in Queensland’, 6 October 1947, Prisons Department, Special Subject Batch: Palen Creek State Farm, 1931-57, QSA, Series 9097, Item 293153. See also ‘More Queensland Prison Farms’, *Daily Telegraph*, 10 January 1940; Foley, ‘Murderers Keep Their Word’, p. 50. Similar statistics were recorded across the country. In 1952 it was said that only forty-one prisoners had ever escaped from NSW’s prison camps, of the 9500 prisoners who had passed through them. ‘Night Forays Of “Escape Club” at Prison Farm’, *Truth*, 17 February 1952. See also: L. C. J. Nott, *Report of Investigation of Prison Systems of United Kingdom and the United States of America*, Government Printer, Sydney, 1947, pp. 15-16; and the film, ‘Men Without Faces’, NSW Department of Prisons, 1956, State Library of NSW. In Victoria up to 1938, the rate of escape from the McLeod Settlement was six per cent. ‘Penal Establishments, Gaols, and Reformatory Prisons; Report and Statistical Tables for the year 1937’, *Votes and Proceedings of the Legislative Assembly*, vol. 1, Government Printer, Melbourne, 1938, p. 6; and also ‘French Island Reformatory’, *The Argus*, 30 April 1937; ‘French Island Gaol Without Locks; Minister Amazed’, *The Herald*, 29 April 1938; Rod Wise, ‘Cooriemungle’, internal report, c1990, n.p. CVRC.

A prison from which prisoners do not want to escape still sounds a rather Gilbertian idea, even in these days of advanced penal reform, but it is exemplified in the State prison camp at Kyeema ... No decent man would want to escape from the camp.<sup>28</sup>

Prisons departments used words as well as numbers to downplay concerns about escape. Whitney felt that the six prisoners who had escaped from Queensland's prison farms to 1947 had not really escaped. Each had instead made 'an unauthorised departure from the farm reserve'.<sup>29</sup> In several states, administrators and politicians tried to reserve the word 'escape' for situations in which prisoners had overcome physical barriers to liberty, and so referred to 'absconders' from prison camps rather than escapees.<sup>30</sup> In 1955 Queensland CGP Rutherford told an international penal conference that almost all escapes from prison farms in his state were made by prisoners in the final weeks or even days of their sentences. This, he thought 'could be classified as falling to temptation rather than premeditated escape'.<sup>31</sup>

## ESCAPES RECONSIDERED

Given the importance placed on escape rates as a measure of penal policy, there has been surprisingly little research on the topic. Criminologists have examined the subject in recent years but historians have given the matter scant attention.<sup>32</sup> Those historians who

<sup>28</sup> 'Prisoners Who Do Not Want to Escape', *The Advertiser*, 16 February 1933. This was a recurrent motif in reporting on the camps. In 1959, the chief officer at Emu Plains and a journalist looked out over 'a rippling sea of oats' and the picturesque Nepean River, and said: 'anyone who runs away from here isn't very smart'. 'Prisoners In The Sun Held By Trust', *SMH*, 26 September 1959.

<sup>29</sup> Whitney, 'Prison Farms in Queensland'.

<sup>30</sup> In Queensland: CGP W. Rutherford to Under Secretary for Justice, 29 June 1951, Prisons Department, Special Batches, Head Office Correspondence, 1935-63, QSA, Series 9097, Item 293136. In WA: 'Annual Report of the Comptroller General of Prisons for the Year Ended 30th June, 1934', p. 5, Prisons, Annual Reports, Chief Secretary's Files, SROWA WAS 675, Con 752. In Tasmania: 'Annual Report of the Controller of Prisons for the Year 1956-57', *Journals and Printed Papers of Parliament*, 1958, vol. 159, no. 10, Government Printer, Hobart, p. 5. Prisoners had their own terms—at Stone River in 1955 they referred to escaping as 'going over the hill' (see statement by prisoner A. R. T., 14 June 1955, Prisons Department, Special Subject Batches, Escapes, 1942-63, QSA, Series 9097, Item 293123. Current policy in NSW is to refer to all unauthorised exits from custody as 'escape' (Jane Cox, Correctional Officer, Long Bay Correctional Complex pers. comm. 5 May 2009).

<sup>31</sup> W. Rutherford to Under-Secretary for Justice, 10 May 1955, re: International Penal and Penitentiary Commission at Geneva, p. 3, Prisons Department, Special Batches, Head Office Correspondence, 1935-63, QSA, Series 9097, Item 293136.

<sup>32</sup> The criminological literature includes: Gorta and Sullivan, 'Escapes from NSW Gaols'; Barbara Thompson, 'Reasons for Escape: Interviews with Recaptured Escapees', *Research Bulletin*, no.

have, present escapes, for the most part, as stories of ‘derring do’ or comedy, or limit themselves to forensically describing how escapes were carried out.<sup>33</sup> Two historians have, however, demonstrated what can learnt by seriously considering escapes from the point of view of the escapee.

Grace Karskens analysed the nature and meanings of escapes by convicts in early NSW, and observed that they were regarded either ‘as stories of indomitable human spirit or as evidence of unfathomable human stupidity’. Recaptured convicts, often Irish, told their captors that they had been making for China, believing it to be only 150 miles north of Sydney, on the far side of a river. There they thought they would be welcomed, and invited to live, free from labour. This story was repeated so often that it became ‘a kind of shorthand for the wild, irrational minds of the Irish’. But Karskens suggests there was more to the ‘China story’. Convicts used it as a useful cover story for attempts to board out-bound ships, and a way to minimise their punishment, by playing up to the image of ‘these clearly harmless, stupid creatures’. Some convicts no doubt believed that China was close at hand, and others probably used it as synonym for any place beyond the colony, but at least a few knew how to use the story to their advantage. By taking it at face value, Karskens argues historians have perpetuated the stereotypes purveyed by the colonial elite—that escapes showed convicts to be ‘incapable of rational thought’. Looking at escapes from the convicts’ points of view suggests a different story. They ‘seemed to know the minds of those with power over them very well indeed’ and exploited them with their deliberately obtuse geographies.<sup>34</sup>

The historian and sociologist Jacqueline Wilson found a similar unwillingness to understand escapes from the perspective of the escapee when she conducted a survey of prison museums across Australia. She found a pronounced tendency for escape stories to be presented as ‘comic relief’ and, to illustrate her point, she recounted the case of Garry David, also known as Garry Webb. David was a deeply disturbed man, who had been abused, neglected and institutionalised from a very young age. He died aged thirty-eight, having spent less than a year out of prison since he was seventeen. His crimes ranged from petty theft to attempted murder. In the early 1990s David was confined in an annexe

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17, June 1992; Don Porritt, ‘The Threat From Escapes: Some Facts About Prison Escapes’, *Research Bulletin*, no. 6, March 1982; Eric T. Price, ‘Open Prisons and Public Safety’, *Australia and New Zealand Journal of Criminology*, vol. 4, no. 3, 1971, pp. 163-7; J. A. Bell, P. J. Boyes and M. Jordan, ‘Escapes from Penal Institutions’, Department of Corrections, Perth, c.1972.

<sup>33</sup> For instance: Finger, *The Escapes from St Helena*.

<sup>34</sup> Grace Karskens, “‘This Spirit of Emigration’: the nature and meanings of escape in early New South Wales”, *Journal of Australian Colonial History*, vol. 7, 2005, pp. 1-34.

to the Victorian prison system, the high-security J Ward of the now-defunct Ararat Psychiatric Hospital. There, he removed the brickwork from his cell and squeezed through into the adjacent stairwell. He found his way onto the roof, where he became stuck. It would have been difficult and dangerous to bring David down by force, so the staff at J Ward decided to wait. He stayed on the roof for three days.

The guide who showed Wilson around the site took pleasure in explaining how the standoff was resolved. ‘It was the chops that got him down’, she said. On the third day a meal of roast chops was prepared for the prisoners and the smell carried up to David: ‘he couldn’t stand it, and out he came, for his dinner. So there you go; even Garry had a roast dinner’. As Wilson points out, this telling of David’s actions implies a ‘benign institutional wisdom and good-humoured paternalism’ on J Ward’s part, and elides the reasons for David’s behaviour. ‘Good old J Ward, looking after even the maddest and baddest—they can get natural up to their little bits of mischief, their escapades, and what’s the response? Chops’. Wilson took issue with the way David’s desperate act was ‘euphemised’ into a trivial tourist attraction. ‘Whatever it was he was doing up in the roof that day, or thought he was doing, it wasn’t comedy’.<sup>35</sup>

Following Karskens and Wilson, I would suggest that it is crucial to examine escapes from the perspective of the escapee, even if this renders escapes less sensational or amusing. It is moreover, instructive to consider what exactly escapees did while at large. The analysis offered in this chapter is based on the collated records of 262 escapes from prison camps around the country between 1917 and 1974. These records include official reports, newspaper articles, departmental files, local histories, and prisoner memoirs and biographies. I have interpreted this corpus in light of recent criminological research on escapes from prison since the 1950s.

## WHY PRISONERS ESCAPE

The historical and the criminological evidence both show that the two most common reasons for escapes were family crisis, and fear of violence or victimisation. An additional, smaller proportion of escapes might be best described as protests, or inebriated misadventures.

<sup>35</sup> Jacqueline Z. Wilson, ‘Relics of a Desperate Act: Escape and Containment in J Ward’, *History Australia*, vol. 1, no. 1, 2003, p. 52; see also Wilson, ‘In Prisons’, in Peter Beilharz and Robert Manne, (eds.), *Reflected Light: La Trobe Essays*, Black Inc, Melbourne, 2006, pp. 313, 319, 24.

## *Family*

In November 1972, a young girl in Western Australia working on a school project, wrote to a psychologist in the Research Division at the Department of Corrections. ‘How do you manage to keep the prisoners without them escaping?’ she asked. The psychologist replied: ‘most inmates will only try to escape under extreme circumstances (trouble at home for example) ... You should not get the idea that all men in prison are dangerous, desperate criminals: very few are like this’.<sup>36</sup>

Family crisis was perhaps the single most common reason prisoners escaped. Based on interviews with 458 recaptured escapees, criminologist Barbara Thompson found that ‘chronic family problems’ precipitated thirty-one per cent of escapes from NSW prisons in a seven year period.<sup>37</sup> Similarly, using police and prison records that documented 812 escapes, Angela Gorta and Tony Sillivan found that forty-four per cent of those who escaped from NSW prisons between 1983 and 1989 said that they were motivated by illness in the family or estrangement from their partners. A further twenty-four per cent cited other family problems, such as an unexpected and prolonged period of no letters or visits from family, or that they felt family members needed their support.<sup>38</sup>

These figures are supported by the historical sources. When inmates heard that their wives or girlfriends had left them or been unfaithful, when they heard that their children were neglected or abused, when they heard that their parents were ill or dying, the urge to see these people could be overwhelming. In March 1926, for instance, prisoner G. U. escaped from French Island in a boat. After his recapture, he was anxious that his reasons for escaping be understood. ‘I am a man who has always led a good life’, he told the ISB.

This is my first time in gaol. I want you to understand this escape was prompted on the spur of the moment. I have had great trouble. My mother is very sick, and will not be long on this earth. I wanted to see her before she passed away ...

<sup>36</sup> E. B. to P. P. , 17 November 1972; P. P. to E. B., 22 November 1972, Prisons Department, Departmental Files, Requests For Information, 1969-73, SROWA Series: 3054, Cons: 7127, Item: 1970/011 – 1.

<sup>37</sup> Thompson, ‘Reasons for Escape’, p. ii.

<sup>38</sup> Gorta and Sillivan, ‘Escapes from NSW Gaols’, p. 217. See also Bell, ‘Escapes from Penal Institutions’, p. 8; Caroline Evans, *A ‘Pink Palace’? Risdon Prison, 1960-2004*, Department of Justice, Hobart, 2004, p. 58; Mark Findlay, *The State of the Prison: A Critique of Reform*, Mitchellsearch Limited, Sydney, 1982, p. 221.

When I had seen my mother, whom I dearly love, I realized the seriousness of my action and then handed myself over.<sup>39</sup>

One man who escaped from the Glen Innes Afforestation Camp in 1930 told detectives he escaped because he was concerned about his wife. She had at first visited him regularly in prison but the visits had stopped, and although he had written to friends and family, he had been unable to find out what had happened to her.<sup>40</sup> A South Australian prisoner who escaped from Kyeema Prison Camp in October 1951 said he wished to be with his mother in Perth, who was seriously ill.<sup>41</sup> When Queensland prisoner M. N. escaped from the Numinbah Prison Farm in May 1952, having served over three-quarters of his sentence, it was common knowledge among other prisoners that he had heard that his wife was living with another man.<sup>42</sup> Some prisoners even escaped in the knowledge they would be recaptured and the hope that they would be transferred to different prisons, closer to their families.<sup>43</sup> Others escaped out of sheer loneliness.<sup>44</sup>

Prisoners are of course notorious for lying. By presenting themselves as caring sons and devoted lovers, recaptured inmates may have been hoping to minimise the penalty they were to receive for escaping. In other words, they might have been telling their own version of ‘the China story’. However, the consistency of the historical record with the criminological findings, along with the fact that there is no evidence to contradict the inmates’ versions of events, suggests it would be cynical to discount these stories of distress and grief.

### *Fear*

Escapees were often portrayed as dangerous desperadoes. The truth is that many prisoners were more concerned with avoiding violence directed at themselves than they were with inflicting mayhem on innocent citizens. Thompson found that one in five escapes from NSW prisons between 1985 and 1992 was prompted by threats of physical

<sup>39</sup> ‘French Island Prisoners. Escaped Men in Court’, *The Argus*, 9 April 1926; also ‘Three Prisoners Escape. Boat Missing from French Island’, *The Argus*, 26 March 1926; ‘Escaped Prisoners. Still at Large’, *The Argus*, 27 March 1926; ‘Escaped Prisoners. Two Captured’, *The Argus*, 29 March 1926.

<sup>40</sup> ‘Prison Camp Escapees Sentenced to Six Months’, *SMH*, 17 November 1930.

<sup>41</sup> ‘Escaped Men Surrender’, *The Advertiser*, 19 October 1951.

<sup>42</sup> See M. N. to Superintendent, Brisbane Prison, n.d. Prisons Department, Special Subject Batches, Escapes, 1924-57, QSA, Series 9097, Item 293122.

<sup>43</sup> Thompson, ‘Reasons for Escape’, p. 10.

<sup>44</sup> ‘Broke Gaol Because He Was So Lonely’, *SMH*, 22 September 1950.

or sexual violence from other inmates.<sup>45</sup> Gorta and Sillivan found much the same thing. Having examined the files of many escapees, they could not help but note the number of requests for protection such prisoners made before they took flight. ‘In this light, escaping may be seen as the prisoner’s way of dealing with a specific problem. Escaping from custody is another way of being transferred’.<sup>46</sup>

Prison camps were much safer places than conventional prisons, but they were not free of fighting between inmates. Violence, or the threat of it, was more than enough to make a prisoner run away.<sup>47</sup> ‘I am unpopular with other prisoners’, said a recaptured escapee and informer as he explained, somewhat euphemistically, why he had fled from the McLeod Settlement in 1925.<sup>48</sup>

Escape was also a favoured method of problem-solving for prisoners who were homosexual, or were afraid of being seen as such. Though common in all prisons, homosexual sex was—and is—proscribed in inmate culture. Consensual homosexual relations were almost always kept secret, and fears of discovery could prompt prisoners to escape. One such incident took place at the Hayes Prison Farm in 1945. In March, Overseer Wilson reported that he had ‘reason to suspect’ two prisoners, R. S. and B. A. of ‘homosexual practices’. A., a young man, had been several times reproved for playfully ‘mauling’ other prisoners and lying on beds other than his own. S. was partial to A.’s company and had tried to arrange work for the two of them at the Burnie Paper Pulp works after their release. One evening in March, Wilson spoke ‘very severely’ to A. about his behaviour, and the next day the two inmates escaped. S. was only a fortnight away from the end of his sentence at the time, while A. had two and half months left to serve. ‘It therefore seems unlikely that either would have risked the consequences of escape without some special reason, such as immoral practices of which they are now suspected’, Wilson said. If the two inmates were in a sexual relationship and it became known, they faced the prospect of being transferred back to Hobart Gaol, assaulted by

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<sup>45</sup> Thompson, ‘Reasons for Escape’, p. ii, 8.

<sup>46</sup> Gorta and Sillivan, ‘Escapes from NSW Gaols’, p. 217.

<sup>47</sup> See, for instance: ‘Order to protect prisoner refused’, *SMH*, 4 October 1972.

<sup>48</sup> ‘Mansfield Murder. Conversations in Gaol’, *The Argus*, 9 July 1926. When several inmates at Hayes Prison Farm assisted in the search for an escapee in 1938, another inmate who had spent time in prison in Victoria was astonished. At Pentridge, he said, ‘the bastards would have their guts kicked out’ for helping the authorities in such a way. See Overseer C. Wilson to Controller of Prisons, 16 December 1938, AOT, Gaols Department, Individual Prisoners’ Files, 1891-1960, GD61/1/34, File: 811/239.

other prisoners, and possibly prosecuted for their actions.<sup>49</sup> Under the circumstances, escape was an attractive proposition.<sup>50</sup>

### *Protest*

Thompson found that five per cent of runaways escaped because they did not like their new prison or camp, or did not want to be transferred. An additional small number escaped in order to obtain medical treatment that had been refused to them in prison.<sup>51</sup> These types of escapes might be characterised as a form of protest, and several such incidents took place at camp, many during periods of overcrowding.<sup>52</sup>

In May 1948 two men escaped from Stone River State Farm, near Ingham in North Queensland. Four days later, they were recaptured without a struggle. En route to Townsville Prison after their capture, the escorting prison guard asked the men why they had run off. One of the prisoners replied: ‘someone had to go, if it was not us two it would be another two, someone had to fall for it’. The other escapee said that there had been discontent at the farm for some time over a number of issues, particularly the issue of tobacco, it being a number of months since any had been issued. The prisoners agreed that they needed to attract the attention of head office to the matter, and drew lots ‘to see who would shoot through to see if it would make good for the other prisoners’.<sup>53</sup>

Seven years later, five more prisoners escaped Stone River for similar reasons. According to CGP Rutherford: ‘these men did not intend to escape in the true sense of the word, but planned to return to H. M. Prison, Townsville, in melodramatic fashion, as a protest

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<sup>49</sup> File: 20/9, Gaols/Escape of prisoners from Hayes Gaol Farm; Attorney General’s Correspondence, 1937-71, AOT, AGD1/1/236.

<sup>50</sup> Much the same thing happened at Emu Plains in 1942. ‘Additional Term For Lifer’, *The Canberra Times*, 10 March 1942. For similar happenings at Pardelup Prison Farm in 1928 see: ‘Down on the Farm. Pleasures at Pardelup’, *The Daily News*, 7 June 1923, “Good Conduct” at Pardelup, *The Mirror*, 9 June 1928; A. T. Badger to Comptroller General of Prisons, 11 June 1928, SROWA, Pardelup Penal Outstation, Establishment of & General File, 1927-50, Chief Secretary’s Files, SROWA WAS 675, Con 752, 1927/0823, Item: 1927/0823. Of course, there were homosexual prison staff, as well as inmates. Andrew Johnson, ‘Prison Culture, Violence and Sexuality’, *Journal of Australian Studies*, vol. 19, no. 43, 1995, pp. 125-29. However, I have found no evidence of sexual relationships—consensual or otherwise—between officers and inmates at camp.

<sup>51</sup> Thompson, ‘Reasons for Escape’, pp. 9, 12.

<sup>52</sup> *Proceedings of the Royal Commission into New South Wales Prisons*, vol.9, Government Printer, Sydney, 1978, p. 22 (22 July 1976).

<sup>53</sup> Warder P. G. to Superintendent, Townsville Prison, 22 May 1948, Prisons Department, Special Subject Batches, Escapes, 1924-57, QSA, Series 9097, Item 293121.

against “conditions” at Stone River’. Several of these prisoners, some of whom were only a matter of weeks from completing their sentences, complained of inadequate medical treatment at the farm.<sup>54</sup>

#### *Under the influence*

Another category of escapees were induced to escape under the influence of alcohol, and/or their fellow inmates. Thompson found that about ten per cent of the escapes in her sample were made by prisoners who were intoxicated at the time.<sup>55</sup> Inmates at camp often brewed or improvised their own alcohol from farm crops or supplies.<sup>56</sup> The two prisoners who were selected to escape Stone River in 1948 were given a potent drink made from methylated spirits, water, lemon juice and sugar cane to harden their resolve.<sup>57</sup>

Occasionally, prisoners would find or be supplied alcohol from outside, such as two prisoners who went missing from the McLeod Settlement at Easter, 1919. A party of visiting cricketers was on the island, and while a game was in progress the two inmates discovered the boat that had brought the visiting sportsmen. In it they found a quantity of food and several bottles of whisky. Such an opportunity was not to be missed. Late that night, officers from the Settlement found the escapees stuck on a sandbar. ‘It’s all up’, they said, before they were sent back to Pentridge.<sup>58</sup> In May 1940, a young prisoner R. B. escaped from Palen Creek under the influence of alcohol. He later referred to it as ‘my foolish boyish escapade’.<sup>59</sup>

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<sup>54</sup> ‘Report of the Comptroller-General of Prisons for the year ended 30th June, 1955’, pp. 3-4, JOL and relevant documents in Prisons Department, Special Subject Batches, Escapes, 1924-57, QSA, Series 9097, Item 293123. Until the 1960s, the dental care available to inmates at camps was primitive or non-existent, and a number of prisoners escaped to see dentists. For instance: ‘Escapee’s Novel Excuse’, *SMH*, 4 May 1928.

<sup>55</sup> Thompson, ‘Reasons for Escape’ ,p. ii.

<sup>56</sup> See for instance: Governor J. D., Quarterly Report, 1 July to 30 September 1974, McLeod Prison Farm, Governor’s Inward and Outward Correspondence, 1973-75, PROV VPRS 11974.

<sup>57</sup> Prisons Department, Special Subject Batches, Escapes, 1924-57, QSA, Series 9097, Item 293121.

<sup>58</sup> ‘A Dash for Freedom. The Prisoners and the Whisky’, *The Argus*, 24 April 1919.

<sup>59</sup> R. B. to Comptroller General, 4 March 1941, Prisons Department, Special Subject Batches, Escapes, 1924-57, QSA, Series 9097, Item 293123. Again, in emphasising his harmlessness, R. B. was perhaps seeking to minimise his punishment, in much the same way Karskens suggests convict-period escapees did with their self-deprecating stories.

## THE THREAT POSED BY ESCAPEES

Given the significance ascribed to escape rates, it is important to ask what happens after prisoners made their escape. How often did they re-offend while at large, what sort of offences did they commit on the run, and how much of a risk did they really represent?

The recent criminological evidence is consistent: almost all escapees—from prisons of all types—were recaptured, most within a few days. Gorta and Sillivan found that almost thirty per cent were recaptured on the day they escaped or the following day, and fully half of all escapees were recovered within eight days.<sup>60</sup> In WA in the years 1970-71, fifty-five per cent of escapees were recaptured in two days. Just over five per cent remained at large for more than twenty days.<sup>61</sup>

Of my sample of 262 escapes, only two prisoners—both from Queensland—are known to have permanently avoided recapture. On a cloudy night in 1952 a short-term prisoner absconded from the Palen Creek State Farm and never came within the reach of the law again.<sup>62</sup> And in 1960 a prisoner, J. H., rode out one wet-season evening to bring in the cattle at the Stone River State Farm, and never came back.<sup>63</sup>

English criminologists Banks, Mayhew and Sapsford have pointed out that a certain amount of crime is ‘a natural product of absconding—the men need shelter, food and transport’. To obtain such things escaped prisoners generally have to break the law, ‘but by and large they appear to constitute more of a nuisance than a danger’.<sup>64</sup> Six out of ten escapees from NSW prisons from 1974 to 1982 committed no proven offences while at

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<sup>60</sup> Gorta and Sillivan, ‘Escapes from NSW Gaols’, p. 213.

<sup>61</sup> Bell, Boyes and Jordan, ‘Escapes from Penal Institutions’, p. 6. English research found that two thirds of the 235 escapees from open institutions in 1970 were apprehended within a week, and that the median time at large was 2.5 days. Eighteen per cent were caught on the day they escaped. Charlotte Banks, Patricia Mayhew and R. J. Sapsford, *Absconding from Open Prisons*, Her Majesty’s Stationery Office, London, 1975, pp. 7, 46. Some escapees wanted only a brief period of liberty. On the night of 15 August 1945, the day the allies declared victory in the Pacific, eight prisoners from Pardelup felt compelled to join the celebrations. Several cans of cream from a nearby farm disappeared, and a car went missing temporarily, but all prisoners involved were present and correct at the muster the following morning. ‘Annual Report of the Comptroller General of Prisons for the Year Ended 30th June, 1947’, pp. 9-10, Prisons, Annual Reports, Chief Secretary’s Files, SROWA WAS 675, Con 752. In 1955 a number of homes in Penrith, near the Emu Plains Prison Farm, were burgled. A complete set of fingerprints was found at the site of one of offences, and police were surprised to find that they belonged to an inmate then serving a sentence at the prison farm. ‘Prisoners in pubs at night’, *The Sun*, 21 April 1955.

<sup>62</sup> ‘Lifers are serving out time without locks or bars’, *The Courier-Mail*, 16 October 1959.

<sup>63</sup> File re: escape of prisoner J. A. H, Prisons Department, Special Subject Batches, Escapes, 1942-63, QSA, Series 9097, Item 293123.

<sup>64</sup> Banks, Mayhew and Sapsford, *Absconding from Open Prisons*, p. 53.

large.<sup>65</sup> Gorta and Sillivan found that just under seventy-five per cent of escapees in NSW between 1983 and 1989 committed no proven offence while at large, and that of the 812 escapes in this period, only thirty-nine involved offences against the person.<sup>66</sup> In the sample of 262 escapes, only five such offences are documented.

The low rate of violent offending by escapees is consistent with pre-escape profiles. Contrary to popular belief, prisoners with violent records have been the least likely to attempt to escape. Gorta and Sillivan found that ‘a typical escapee from NSW gaols’ in the mid-1980s was under twenty-four years old, serving time for a property offence such as break and enter, or car theft.<sup>67</sup> Researchers in New Zealand have compiled ‘composite impressionist descriptions’ of escapees and non-escapees from prisons in that country in the 1950s. They too found that violent offenders were less likely to escape than non-violent prisoners.<sup>68</sup> Unaware of such findings, local residents were most concerned about the proximity of prisoners with violent records. In 1959, for instance, the New Norfolk Council wrote to the Tasmanian Prisons Department to ask that the farm be used to hold ‘the milder types of prisoners only, and that the dangerous types be retained at the Hobart Gaol’.<sup>69</sup> Ironically, the risk the community faced from escapees, such as it was, came more from ‘the milder types’ than it did from the few murderers and rapists at the farm.

Most escapees posed a threat only to themselves. Many of the camps were located in isolated places, and surrounded by rugged terrain.<sup>70</sup> Escapees often became lost, and

<sup>65</sup> Porritt, ‘The Threat from Escapes’, p. 3. See also Bell, Boyes and Jordan, ‘Escapes from Penal Institutions’, p. 5.

<sup>66</sup> Gorta and Sillivan, ‘Escapes from NSW Gaols’, pp. 214, 216.

<sup>67</sup> Gorta and Sillivan, ‘Escapes from NSW Gaols’, p. 208.

<sup>68</sup> *Absconders from Penal Institutions*, Department of Justice, Wellington, 1961, pp. 70, 75-77. Of the 235 abscondees from English open institutions in 1970 only two were serving a sentence for a crime of violence; one of these was recaptured on the day he escaped, the other was picked up after five days. Only twelve per cent were reported as having committed offences while on the run, and all were property offences. This pattern reflected the crimes for which the escapees had been originally convicted. By far the greatest escape risk was posed by burglars (4.7% risk), followed by thieves (3.1%). Researchers found that the likelihood of escape by men convicted of crimes involving sex or violence was 1.7%. Banks, Mayhew and Sapsford, *Absconding from Open Prisons*, p. 7, 46, 52.

<sup>69</sup> Athol Fox, Town Clerk, to Attorney-General, 17 February 1959, File: 20/8, Gaols/Complaint By New Norfolk Council Re Escapes From Hayes Gaol Farm, Attorney-General’s Correspondence, 1937-71, AOT, AGD1/1/395. In 1945, Arthur Watts, the leader of the Western Australian opposition, pressed the Chief Secretary about a spate of recent escapes from Pardelup Prison Farm. Watts pointed out that one of the prisoners involved was serving a sentence for incest and another for robbery committed with violence. ‘What justification can be advanced for allowing these prisoners to be at Pardelup in a closely settled district...where women and children are frequently left without protection?’ Watts asked. *Parliamentary Debates: Legislative Council and Legislative Assembly*, 1945, vol. 115, Government Printer, Perth, p. 381.

<sup>70</sup> The location of the first prison camps in New Zealand was partly determined on this basis. ‘Tree-Planting Camps. The New Zealand System’, *SMH*, 13 June 1911.

suffered from hunger, exposure and exhaustion. Many gave themselves up when it became too much, others became so thoroughly disoriented that they could not find anyone to give themselves up to. After his recapture, a young escapee from Emu Plains told police ‘an amazing story of his vicissitudes, sleeping in the bush and in small caves during the tempestuous weather which prevailed’.<sup>71</sup> Another NSW escapee suffered chronic health problems associated with his privations while at large in 1937.<sup>72</sup> In 1966, The first words spoken by an escapee recovered from rugged country around Glenn Innes were: ‘thank heavens that’s over’.<sup>73</sup>

Escape was a particularly risky business for escapees from the island camps on St Helena and French Island. Although a foolhardy few tried to escape the McLeod Settlement by swimming, boats were the key to getting off the island. Several prisoners drowned as they made their way to the mainland on improvised rafts. In April 1938, for instance, prisoner J.M. escaped on a vessel made from some empty drums and planks lashed together with rope. The seas were heavy, and police inferred his fate when a number of items washed ashore near Corinella, including a broken paddle, half a loaf of bread, a tin of jam, and a pair of the prisoner’s boots.<sup>74</sup>

There was hardship even for those prisoners who failed to get off the island. A substantial number of escapees from McLeod were unable to steal or build a vessel after their initial flight. Some eventually gave up and trudged back, tired and hungry, to the camp.<sup>75</sup> Prisoner A. H., for instance, who escaped the McLeod Settlement in April 1937,

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<sup>71</sup> ‘Escaped Prisoner Recaptured at North Sydney’, *SMH*, 2 July 1930.

<sup>72</sup> ‘Escaped Prisoner. Now in Hospital’, *SMH*, 23 April 1937.

<sup>73</sup> ‘Cold, hunger beat the gaol-breakers’, *SMH*, 14 May 1966. For other, similar cases, see ‘Escaped Prisoners. Trying Experience’, *SMH*, 31 March 1928; ‘Prison Camp Escapees’, *SMH*, 15 November 1930; ‘Escaped Men Surrender’, *The Advertiser*, 19 October 1951.

<sup>74</sup> ‘May Be Drowned. Escaped Prisoner’, *The Argus*, 28 April 1939; ‘Man Believed Drowned. Escaped From Prison’, *The Argus*, 29 April 1938. The man’s body washed ashore a few days later. ‘Body Found on Beach’, *The Argus*, 19 May 1938. For details of other escapes from French Island see: ‘Prisoner Found. Hazardous Journey in Boat’, *The Argus*, 17 April 1936; ‘Penal Establishments, Gaols, and Reformatory Prisons; Report and Statistical Tables for the year 1938’, *Votes and Proceedings of the Legislative Assembly*, 1939, vol. 1, Government Printer, Melbourne, pp. 7-8; ‘Prisoners May Have Been Drowned’, *The Argus*, 19 September 1934; ‘Prisoner Drowned’, *SMH*, 6 November 1939; ‘Inquest on Death of Escapee’, *The Age*, 28 August 1964. In 1928 the ISB tempted fate and sent a former Australian swimming champion to the McLeod Settlement on French Island. Five days later, he successfully swam his way to the mainland. Barbara Coghlan, *Protector’s Plains: A History of Lang Lang Primary School No. 2899, 1888-1988, and District*, CBC Publishing, Yannathan, 1988, p. 21.

<sup>75</sup> ‘Escaped Prisoner Returns’, *The Argus*, 2 September 1935; ‘Prisoners Escape. French Island Search’, *The Argus*, 30 March 1936; ‘Prisoner Captured. Lack of Food Supplies’, *The Argus*, 2 April 1936.

subsisted on green figs and quinces for three days before giving himself up.<sup>76</sup> Seven months later, prisoner W. E. was on the loose on the island for ten days. With all the boats on the island either locked up or closely monitored he was unable to reach the mainland. Local residents and prisons staff were puzzled as to how he held out so long—apart from fruit the only foodstuffs available were rabbits and snakes.<sup>77</sup>

Very occasionally escapees from camps would behave dangerously, and put staff and their fellow prisoners at risk. In June 1967, two inmates at Hayes Prison Farm set a fire to create a distraction while they made their escape. Several buildings were damaged or destroyed, and two prisoners were seriously injured by falling timber during the blaze.<sup>78</sup> But of all the escapes connected with prison camps, only one had truly terrible consequences for anyone other than the escapees, and this was a break-in rather than a break-out. In 1959, in one of the most famous twentieth-century Australian prison escapes, Leslie Newcombe and Kevin Simmonds escaped from Long Bay Prison in Sydney, and subsequently went in search of a firearm. They were familiar with Emu Plains and its routines, and planned to overpower the night guard there and steal his weapon. The officer, Cecil Mills, was killed in the ambush.<sup>79</sup>

#### *Escapees and sexual panic*

For all the anxiety of locals, women and girls living near the camps faced little threat of sexual violence from inmates. I have found only two substantiated examples of incidents involving local women or girls and prisoners beyond the boundaries of the prison.

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<sup>76</sup> ‘Escaped Prisoner Re-Captured. Had Made Rough Raft’, *SMH*, 5 April 1937.

<sup>77</sup> ‘Prisoner Escapes. Armed Guards Searching Island’, *SMH*, 22 November 1937; ‘Missing for Ten Days. Prisoner Eludes Searchers’, *The Argus*, 2 December 1937; ‘French Island Capture’, *The Argus*, 18 January 1939. For other grueling escapes, see: ‘French Island Prisoners. Recaptured at Nagambie’, *The Argus*, 9 April 1925; ‘French Island Escapees Caught’, *The Argus*, 27 February 1946; ‘Four Convicts Escape in Boat’, *SMH*, 4 February 1957.

<sup>78</sup> ‘Gaol Farm Blaze’, *Mercury* 19 June 1967; File: 20/12, Prisons/Hayes Gaol Farm Fire, 1968, Attorney-General’s Correspondence, 1937-71, AOT AGD1/1/519.

<sup>79</sup> Simmonds and Newcombe insisted that they never meant to kill Mills. ‘Police Claim Warning of gaol plot unheeded’, *Sun Herald*, 11 October 1959; ‘Warden Battered To Death At Emu Plains Prison Farm’, *SMH*, 12 October 1959; ‘How I Climbed Up the Wall of Long Bay Jail’, *Sunday Telegraph*, 18 October 1959; Leslie Newcombe, *Inside Out: the true story of the Simmonds-Newcombe gaol escape*, Angus and Robertson, Sydney, 1979, esp. pp. 89-90; Anne Gollan, ‘Simmonds, Kevin John (1935-1966)’, *Australian Dictionary of Biography*, vol. 16, Melbourne University Press, Melbourne, 2002, p. 241.

In 1965, Darcy Dugan was confined at the Mannus Afforestation Camp in the Southern Tablelands of NSW.<sup>80</sup> Although Dugan was a notorious gaol breaker—between 1946 and 1950 he made ten attempts to escape custody and succeeded four times<sup>81</sup>—by the mid-1960s he was well into middle-age. He had served fifteen years of a life sentence, and prison authorities were preparing to release him, following a recommendation from the Minister of Justice. Dugan had not been at the camp long, however before he struck up a friendship with a local woman he met during a cricket game between prisoners and locals at the camp. She informed him that a number of the prisoners slipped out of their huts at night to meet wives or girlfriends in the surrounding bush. Most of the guards, she said, were happy to turn a blind eye. Another prisoner told Dugan of a car hidden nearby that some of the prisoners used on their night jaunts, and invited him to do the same.<sup>82</sup>

Darcy was all fired up. He knew the consequences if he got caught, but he could never resist playing close to the wire. After all, nobody was going to get hurt. He only wanted to do what came naturally, and follow what everyone else was doing anyway. It was surely just another logical step towards his rehabilitation, wasn't it?<sup>83</sup>

Dugan got away with visiting his ‘friend’ for over three months. During this time he and other prisoners drove as far as Wagga, even attending the dog races, at which Dugan apparently had a fair bit of luck. One night however, he stayed out so late that he did not have time to hide the car, which was then noticed the next morning by the wife of one of the warders. The subsequent controversy seriously embarrassed the Prisons Department and pushed Dugan’s parole date back significantly.<sup>84</sup>

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<sup>80</sup> Entrance and Description Books (Sentenced), Brookfield Afforestation Camp, Mannus, 1964-69, SRNSW 11/15868, p. 5.

<sup>81</sup> ‘Release Soon For Darcy Dugan’, *The Sunday Mirror*, 4 October 1964.

<sup>82</sup> Rod Hay, *Catch Me If You Can: The Life and Times of Darcy Dugan*, Pan Macmillan, Sydney, 1992, chapter fifteen; ‘The Truth About Dugan’, *Sunday Telegraph*, 27 June 1965; ‘Dugan to face escaping charge’, *SMH*, 1 July 1965; Brookfield Afforestation Camp, Mannus, Gaoler’s Journal, vol.18, 1964-66, SRNSW 11/16085.

<sup>83</sup> Hay, *Catch Me*, pp. 253-54. On the other hand, Journalist Larry Writer described this incident thus: for Dugan, a ‘prison was something you broke out of. So he did’. Larry Writer, *The Australian Book of True Crime*, Murdoch Books, Sydney, 2008, p. 262).

<sup>84</sup> Hay, *Catch Me*, pp. 254-63. In 1970, Tasmanian First Class Prison Officer Eric Thorne recalled a similar incident at Hayes Prison Farm. One prisoner managed to create a well disguised trapdoor in the floor of his hut. He was sighted at night by police in Hobart, Glenorchy and other places, but was always in his hut by morning. At a loss to explain how the prisoner got out, Thorne said the inmate ‘nearly sent everybody mad’. ‘Prison Without Locks’, *Mercury* 27 July 1970.

The second substantiated case occurred in September 1966. The daughter of a farmer whose property was adjacent to the Palen Creek State Farm was caught by her father as she came home late one night. The farmer did not see anyone else, but heard the sounds of someone running in the direction of the prison farm. The girl admitted to her father that she had been with prisoner T. M. several times over the course of the previous three months, and that they had slept with each other on one occasion. The father did not want the matter publicly known but as the girl admitted the act, and was fifteen years old at the time, senior prison officials felt bound to put the matter into the hands of the police. Although the department did not regard M., who was twenty-two, as a security risk, he was returned to Brisbane Prison. There were no witnesses, so there was insufficient evidence to charge him with escaping, but the police proceeded with a charge of carnal knowledge of a girl under sixteen years. M. declared he loved the girl and wanted to marry her upon his release, but was found guilty and sentenced to another two years in prison. At the time his relationship with the girl was discovered, his release date was only two months away. In the course of his second sentence, he developed a malignant form of lung cancer and died.<sup>85</sup>

In having sex with an underage girl, M. had clearly committed a serious offence. But this situation is a far cry from the image of rampant sexual predators that local residents feared. If he and Dugan indicate the overall threat to the women and girls living near the camps, then the threat was greatly exaggerated. Admittedly, there must have been similar or worse cases for which the relevant records have been lost or destroyed (if they ever existed). Dugan said he was only copying other prisoners, but extensive surveys of newspapers and official records reveal few suggestions of any sort of contact between prisoners and local women, and no clear-cut cases of sexual violence.<sup>86</sup> Both the prisons

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<sup>85</sup> Prisoner file, T. M., Prisons Department, Ex-Prisoners Files, Box 13, QSA, Series 17926, Item 151205; ‘Left prison to see girl’, *Courier Mail*, 14 September 1966; ‘Girl in jail check’, *The Telegraph*, 16 September 1966.

<sup>86</sup> There are reports of a number of cases similar to Dugan’s in that they involved prisoners joyriding and drinking by night and returning by dawn. See for instance: ‘Night Forays Of ‘Escape Club’ at Prison Farm’, *Truth*, 17 February 1952; ‘Escapée tells of car jaunts from jail farm’, *The Sun*, 16 March 1952; ‘Prisoners in pubs at night’; Ruth Gooch, *Frontier French Island*, Prahan Mechanics Institute Press, Melbourne, 2006, p. 199. There are several unsubstantiated reports of similar ‘interactions’ with locals, although these appear relatively harmless. One of the more remarkable accounts concerns events at Stone River in May 1948. A number of prisoners allegedly made an appearance at a dance at the Upper Stone River community hall, dressed in regulation Queensland prison service uniforms. One of the prisoners at the farm had been entrusted with the task of doing the guards’ laundry, and it was alleged that he ‘loaned’ the garments to his fellow prisoners for the purpose of attending the dance. Upon hearing about the matter, the Under-Secretary to the Attorney General, J. D. O’Hagen, wrote to his Minister, ‘one can imagine the resentment of parents in the Ingham district if they found that their daughters were dancing with prisoners from the State Farm’. The Attorney immediately dispatched the Comptroller General to

departments and the families involved would of course have tried to keep such incidents as quiet as possible, but prisons are powerful rumour mills. The lack of information about any further incidents is telling.

In 1927, B. A. De La Haye, the disgruntled resident of French Island, complained that the women of the island were at constant risk from the prisoners. This prompted a swift reply from other residents. De La Hayes' statement that 'the women and children live in constant fear of molestation is altogether incorrect', the Secretary of the French Island Progress Association wrote. 'They never give the prisoners a thought .. .they would laugh at the idea of such a fear. One, or even two, women may be nervous when left alone at night, but there are hundreds of them in Melbourne also'.<sup>87</sup>

The discreet, unauthorised entry of prisoners' partners to the camp property was much more common than the prisoners leaving to maraud the neighbourhood. During the investigation into T. M.'s relationship with the neighbour's daughter, M.'s mother wrote to Peter Delamothe, the Minister for Justice, and hinted at other, unreported matters: 'believe me the things my son has told me ... could cause a big stir if I decide to write to Truth'.<sup>88</sup> A friend of M.'s spelt matters out to the Minister:

[M.] never opened his mouth about the married men's wives, going down one evening every now and then to visit their husbands. He should have as they ribbed him about not doing so.<sup>89</sup>

In 1967 a prisoner at the McLeod Settlement attested to the fact that 'conjugals' took place on the beach near the camp.<sup>90</sup> In May 1975 a report appeared in the Tasmanian press about women, in the summer months, keeping 'clandestine appointments in one sector of the farm which had lush growth'.<sup>91</sup> These stories of unauthorised visits are

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Stone River to investigate. Based on some confusion in the prisoners' stories, and the assurances of the warders, the Comptroller decided that the allegations were unfounded; see O'Hagan to Attorney General, 11 June 1948, Prisons Department, Special Subject Batches, Escapes, 1924-57, QSA, Series 9097, Item 293121.

<sup>87</sup> 'French Island', *The Argus*, 14 April 1926. The Secretary pointed out that the settlers homes were ten to twelve miles [sixteen to nineteen kilometres] from the camp, making them 'as remote from the penal settlement as the residents of Toorak are from Pentridge'.

<sup>88</sup> H. M. to Attorney General, 23 January 1969, Prisoner file, T. M., Prisons Department, Ex-Prisoners Files, Box 13, QSA, Series 17926, Item 151205.

<sup>89</sup> S. M. to Attorney General, 22 March 1969, Prisoner file, T. M., Prisons Department, Ex-Prisoners Files, Box 13, QSA, Series 17926, Item 151205.

<sup>90</sup> Gooch, *Frontier French Island*, p. 197.

<sup>91</sup> 'Farm run by "Mr Big"?' , *The Mercury*, 16 May 1975; 'Prison Rackets Inquiry Called', *The Examiner*, 17 May 1975. For a report of a similar nature in relation to the Mannus Prison Camp,

consistent with the frequency with which prisoners escaped for family reasons: most prisoners were much more interested in their wives and girlfriends than they were in the girl next-door.

### *Making good on the run*

In 1938, a representative of the Victorian penal service spoke to a reporter about escapes. Escapes were quite uncommon, he said, and almost all of those who did get away were quickly recaptured. ‘Of those never heard of again it is surely fair to assume that the Penal Department has accomplished what it set out to do for them—to make them self-respecting members of society.<sup>92</sup> This remark is not quite as absurd as it appears at first glance. Of the prisoners who managed to remain at large for any length of time after escaping from camp, a few did establish themselves in civil society again.

W. I. escaped from the McLeod Settlement in October 1917. He quickly made his way to Adelaide, where, for eleven weeks, he worked at a number of jobs. After his recapture and return to Victoria, he claimed one of the Forestry inspectors on French Island had told him that if he made it beyond Victoria’s borders he would not be returned.<sup>93</sup> In 1944, a former inmate of the Emu Plains Prison Farm was recaptured near Wollongong, nearly twenty years after he absconded. In the interim he had raised nine children.<sup>94</sup> A prisoner who escaped from Palen Creek prison farm in 1960 was at large for three years, much of which he spent in legal employment in Sydney, without coming to the attention of police. His history and identity only came to light when he was arrested on a charge of offensive language.<sup>95</sup>

In 1951 prisoner O. O. escaped the Stone River State Farm, and gave blood to the Red Cross in Brisbane before finding work as a cattleman. He was the first prison farm escapee in Queensland in three years, and in the words of the CGP ‘a model prisoner ...

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see: “‘Kimono-Clad Woman’ Denial. Visit to Mannus Prison Camp”, *Daily Mirror*, 13 August 1945. For an example from Queensland, see prisoner file, R. P., Prisons Department, Ex-Prisoners Files, Box 6, QSA, Series 17926, Item 151517.

<sup>92</sup> ‘Prisons Old and New’, *Herald*, 29 July 1938. The Penal Department even claimed to know the whereabouts of some reformed escapees; see Jack A. Hetherington, ‘A Prison Without a Wall’, *The Herald*, May 1938.

<sup>93</sup> ‘Prisoner’s Question’, *The Argus*, 2 February 1918.

<sup>94</sup> ‘Escapee Raised Family of Nine During Freedom’, *SMH*, 25 May 1944.

<sup>95</sup> ‘Jail Farm Escapee’, *Courier Mail*, 13 September 1960; ‘Recapture of Escapee of 1960’, *Courier Mail*, 10 December 1963; prisoner file N. C., Prisons Department, Ex-Prisoners Files, Box 5, QSA, Series 17926, Item 151018.

and one of the most trusted prisoners at Stone River'. He had moreover, 'expressed himself as being finished with crime'. He remained at large for six and a half months. The station manager who employed O. saw a photograph of him in a newspaper shortly after hiring him. Instead of turning him in, the manager said he was very pleased with the escapee's work, and burnt the report of the escape. O. confided that he wished to make out for Alice Springs; the manager told him that he could work overtime if he wanted to earn the necessary money faster. The two men arranged to keep a record of the extra hours worked and agreed that O. would be paid when he left for the Northern Territory. 'That money,' he later wrote, 'was to be my nest egg'. He worked up to sixteen hours a day, and often on weekends, on everything 'from fencing to firefighting'—labour little different to that he would have been required to do at the prison farm. He was arrested just a few days before he was due to depart, after his employer informed police of his whereabouts. 'It was because I was leaving him in a few days and my usefulness was over as far as he was concerned, and also he would not have to pay the money due to me'. After his recapture, he sought the assistance of the Prisons Department in recovering the wages due to him, without success.<sup>96</sup>

One remarkable escapee from St Helena Prison Farm made good in a different country, and later returned to Queensland voluntarily, to serve out the remainder of his sentence. In 1929, John Stelling swam to a dinghy tethered to a buoy, a short distance from the island. After rowing to the mainland, he went to Sydney. He was an engineer by trade, and secured a berth as an engine hand on a steamer heading for London. He later said that after several years living a law-abiding life in England, he became 'unhappy in the knowledge that I was a fugitive from justice and my varying fortunes convinced me that I would have been wiser to have served out the remaining four months of my sentence'.<sup>97</sup> He returned to Australia, and, on 27 September 1934 gave himself up at Boggo Road Gaol. The superintendent recognised him and declared 'Why, you're John Stelling ... I would have thought that this was the last place for you to visit'. Stelling replied: 'Yes ... I want to get this whole business over with. What do I have to do?' He was officially released after serving the remaining four months plus an extra two and a half for the theft of the dingy and the destruction of the padlock on his cell door.<sup>98</sup>

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<sup>96</sup> File re: O. O., Prisons Department, Special Subject Batches, Escapes, 1924-57, QSA, Series 9097, Item 293122; CGP W. Rutherford to Under Secretary for Justice, 26 July 1951, Prisons Department, Special Subject Batches, Stone River (B), 1944-62, QSA, Series 9097, Item 293180; 'N.Q. Escapee Now Ship Stowaway?' *Courier Mail*, 22 November 1951.

<sup>97</sup> Finger, *The Escapes from St Helena*, pp. 40-41.

<sup>98</sup> Ibid. For another example of a prisoner voluntarily returning to custody, in this case after escaping from Numinbah prison farm in Queensland, see E. J. C., Administration Officer, to

Gorta and Sillivan have also reported the case of a prisoner who escaped custody in NSW in 1986. While at large he had set up a business as a scrap merchant and considered his time at large as ‘the most stable period of his life’.<sup>99</sup>

## ESCAPES AND PENAL POLICY

The facts that almost all escapees from prison camps were quickly recaptured, that most were not dangerous, and that they usually escaped for unthreatening reasons never made an impression on public debate. After the event, some locals would call for the camp to be shut down or moved, and escapes did contribute to the closure of at least two camps. Others demanded that prisoners be better screened, or that security be increased.<sup>100</sup>

In practice, it was impossible to screen out potential escapees in the selection process. Criminologists have tried, without success, to find ways to identify likely escapees. ‘While escapees do differ from the gaol population as a whole,’ Gorta and Sillivan wrote, ‘they do not differ so markedly that their characteristics can be used to predict escapees in advance’.<sup>101</sup> Confusingly for officials, many of those who did escape were regarded as model prisoners until they ran off. When R. C. escaped the Hayes Prison Farm in April 1938 (alarming Mr and Mrs Terry in the process), Overseer Carl Wilson was puzzled: ‘his behaviour had been excellent. There does not appear to be any reason why he cleared out as he had said previously he liked his job’.<sup>102</sup> Even in the period when officers read prisoners’ mail, prisoners escaped for no reason recognisable to officials.

More confusingly still, many of these well-behaved prisoners escaped when they had almost completed their sentences, a phenomena known in prison as ‘gate fever’<sup>103</sup> J. W., for instance, escaped French Island in December 1926. He had only six months left to

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Under Secretary, Department of Welfare Services, 7 December 1973, Prisons Department, Ex-Prisoners Files, Box 8, QSA, Series 17926, Item 151572.

<sup>99</sup> Gorta and Sillivan, ‘Escapes from NSW Gaols’, p. 217. For similar examples, see: ‘French Island Escape. Arrest in New Zealand’, *The Argus*, 7 February 1929; ‘Penal Establishments, Gaols, and Reformatory Prisons; Report and Statistical Tables for the year 1937’, p. 6. The camps closed in part because of escapes were the St Helena prison farm and the McLeod Prison Farm. See Finger, *The Escapes of St Helena*, p. 46 and Paul Heinrichs, ‘Sorry farewell to home-from-home’, *The Age*, 1 May 1975

<sup>100</sup> eg File: 20/8, Gaols/Complaint By New Norfolk Council Re Escapes From Hayes Gaol Farm.

<sup>101</sup> Gorta and Sillivan, ‘Escapes from NSW Gaols’, p. 217.

<sup>102</sup> Wilson to Controller of Prisons, 20 April 1938, Gaols File (19/10/1938), Attorney General’s Department Correspondence, 1937-71, AOT AGD1/1/160.

<sup>103</sup> Findlay, *The State of the Prison*, p. 68.

serve on his long sentence, and had been so trustworthy he was assigned work on the prison boat.<sup>104</sup> In 1948, inmate D. Y. escaped from Numinbah prison farm with less than four weeks still to serve. ‘I very much regret the foolish impulse which led me to make the escape’, he said later. A double murderer escaped from Glenn Innes Afforestation camp in NSW in May 1966, having served eighteen years of a life sentence, with his release due for consideration in only a matter of months.<sup>105</sup> The escape of J. H. from Stone River in 1960 was particularly confounding. He had been a well-trusted prisoner, and had less than six months to serve on his two-year sentence for breaking, entering and stealing. Staff placed so much trust in him that they did not even consider the possibility that he had escaped until quite some time after his absence was noted, believing instead that he was lost or hurt. ‘His conduct,’ the puzzled officer-in-charge reported, ‘had been exemplary’.<sup>106</sup> Reviewing the five escapes from Queensland’s prison farms between January 1947 and June 1948, CGP J. Whitney said ‘the incomprehensible feature of these incidents is that each prisoner concerned had only a very short part of his sentence remaining to be served’.<sup>107</sup>

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<sup>104</sup> ‘Escape from French Island. Man’s Sentence Extended’, *The Argus*, 7 January 1927.

<sup>105</sup> ‘Murderer Flees Honor Jail’, *Daily Telegraph*, 9 May 1966. For another example of gate fever, see Prisoner D. Y. to Controller of Prisons, 25 February 1949, Prisons Department, Special Subject Batches, Escapes, 1924-57, QSA, Series 9097, Item 293122.

<sup>106</sup> File re: escape of prisoner J. H., 1958-63, Prisons Department, Special Subject Batches, Escapes, 1942-63, QSA, Series 9097, Item 293123. After a luckless search for J. H. in the rugged, rain-soaked mountain country around Ingham, it came to light that one of H.’s fellow prisoners had known of the escape plan. This man, who was due for discharge a week after the escape was to take place, arranged to meet H. near Charters Towers, with supplies of food and clothes. Police lay in wait at this place on the appointed day, but H. did not appear. The subsequent search of the area suggested he had never been there at all, and that he and his co-prisoner had staged an effective diversion. The prisoners’ rumour mill muddied the waters still further; some reported hearing that H. had been taken in by a group of Aboriginal people and that he had tinted his hair and skin with black dye; other reports placed him as far away as Melbourne. Newspapers across north Queensland carried descriptions of him, his photograph was printed and shown by police to hundreds of local residents. After the initial search failed to uncover any trace of him, the CGP still claimed he was confident H. would eventually be recaptured. But H. entered folklore in the north as the ‘Phantom Prisoner’. For years afterwards, local newspapers would mark the anniversary of his escape with the news that there was no news on the man. Occasionally someone matching his description would be seen working on stations in the far west of the State; each time police returned empty-handed and red-faced. File of escapee J. H., Special Subject Batches, Escapes, 1942-63, QSA, Series 9097, Item 293123.

<sup>107</sup> ‘Report of the Comptroller-General of Prisons for the eighteen months ended 30th June, 1948, with Statistical Tables for the year ended 31st December, 1947’, JOL, p. 6. Whitney’s successor, William Rutherford encountered the same perplexing reality. See: ‘Report of the Comptroller-General of Prisons for the year ended 30th June, 1952’, JOL, p. 2. For other cases of escape made late in an escapee’s sentence see: ‘Prisoners Escape on a Raft’, *The Argus*, 30 January 1945; ‘Two Escapees Held’, *The Advertiser*, 2 December 1964; prisoner file L. K., January 1964, Prisons Department, Special Subject Batches, Escapes, 1942-63, QSA, Series 9097, Item 293123; ‘Two Men Escape from Prison Camp’, *SMH*, 11 November 1930. Even escapees themselves sometimes found it difficult to explain their actions. The first escapee from Kyeema Prison Camp was unable to say why he had absconded, and said he had been ‘well treated’ at the camp. ‘Escaped Prisoner Gives Himself Up’, *The Advertiser*, 29 November 1934).

Unable to predict which prisoners would escape, administrators came under heavy pressure to change security and supervision arrangements at the camps. Publicly, they claimed that they would not modify prison camp policy on the basis of incidents of escape. After the escape of prisoner A. B. from Kyeema Prison Camp in August 1937, South Australian Chief Secretary Ritchie insisted that the camp was functioning as it ought and ‘the escape today will make no difference to our future policy’.<sup>108</sup> Likewise, in 1952, Queensland CGP William Rutherford stated that:

It may be that one or two of these men will abscond, but if a positive policy of rehabilitation is considered desirable in the best interests of the State and the individual concerned, certain risks must be taken. There is a great temptation in prison administration, especially when things go wrong, as they frequently do, to retreat from a positive policy to a defensive or negative policy. While this attitude may reduce the worries of prison administrators, it also evades the responsibility placed upon them by the State and community, which rightly expect that everything possible will be done too assist a prisoner to eventually find a useful place in the community.<sup>109</sup>

But despite administrators’ reassurances to the contrary, escapes did force departments to alter their practice, if not their stated policy. When the camps were still in their infancy, the authorities threatened to abandon the innovation completely if escapes got out of hand.<sup>110</sup> In 1920, an unnamed warden from Pentridge complained about the effects of cracking down on prisoners after an escape attempt: ‘The pity of an affair like this escape business ... is that it means tightening up in the shops and going back years in prison reform’.<sup>111</sup>

A number of prisoners escaped from the McLeod Settlement in August 1923. After they were recaptured, they were told by a police magistrate: ‘The fact that you have broken

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<sup>108</sup> ‘Prisoner Escapes From Camp’, *The Advertiser*, 5 July 1937.

<sup>109</sup> ‘Report of the Comptroller-General of Prisons for the year ended 30th June, 1952’, JOL, p. 2. See also ‘Report of the Comptroller-General of Prisons for the year ended 30th June, 1955’, JOL, pp. 3-4.

<sup>110</sup> See, for instance ‘Escaped Prisoners. Reason for Heavy Punishment’, *The Argus*, 14 June 1918.

<sup>111</sup> ‘Pentridge from Within’, *The Argus*, 14 August 1920; Escapes and their associated publicity also had an ‘unsettling and disheartening effect’ on staff morale, according to Joseph Akeroyd. ‘Penal Establishments, Gaols, and Reformatory Prisons; Report and Statistical Tables for the year 1938’, p. 6.

faith ... will make conditions more difficult for everyone on the island'.<sup>112</sup> When huts replaced dormitories at Hayes Prison Farm in 1949, they were at first unlocked.<sup>113</sup> Controller Scanlan told the inmates that locks would be attached if they took advantage of the lack of security. But, as an officer who worked at the farm at the time remembered, 'some of the silly devils still escaped—so we had locks for the first time'.<sup>114</sup> Roy Grubb, a magistrate who led an inquiry into the Tasmanian prison system in 1976, thought that the 'intemperate, extravagant and sensational' media reportage of escapes drove the penal administration to become overcautious about using medium and minimum security divisions.<sup>115</sup> And as late as 1992, Helen Holland, a former Governor of the Morwell River Reafforestation Camp in Victoria expressed her frustration that

even after thirty-one years of operation some members of the public still cannot come to terms with the concept of an open camp as such. The initial freedom granted to prisoners has been eroded because of the occasional escape.<sup>116</sup>

Thus, escapees had, arguably, much stronger effects on other inmates than on local communities.<sup>117</sup> Prisoners themselves certainly begrudged the restrictive procedures that nervous administrators put in place to reduce escapes from camps.<sup>118</sup> Peter Wayne was a prisoner at an English open camp in Suffolk in the 1960s, not long after a rash of sensational escapes. He explained that:

Psychologically, the prisoner moves back to his childhood when faced with the pernickety regimes. He soon learns that within his apparent freedom, he must report here, there, everywhere, at impossibly difficult times, to a succession of different parades, roll calls, dining halls, workshops, welfare offices, wages huts, and even formally laid out kit inspections. I dare say all this is necessary (for the

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<sup>112</sup> 'Escapes from French Island', *The Argus*, 22 December 1923.

<sup>113</sup> 'Annual Report of the Controller of Prisons for Year ended 30th June, 1949', *Journals and Printed Papers of Parliament*, 1949, vol. CXLI, no. 37, Government Printer, Hobart, pp. 1, 5.

<sup>114</sup> 'Prison Without Locks', *Mercury* 27 July 1970.

<sup>115</sup> *Prison Administration Inquiry, 1977: report of the inquiry commissioned to inquire into the administration of prisons in Tasmania and what improvements might reasonably be made to improve conditions for prison officers and prisoners*, Government Printer, Hobart, 1977, p. 16. See also Evans, A 'Pink Palace'?, p. 58. For the perspective of a former administrator on the importance of security across a prison system see John Morony, *The More Things Change: A History of Corrections in New South Wales*, J. Morony, Sydney, 1988, p. 439.

<sup>116</sup> Helen Holland, 'Morwell River Prison in Profile', *Keypoints*, vol. 4, no. 2, December 1992, pp. 16-17.

<sup>117</sup> Banks, Mayhew and Sapsford thought that this was the case in relation to the escapes they studied; see: *Absconding from Open Prisons*, p. 8.

<sup>118</sup> Gooch, *Frontier French Island*, p. 200.

‘prison’ must be seen to retain a modicum of discipline—these are after all places of punishment), but it does provoke in the prisoner a resentment of authority which led, in my own case, to an early morning ‘ghosting’ from idyllic highpoint in Suffolk, and my eventual return to the rigours and radiating spokes of Wandsworth.<sup>119</sup>

Increased discipline and surveillance at camps failed to reduce rates of escape. On the contrary, since the 1960s, the numbers of prisoners escaping has risen dramatically.<sup>120</sup> The reasons for this increase are not entirely clear. It certainly has something to do with changes in the number and type of prisoners held at the camps after the war, and the increasing availability of motor vehicles. Thomas and Stewart argue that escape rates rose as the novelty of the camps wore off:

the excitement of the new venture wears off and new generations of prisoners are no longer grateful for the opportunity they are being given. The open prison becomes a normal variant on the system ... An early claim of the builders of open prisons is that there are no escapes. This soon changes, and the beginning and the increase of escapes is a sure sign that the prison is entering a new phase in its career.<sup>121</sup>

Still, the increased rates of escape in the second half of the twentieth century were low relative to comparable and well-regarded penal systems. In the mid-1970s, Sweden’s prison population was approximately 3200, roughly the same as that in NSW. At the time, there were an average of two hundred Swedish prisoners unaccounted for on any one day; in NSW there were sixty-two. When asked about the Swedish system, NSW CGP Walter McGeechan said: ‘My impression is that right across Scandinavia they place no real importance on escape’.<sup>122</sup>

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<sup>119</sup> Peter Wayne, ‘The Landlocked Fleet’, *Architecture of Incarceration*, Academy Editions, London, 1994, pp. 22-23.

<sup>120</sup> Morony, *The More Things Change*, p. iv.

<sup>121</sup> Thomas and Stewart, *Imprisonment in Western Australia*, p. 112. See also change of atmosphere reported at Tuncurry Afforestation Camp after the first escape from there: ‘Gao or the Bush’, *Daily Telegraph*, 8 December 1926; Tuncurry Afforestation Camp, Entrance Book, 1913-34, vol. 1 SRNSW 5/1092, p. 80.

<sup>122</sup> *Proceedings of the Royal Commission into New South Wales Prisons*, vol. 9, Government Printer, Sydney, 1978, pp. 337-38. See also Torsten Eriksson, *The Reformers: An Historical Survey of Pioneer Experiments in the Treatment of Criminals*, Elsevier, New York, 1976, p. 249; Porritt, ‘The Threat From Escapes’, p. 3.

Given that their attempts to reduce escape rates met with limited, if any success, administrators might perhaps have been better off encouraging citizens and politicians to tolerate a certain frequency of escape. And indeed there is a long line of alternative thought on escapes, perhaps related to the Australian sympathy for successful rogues. The 1899 Royal Commission into Western Australian prisons held that escapes were among other things, ‘a sign of positive energy in the inmate, which should not be punished harshly’.<sup>123</sup> In 1923, the Queensland Home Secretary said that ‘a prisoner is under no real obligation to remain in gaol if he can get out’. He regarded the loss of remission and the serving of the remainder of the original sentence sufficient deterrents that no extra penalty need apply.<sup>124</sup> In 1933, in the Court of Criminal Appeals in Melbourne, the judge told a prisoner charged with escaping from custody that ‘in some circumstances, escaping from custody is not a very serious matter. If a gate is left open, then one cannot blame a man very much for escaping’.<sup>125</sup> Former NSW CGP John Morony thought that stories of daring escapes from P.O.W. camps during the Second World War had softened some people’s attitudes to escape from civilian prisons. ‘I will recall a very senior Law Minister affirming that escaping was a natural, not a criminal, activity,’ Morony wrote.<sup>126</sup> In 1963 a young prisoner enjoyed a brief period of freedom after he survived a six-hour swim from the McLeod Settlement to the mainland. In sentencing him to only one month’s extra imprisonment, Judge Rapke said that he had shown ‘misplaced courage’, adding ‘that sort of spirit is good if it is turned to a useful purpose’.<sup>127</sup>

## CONCLUSION

Widespread but inaccurate stereotypes about escapees have supported a near-universal agreement that rates of escape were—and are—essential measures of the performance of

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<sup>123</sup> Quoted in Mark Finnane, *Punishment in Australian Society*, Oxford University Press, Melbourne, 1997, pp. 71-72. Escapees could be wonderfully ingenious. In June 1930, for instance, a prisoner just escaped from Pardelup Prison Farm managed to talk his way onto the return flight of the plane that Amy Johnson had just flown from Adelaide to Perth. ‘Police News. Escaped Prisoner’, *The West Australian*, 24 June 1930; Police Department, General Files, Frederick Moger Playford & John Richard Phillips (Escaped Prisoners from Pardelup Prison Farm), SROWA WAS 76 (2) Cons 430/1930/4817.

<sup>124</sup> ‘Gaol-Breaking Not a Crime’, *The Argus*, 26 December 1923.

<sup>125</sup> ‘Prison Van Escapees Sentenced’, *The Herald*, 15 March 1933. In reply, the prisoner said: ‘I was not going to go, but when you see the sun shining through a hole in the roof it is a different matter. I just remember finding myself on the roadway’. Likewise, in 1913 a Queensland escapee said: ‘Liberty is sweet. If you leave the door of the cage open, the bird is sure to fly out’. Finger, *The Escapes from St Helena*, p. 18.

<sup>126</sup> Morony, *The More Things Change*, pp. iv, 432, 434.

<sup>127</sup> ‘Gaol Escapes “Sign of Courage, Spirit”’, *The Age*, 28 November 1963.

the prisons. Yet in terms of public safety, escapes from prison camps have been relatively inconsequential. There was little to laugh at or to fear in them. They were simply acts—sometimes desperate, occasionally quite rational—committed by people in difficult circumstances and with very limited options. Prisoners escaped from camp for reasons fully comprehensible to non-prisoners: family problems, fear, or foolishness. And after they escaped, they did not go on violent rampages. For the most part, they were promptly caught. A handful of escapees managed to stay at large and some of these even managed to find respectable employment. Criminological research has helped define the risk presented by escapees; history can give the statistics a context and remind us that the numbers represent real people strikingly similar to ourselves.

Those charged with the making of penal policy have been well aware of these facts. Giving testimony before the Nagle Royal Commission in July 1976, McGeechan admitted ‘it could well be conceivable that we overstate the importance of escape’. Paul Stein, counsel assisting the Commission pointed out that McGeechan had, in December 1974, told the press about ‘two desperate, vicious criminals’ who had recently escaped from Long Bay. ‘Did you also say at the same time,’ Stein added, ‘the community is at severe risk from escaping prisoners?’ McGeechan conceded he had, whereupon Stein asked if it was ‘important to tell the people what the real facts are about prisoners escaping from prison camps’, McGeechan replied: ‘well, more importantly, it is important to reduce the number of people running away from prison camps … I am conscious that there is a great deal of community concern about prisoners running away’.<sup>128</sup> Like many of those charged with making penal policy, McGeechan was influenced more by unfounded fears than he was by the facts.

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<sup>128</sup> *Proceedings*, vol. 9, p. 374. See also Gorta and Sillivan, ‘Escapes from NSW Gaols, p. 216.

## CHAPTER NINE

### 'Rather More Than Just a Job': Penal Reform and Prison Camp Officers

*... a merciless race of men, and, by being conversant in scenes of misery, steeled against any tender sentiment.*

Justice Sir William Blackstone (1853)<sup>1</sup>

*... this demanding, frustrating, insensitive, wearying Service, that is yet so fascinating, rewarding, stimulating and so essentially human.*

Assistant Governor Nicholas Tyndall, British Prisons Service (1967)<sup>2</sup>

*So you want to be a screw, well God help you.*

Senior Warden Paddy Landigan, Queensland Prisons Department  
(1936)<sup>3</sup>

In March 2009, Ron Woodham, NSW the Commissioner for Corrective Services, told a parliamentary inquiry that two of the state's prisons should be privatised. Security was so lax that prisoners had escaped while officers in the monitor room were watching cricket on television, he said. Staff had also caused a twenty million dollar blow-out in overtime expenses by 'manipulating' timesheets and rosters. If private interests had operated these prisons in a similar fashion then 'they would almost certainly be put out for retender'. In his view, the industrial power of the officers' union made it much more difficult to reform state-operated prisons because union officials threatened industrial action whenever management tried to 'change anything in the prisons'. Individual officers who cooperated with management were physically intimidated by their co-workers. When prisoner numbers had to be reduced at one of the prisons in question,

<sup>1</sup> William Blackstone, *Commentaries on the Laws of England: in four books; with an analysis of the work*, vol. 2, William E. Dean Publisher, New York, 1853, p. 306. See also George Bernard Shaw, *The Crime of Imprisonment*, Greenwood Publishers, New York, 1969, p. 53.

<sup>2</sup> Nicholas Tyndall, *Prison People: my life and my work in the prison service*, Educational Explorers, Reading, 1967, p. 16.

<sup>3</sup> Quoted in John Roy Stephenson, *Nor Iron Bars a Cage*, Booralong Publications, Ascot, 1982, p. 3.

Woodham had the prisoners shifted en masse in the dead of night without the knowledge of the prison staff, or the union. Officers denied the allegations of misconduct, and protested the proposed privatisations by walking off the job. They argued that Woodham sought to privatise the prisons not to improve security or reduce expenses but to erode the power of the prison officers' union, and pursue an ideological commitment to the privatisation of state assets.<sup>4</sup>

The controversy threw into relief the difficult, and vital, position of prisons staff in relation to reform, and reinforced a number of stereotypes about prison staff in general. Officers were represented as self-serving stumbling blocks, uninterested in the welfare of prisoners and concerned only in protecting their conditions. This image is not exactly baseless. Prison officers, often those active in the union, have reactively opposed change in the past.<sup>5</sup> But prison officers are not uniformly intransigent, and nor do the unions speak for all prisons staff.

The Australian prisons services have employed many people deeply interested in, and committed to, the reform of prisons and the rehabilitation of prisoners. The history of the Australian prison camps sheds light on several of these individuals. The officers-in-charge at the prison camps between 1913 and about 1940 implemented reform diligently, even where their own working conditions became more difficult as a result. Importantly, the fact that they were to be found at the camps in these years was not a coincidence.

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<sup>4</sup> 'Prisons head admits management can't control officers', *Australian Associated Press*, 23 February 2009; NSW Parliament, Legislative Council, General Purpose Standing Committee No. 3, 'Inquiry into the privatisation of prisons and prison-related services', June 2009, <http://www.parliament.nsw.gov.au/Prod/parlment/committee.nsf/0/E368F47AEE63F6ECCA2575CC000DA1E4> - accessed 17 December 2009; 'Hunter Prison Storm', *Newcastle Herald*, 17 March 2009. Officers successfully prevented the privatisation of one of the prisons in question. 'People Power Saves Gaol', *Cessnock Advertiser*, 6 May 2009.

<sup>5</sup> When Tony Vinson was appointed to lead the NSW prisons service in 1979, with the recommendations of a Royal Commission for a mandate, he encountered what he called a 'long standing culture' of hostility to change within the ranks. Prisons staff thought that 'they and they alone should be free to decide what should be done to prisoners'. Vinson sought to extend due process to prisoners in their disputes with officers, but when unrest struck Parramatta Prison a union official told him: 'You've had your troubles with us since coming here. All that can be put right tonight. It can end. Just let us go in there and belt the shit out of them.' On another occasion, Vinson said 'I was solemnly reminded by the union "You must uphold our version of what happened. That's your duty as our commander".' Vinson, 'Reforming Prisons: A 1970s Experience', conference paper presented at 'History of Crime, Policing and Punishment', Australian National University, Canberra, organised by Australian Institute of Criminology and Charles Sturt University, 9-10 December 1999, pp. 2-3; [www.aic.gov.au/events/aic%20upcoming%20events/1999~/media/conferences/hcpp/vinson.ashx](http://www.aic.gov.au/events/aic%20upcoming%20events/1999~/media/conferences/hcpp/vinson.ashx) - accessed 18 February 2010. Ultimately, the union used strike action as a cripplingly effective weapon to frustrate Vinson's agenda. For the thoughts of an insider on the culture of the Victorian prison service see Emma Russell, *Fairlea: the History of a Women's Prison in Australia, 1955-96*, CORE—the Public Correctional Enterprise, Melbourne, 1998, p. 40.

When penal reform created genuinely new opportunities and roles for these officers, they responded. Conversely, the increasing difficulties experienced at the camps in the second half of the twentieth century can be connected to a decline in the calibre of the officers placed at the camps.

### THE VOICE OF THE GUARD<sup>6</sup>

Historians have paid a good deal of attention to reform-minded comptrollers and politicians, but very little to the custodial staff who personally interacted with prisoners on a daily basis. Yet those in the head offices were often the first to admit the crucial part played by their most junior employees.<sup>7</sup> John Ramsland stated his intention to ‘recreate as accurately and as vividly as possible the daily life and work’ of staff, as well as prisoners, in his history of the NSW prisons.<sup>8</sup> But he focussed on the published views of the comptrollers-general and a few governors, not on the work and opinions of subordinate custodial staff. Interestingly, even those writers, such as John Morony, Jim Armstrong and Jonathan Telfer, who were employed by the prisons services, have little to say about staffing matters, preferring to focus on changing penal architecture and theory.<sup>9</sup> The British penal officer has been better represented in the literature, but even there, as J. E. Thomas has noted, most of the interest has centred on prisoners and senior prison

<sup>6</sup> In this chapter (and indeed in the thesis as a whole), I have used the terms ‘guard’ and ‘officer’ interchangeably, but officers themselves have been very sensitive to language. Partly for this reason penal nomenclature changes regularly. ‘Turn-keys’ became ‘warders’, who became ‘prison guards’, who in turn became ‘penal officers’ before most recently becoming ‘correctional officers’. In 1968, one Victorian officer complained that the press still referred to custodial staff as warders, when they were gazetted as prison officers. ‘We are justifying our names, but how can we let the community know?’ ‘Turnkeys, Warders, Prison Officers?’, *The Victorian Prison Officers’ Journal*, August 1968, p. 10. NSW CGP Walter McGeechan admitted that the change ‘may be aesthetic, I don’t know’, but insisted that staff ‘feel more comfortable’ with the new terms. *Proceedings of the Royal Commission into New South Wales Prisons*, vol. 9, Government Printer, Sydney, 1978, p. 362; also W. M. English, ‘The Effect of Prison Work on Staff’, paper delivered at the Seventh Annual Conference of Australasian Prison Administrators, Brisbane, 31 October 1966, p. 3, File Re: Annual Conference of Australasian Prison Administrators, 1965-66, SRNSW 5/3723.1; Pat Merlo, *Screw: Observations and revelations of a prison officer*, Hudson Publishing, Hawthorn, 1995, p. 174; Séan McConville, *A history of English prison administration, volume I, 1750-1877*, Routledge & Keegan Paul, London, 1981, pp. 306-07, 454-56.

<sup>7</sup> For instance, see John Dawes (former Executive Director of the South Australian Department of Corrections), ‘The Future of Australian Prisons—An Australian View’, in David Biles, (ed.), *Current International Trends in Corrections*, Federation Press, Sydney, 1988, p. 66.

<sup>8</sup> John Ramsland, *With Just But Relentless Discipline: A Social History of Corrective Services in New South Wales*, Kangaroo Press, Kenthurst, 1996, p. 8.

<sup>9</sup> J. A. Morony, *The More Things Change: A History of Corrections in New South Wales*, J. Morony, Sydney, 1988; Peter Lynn and George Armstrong, *From Pentonville to Pentridge: A History of Prisons in Victoria*, State Library of Victoria, Melbourne, 1996; Jonathan R. Telfer, *Duty of Care: A Brief History of Correctional Practices in South Australia*, South Australian Institute of Justice Studies Inc, Adelaide, 2003.

administrators.<sup>10</sup> Séan McConville was astonished by the number of works concerned with penal change which passed over,

with only the most cursory examination, the capacities and reaction of those whose duty it is to apply the new dispensation; despite the fact that time and again instances emerge where the practical problems of management and the exigencies of staffing have substantially altered policy.<sup>11</sup>

The experiences of those who worked in the lower rungs of the prisons services are difficult to research. The officers who have most openly expressed their views have typically been those who rose to the top of their profession.<sup>12</sup> Beyond the walls, guards' voices have, if anything, been heard even less than those of the inmates. They have certainly felt a powerful urge to talk about their work in private—most 'have a compulsion to talk about the prison, prisoners and management almost to the exclusion of all else', according to Pat Merlo, a former officer in the Victorian prisons service.<sup>13</sup> Talking publicly about working life is quite a different matter however. William McGrath, a former Governor of Pentridge Prison, wrote the foreword to Merlo's book, and while he praised Merlo's honesty, he added, with a touch of ambiguity: 'she has revealed herself to the world, a step many of us would be loathe to take.'<sup>14</sup>

The accounts of those who did speak publicly are generally of two types, the first of which is a series of amusing or scandalising anecdotes. The strange foibles of prison life are related in colourful sketches, which typically labour the platitude that 'crime doesn't pay', and express a weary bemusement with the perennial inability of criminals to recognise this simple fact.<sup>15</sup> The second type of account is that of the disgruntled former employee. These individuals usually have axes to grind against their former employers,

<sup>10</sup> J. E. Thomas' *The English Prison Officer Since 1850: A Study in Conflict*, Routledge & Kegan Paul, London and Boston, 1972, p. xiii.

<sup>11</sup> McConville, *A history of English prison administration*, p. xi, also 211-213.

<sup>12</sup> See: Lynn and Armstrong, *From Pentonville to Pentridge*, Morony, *The More Things Change*, Stephenson, *Nor Iron Bars a Cage*, and Mark Finnane (ed.), *The Difficulties of My Position: the Diaries of Prison Governor John Buckley Castieau, 1855-84*, National Library of Australia, Canberra, 2004.

<sup>13</sup> Merlo, *Screw*, p. 175.

<sup>14</sup> Ibid, p. ix. For this reason, in this chapter, only those officers whose experiences are on the public record, or who rose to senior executive ranks, are identified by name. Officers whose thoughts or experiences are recorded only in restricted archival documents are referred to by their initials. This is in accordance with conditions under which access to documents was granted to the researcher by the various departments of corrections.

<sup>15</sup> Examples include: Henry A. White, *Tales of Crime and Criminals in Australia*, Ward and Downey, London, 1894; W. G. Small, *Reminiscences of Gaol Life at Berrima*, Sydney 1923; Stephenson, *Nor Iron Bars a Cage*.

and their purpose is to shock and outrage.<sup>16</sup> Both types of memoir tell us a good deal about the life of officers in closed prisons, but we have no accounts by authors who worked in the prison camps. Moreover, neither variety of memoir illuminates the way in which grand penological theories turned on the small exigencies of guards' working lives.

To glimpse the experience of staff working at prison camps one must turn to archival sources. Access to personnel documents is no simple matter, however, and almost as difficult to arrange as access to prisoner files. Many records are incomplete or lost. I have therefore complemented the slim body of memoirs and scraps of archival information with the impressions of those who came into contact with the officers—senior staff, journalists, and prisoners.

#### '... YOU CAN NEVER BE REPLACED': OFFICERS-IN-CHARGE, 1913–c.1940

We have done a disservice to prison officers with our predilection to caricature the penal past. It is often assumed that, in 'the bad old days', prison staff were all vindictive thugs, or active sadists. Like the broad arrow, leg irons and floggings, brutal officers are useful shorthand for the horrors of the penal past, whether real or imagined.<sup>17</sup>

The first generation of the officers-in-charge (those employed at the camps between 1913 and the 1940s) were dedicated, carefully selected individuals who believed in the aims of the prison farm movement.<sup>18</sup> Neighbouring residents, colleagues in the services and even prisoners agreed that they were unusually competent. J. J. Manning for instance, the OIC at Emu Plains, strongly impressed a visiting local resident in 1917: 'we have never met a more courteous, and better accredited officer and supervisor of such an institution than Mr Manning, who is beyond doubt, the right man in the right place.'<sup>19</sup>

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<sup>16</sup> Memoirs of this kind include: John Longford's short-lived serial *Under Lock and Key*, March 1894; Merlo, *Screw*; and Tom King, *Boggo Road & Beyond*, T. King, Ascot, 2007.

<sup>17</sup> See: Tyndale, *Prison People*, p. 17. Morony felt compelled to confront the stereotype head-on: the prison officer 'is not an invented fictional character of Gilbert or Dickens or Kafka'. *The More Things Change*, p. 541.

<sup>18</sup> Morony thought that the smooth workings of the camps in their early years owed much to the careful selection of 'wise, calm and tolerant officers'. *The More Things Change*, p. 507. Former Superintendent, Roy Stephenson joined the Queensland prison service in 1936. Many of the officers he met then, including camp officers, had 'strong feelings of compassion for numbers of the people in their charge' and made up for a lack of education with 'commonsense ... and moral fibre'. *Nor Iron Bars a Cage*, p. 10.

<sup>19</sup> 'The Emu (State) Farm', *Nepean Times*, 26 November 1915.

Bill O'Connor was the first OIC at Palen Creek prison farm. Shortly after the farm was established, a visiting journalist reported that the inmates looked on O'Connor 'rather as a friend than a gaoler'.<sup>20</sup> Tom King was a thoughtful young officer in the 1950s when he encountered O'Connor, by then the Superintendent at Boggo Road prison, and King thought him 'as fine a man as I ever encountered in or out of the prison system ... a gentle, no nonsense, non-intrusive man ... He was a leader in the wider community as well as a good superintendent'.<sup>21</sup> King said that, as he moved through the ranks, O'Connor remained a role model, along with Allan Whitney, the founding OIC at Stone River.<sup>22</sup>

Some prisoners and their families, clearly felt debts of gratitude to their one-time keepers. Though he had few words of praise for prisons staff generally, Grant Hervey thought Manning was 'a wise and entirely splendid type of prison official'.<sup>23</sup> The wife of another former Tuncurry inmate wondered whether OIC J. Templeton, Manning's successor, had plans to visit Sydney. If so, she asked 'would you care to make our home your headquarters? You will find us very homely, so long as the babies do not worry you too much!',<sup>24</sup>

Of the first generation of prison camp officers, four men particularly stand out: Charles McArthur at Tuncurry and Emu Plains in NSW, James Quirk at the McLeod Settlement in Victoria, Patrick Roche at St Helena in Queensland, and Carl Wilson at the Hayes prison farm in Tasmania.<sup>25</sup>

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<sup>20</sup> 'No Gaoler To This Prison', *The Herald*, 18 July 1936.

<sup>21</sup> King, *Boggo Road & Beyond*, p. 37. O'Connor was, according, Roy Stephenson, 'one of nature's gentlemen ... No finer person than he ever held office in the Queensland Prisons Service'. *Nor Iron Bars a Cage*, p. 66.

<sup>22</sup> King, *Boggo Road & Beyond*, p. 37.

<sup>23</sup> Grant M. Hervey, 'Prison Reform', *The Daily Mail*, 19 May 1922. According to Joseph Berkovits, it was quite common for Canadian guards and prisoners, in the early twentieth century to hate each other 'as a matter of policy', but 'genuinely like each other as individuals'. Berkovits, "Us Poor Devils": Prison Life and Culture in Ontario: 1874-1914', PhD Thesis, University of Toronto, 2000, p. 245.

<sup>24</sup> 'Tuncurry Camp. A Gaol Without Walls. Modern Penal System', *SMH*, 28 October 1933.

<sup>25</sup> Manning also impressed, but after he took special leave in 1918, it is not clear what became of him; see *Report of the Comptroller-General of Prisons, New South Wales for the year 1918*, Government Printer, Sydney, 1919, p. 39. Of course, not all of the first generation of camp officers were well chosen. Grant Hervey claimed that a poor officer at Tuncurry made the entire camp unproductive. Hervey, 'Leg-Irons, the Lash, and the Gallows Tree', *The Daily Mail*, 9 May 1922. Another warden at Tuncurry was sacked in 1924, for telling 'smutty stories' to prisoners, amongst other things. W. Urquhart to OIC J. F. Whitney, 17 June 1924, Prisons Department, Letters Sent, 1924, SRNSW 5/2210. In 1937, a disgruntled officer recently dismissed from the Tasmanian Department of Prisons created a minor scandal by smuggling a large quantity of stolen cider to inmates at Hayes Prison Farm. See Documents re theft of cider factory near Hayes Gaol Farm, Gaols File (19/1937), AOT, Attorney General's Correspondence, 1937-71, AGD1/145. At

McArthur was the first OIC at Tuncurry, and the second at Emu Plains.<sup>26</sup> CGP McCauley described him as ‘an officer exceptionally qualified for the management of the young prisoners and their work. He is possessed of great tact in dealing with officers and prisoners, and would be very hard to replace’.<sup>27</sup> There is no record any prisoner escaping from either Tuncurry or Emu Plains when McArthur held charge. He punished sparingly, and transferred only a handful of prisoners back to prison for disciplinary reasons.<sup>28</sup> The foresters who worked on the Tuncurry plantation during McArthur’s time there held him in high esteem, and visitors to the farm came away deeply impressed too.<sup>29</sup> In 1921, the editor of *The Southern Morning Herald*, visited Emu Plains. Never having visited a prison before, the editor expected to encounter ‘an irate officer of the law’, but instead found McArthur to be:

the practical farmer and the student of psychology; the man who could direct the tending of the unhealthy crop, and yet ... was competent to train and guide the wayward spirit of erring youth. Here was a man born for the position he held.<sup>30</sup>

James Quirk was the superintendent of the McLeod Settlement from its creation in 1916 until 1924, and like McArthur was esteemed by colleagues and inmates. In 1921, the ISB made special mention of way in which he carried out his duties. He had, they went on, all the abilities necessary for the position, namely, ‘tact, sound judgement, and firmness with

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Pardelup, local residents, district foresters, and prisoners had little respect for the first OIC, who was quickly replaced. See J. Hewitson Roberts & Frances C. Roberts to Superintendent, PPF, 30 January 1931, Pardelup Penal Outstation, Protest Against Establishment in Forrest Hill District, 1927-31, Chief Secretary’s Correspondence, SROWA WAS 1512 Cons 752/1927/31; ‘Annual Report of the Comptroller General of Prisons for the Year Ended 30th June, 1932’, p. 12-14, ‘Annual Report of the Comptroller General of Prisons for the Year Ended 30th June, 1933’, p. 3; ‘Annual Report of the Comptroller General of Prisons for the Year Ended 30th June, 1935’, pp. 4-5 in Prisons, Annual Reports, Chief Secretary’s Files, SROWA WAS 675, Con 752.

<sup>26</sup> *Report of the Comptroller-General of Prisons, New South Wales, for the year 1914*, Government Printer, Sydney, 1915), p. 51; *Report of the Comptroller-General of Prisons, New South Wales, for the year 1918*, p. 41. McArthur retired in 1923. *Report of the Comptroller-General of Prisons, New South Wales for the year 1922*, Government Printer, Sydney, 1923, p. 5).

<sup>27</sup> *Report of the Comptroller-General of Prisons, New South Wales, for the year 1918*, p. 8.

<sup>28</sup> Tuncurry Afforestation Camp Entrance and Description Books, 1913-37, SRNSW 5/1092. While these books contain details about transfers out of the camp, it is not possible to precisely identify the number of transfers made for disciplinary reasons because the reason for transfer is not always listed.

<sup>29</sup> H. J. Lyne, ‘Planting Pines by Prison Labour’, *Australian Forestry Journal*, vol. 7, 1924, p. 246.

<sup>30</sup> ‘A Prison Farm for Boys’, *The Southern Morning Herald*, 2 November 1921. See also *Report of the Comptroller-General of Prisons, New South Wales for the year 1919*, Government Printer, Sydney, 1920, p. 39.

kindness.’<sup>31</sup> In January 1924, as he prepared to leave the island to take a promotion on the mainland, twenty-eight prisoners with indeterminate sentences presented him with ‘an address of appreciation’. They thanked him for his efforts to improve their conditions and referred to him as their ‘personal friend’. One of Quirk’s charges said that until he came to the island, he had felt that every hand in the world was raised against him. But the treatment he received from Quirk and his officers, ‘took all the sting out of me’. Quirk said he would have stayed indefinitely if it were not for his failing health.<sup>32</sup>



FIGURE 46. James Quirk, Superintendent, McLeod Settlement, c.1923<sup>33</sup>

<sup>31</sup> ‘Annual Report of the Indeterminate Sentences Board for the year ended 30th June, 1921’, *Votes and Proceedings of the Legislative Assembly*, 1922, vol. 2, Government Printer, Melbourne, p. 157. In descriptions of the competent officers, no trait is mentioned more often than ‘tact’, a sign that they relied on discretion and negotiation much more than they did on bureaucratic authority or the threat of force.

<sup>32</sup> ‘Prisoners Honour Superintendent’, *The Argus*, 8 January 1924. Samuel Maguer, *Do Reformatories Reform?*, Ruskin Press, Melbourne, 1923, p. 12. When one of his former charges faced new criminal charges, Quirk testified in court as to the man’s good character. “‘Allowed to Leave Too Soon’: Judge Woinarski”, *The Argus*, 15 March 1924. Quirk died not long after his transfer; he was remembered by Inspector General Joseph Akeroyd as ‘a loyal and efficient officer’. ‘Penal Establishments, Gaol, and Reformatory Prisons; Report and Statistical Tables for the year 1924’, *Votes and Proceedings of the Legislative Assembly*, 1925, vol. 2, Government Printer, Melbourne, 1925, p. 843.

<sup>33</sup> Source: Maguer, *Do Reformatories Reform?*

Patrick Roche, the superintendent at St Helena Prison Farm from 1926 to 1931, was another impressive officer. A student of radical American penology, and a passionate advocate of the honour system, he was one of a rare breed—both an idealist and a competent officer. His daughter, Mary Bell, said her father had a firm belief that environment was the cause of crime and if ‘given a go’ most prisoners would make good. Many did, judging by the letters he received from them. ‘I thank you Mr Roche, and that means more than words,’ one wrote correspondent. The grateful author of another concluded: ‘A good many hungry days passed for me but still I fought, and the spirit of Roche and St Helena were my greatest aids.’ One refused to believe that Roche had ‘a single enemy in the world’ and assured him that ‘every man who has passed through your hands knows fully well that you can never be replaced.’<sup>34</sup> Several thanked their former gaoler for personal loans of money he made to them on their release, and some demonstrated their appreciation with gifts:

I am sending you a little token of gratitude which I hope you will accept & like  
... the cross opens & contains the relics I know you are a Roman Catholic by the  
lovely prayer book and sacred heart you gave Wally.<sup>35</sup>

Clive Wilson was probably the last of the exceptional first generation of officers-in-charge. Wilson had charge of the Hayes Prison Farm from its creation until 1937 until his retirement in 1949, apart from a brief stint of active military service during the war.<sup>36</sup> Alfred Linton, the head of the Tasmanian Prison Service, thought him ‘a zealous and enthusiastic officer who has the success of the Farm Gaol very much at heart.’ Wilson himself described his duty as giving the thirty men at the farm ‘a more healthy and sane idea of their duties and obligations as citizens’, and always emphasised the social value of the farm over its productive capacities. His work, he said shortly before he was called up in 1941, became ‘more interesting daily.’ With a dedication many of his successors lacked, Wilson wrote in 1940 to Linton and Attorney General James McDonald: ‘May I

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<sup>34</sup> Quoted in Yvonne Reynolds, ‘Patrick Roche and H. M. Prison Farm on St Helena, 1926-31’, in Murray Johnson, (ed.), *Brisbane: Moreton Bay Matters*, Brisbane History Group, Brisbane, 2002, pp. 65-71.

<sup>35</sup> Reynolds, ‘Patrick Roche’, p. 67. Misspelling in original. The combination of his environmentalism and his Catholicism also mark Roche out as an unusual man.

<sup>36</sup> His absence during the war was felt by prisoners and both superior and subordinate officers. See A. Linton, Controller of Prisons to Secretary of Agriculture, 22 February 1944, Agriculture Department, General Correspondence 2/8 Kilderry Prison Farm, 1943-44, AOT, AD9/1/4482.

be permitted to say that H.M. Farm Gaol has always been rather more than just a job to me'.<sup>37</sup>

These officers' achievements and attitudes were all the more remarkable given the conditions they worked under. They were not well paid, and they received a great deal less remuneration than governors of conventional prisons. They generally lived on site in remote areas, and could not 'clock off' like their counterparts in the cities and towns. They often worked ten or more days in a row. Like the prisoners, their accommodation was rudimentary, especially in the early years. The quality of their food was variable. They had to perform more hard manual labour than most officers, and were often exposed to the elements. Although they were generally at less risk of physical assault from prisoners than guards in closed prisons, they were at increased risk of other types of mishap.<sup>38</sup> At the same time, they had to manage heavy administrative workloads with little or no clerical support, and maintain cordial relations with neighbours, who were often hostile to the very presence of the camp. They also had to know at least a little of agriculture and/or forestry.

Perhaps because of the difficulty of the posts, the camps were training grounds for future senior administrators. Many of the early officers-in-charge, like O'Connor, Quirk, and D. R. Jones, the second OIC at Pardelup, proved their competence in the camps and were quickly promoted to senior ranks. O'Connor and Jones went on to become the Superintendents of Boggo Road and Fremantle Prisons, respectively. Quirk became the Governor of Ballarat Gaol, and Roche the Superintendent of Rockhampton Prison.<sup>39</sup> Alastair Mackillop began his career as a prison officer at Bombala Afforestation Camp

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<sup>37</sup> Linton to Attorney General James McDonald, 18 September 1944, and Wilson to Linton, 18 September 1944, File 20/20, Gaols/General policy re granting of parole and remission; Attorney General's Correspondence, 1937-71, AOT AGD1/1/227.

<sup>38</sup> In 1916 Warder E. J. Hickey died at the McLeod Settlement after a diving accident. 'Annual Report of the Indeterminate Sentences Board for the year ended 30<sup>th</sup> June, 1917' in *Votes and Proceedings of the Legislative Assembly*, 1917, vol. 2, Government Printer, Melbourne, p. 7. Robert Lister, the first OIC at Kyeema Prison Camp was nearly killed by falling tree branch in 1932. CGP H. Whittle to OIC R. Lister, 12 April 1932, Letter Books, Comptroller Gaols & Prisons, vol. 1, 1929-32, letter 438, SRSA, GRS/2751/1. Only two serious assaults on warders are documented in available documents. A warder at Tuncurry was attacked with a pitchfork in 1926, and in 1959, Cecil Mills, the night warder at Emu Plains was killed when two prisoners who had escaped from Long Bay stole his gun. See 'Prisoner Escapes. Savage Attack on Warder', *The Argus*, 18 September 1926; and 'Warder Battered To Death At Emu Plains Prison Farm', *SMH*, 12 October 1959.

<sup>39</sup> 'Penal Establishments, Gaol, and Reformatory Prisons; Report and Statistical Tables for the year 1924', p. 843; Reynolds, 'Patrick Roche', p. 69. See also Caroline Evans, *A 'Pink Palace'? Risdon Prison, 1960-2004*, Department of Justice, Hobart, 2004, p. 27.

in NSW, and ended it as Comptroller-General of Prisons in WA.<sup>40</sup> Based on their experiences, these officers pushed for extensions in the various prison camp systems, and were agents of reform. Others like McArthur and Wilson, had little interest in personal advancement, and devoted themselves to the institutions they helped to establish.

#### DISCIPLINE, SPACE, INTIMACY: A DIFFERENT KIND OF PRISON WORK

The preponderance of good officers at camp before the war provokes the question, why were they to be found in such numbers at the camps and not across the prison systems generally?<sup>41</sup> The evidence suggests that the camps provided an opportunity for a new kind of prison work. Many of the defining elements of work in conventional prisons—from the style of discipline to the size of the prison population to be handled—were absent in the camps, and staff keenly grasped the chance to do their jobs differently.

Before the war, the total number of prisoners at camp at any one time was generally not more than fifty, and often less than thirty. J. F. Whitney, one of the architects of Queensland prison farm system, thought it was essential to keep numbers low on each farm. Better two farms with fifty prisoners each, he thought, than one with a hundred.<sup>42</sup> Officers were required, moreover, to address prisoners by name, not by number as they were in metropolitan prisons. This meant that officers at camp became much more familiar with prisoners than their colleagues in the city could.

Familiarity was also encouraged at the camps by a different style of discipline. As Thomas has observed, the middle years of the nineteenth century saw the start of concerted efforts to professionalise many parts of public life. During this period, the

<sup>40</sup> See R. R. Downing, ‘Opening Address’, in *The Conflict of Security and Rehabilitation: A Seminar on the Punishment of Crime*, NSW University of Technology, Sydney 1958, p. 2. In 1952, MacKillop was asked by the South Australian Comptroller, J. H. Allen for his advice in establishing a new prison farm. MacKillop stressed that the choice of OIC was crucial: he would need ‘an understanding of the frailties of human nature. Indeed, it can be said that the success of any open institution, or any other institution, depends mainly on the officer charged with its superintendence.’ MacKillop to Allen, 1 October 1952, Pardelup Prison Farm, Requests for Information, General File’, 1938-52, Chief Secretary’s Correspondence, SROWA WAS 1512 Cons 752/1938/0270.

<sup>41</sup> For an interesting, if convoluted, attempt to answer this question from a psychological point-of-view, in an American context, see Richard Downey and E. I. Signori, ‘The Selection of Prison Guards’, *The Journal of Criminal Law, Criminology and Police Science*, vol. 49, 1958, pp. 234-36.

<sup>42</sup> Quoted in Tom Foley, ‘Murderers Keep Their Word’, *South West Pacific Annual*, December 1946, p. 53. See also Thomas Mott Osborne, *Prisons and Common Sense*, J. B. Lippincott, Philadelphia, 1924, p. 67.

organisational structures of prisons services around the developed world were transformed. In Australia and elsewhere, greater professionalism was sorely needed. The use of prisoners to perform the work of paid staff was increasingly limited, standardised staff salaries were introduced and the opportunities for staff to financially exploit prisoners were reduced. Most importantly, prisons departments became para-military organisations. Rank, uniform, promotion, and drill for officers were all modelled on the armed services, and prisons services actively recruited discharged soldiers. Thomas argues that this new organisational structure was designed ‘to deal with crises which arise in a community, such as a prison, where there is absence of commonly agreed assumptions about the laws which are established there’, adding that this change, along with penitential architecture, was ‘the most persistent and controversial legacy’ of nineteenth-century penology.<sup>43</sup>

At the prison camps, the para-militarism of the prisons services was toned down. Under the honour system prisoners made agreements before transfer acknowledging that they were, in a sense, their own keepers. In this context of agreed assumptions, para-militarism was not only less necessary, but unhelpful. It ran against the fundamental principles of the new system, and was out of place in the fields and among the trees. On occasion camp guards were even reprimanded for being ‘too militaryfied’ in their manner.<sup>44</sup> The regalia of the prisons service was also muted at camp. Until the 1940s, officers at Queensland’s prison farms wore civilian clothes, and were gazetted as Overseers (as in Tasmania), rather than warders.<sup>45</sup> So unconventional were the officers at Emu Plains, that a journalist reported: ‘trust is the warder’.<sup>46</sup>

These differences created the opportunity for officers to relate to prisoners in new ways.<sup>47</sup> One observer thought that ‘the spark divine of humour’ possessed by the staff at Emu

<sup>43</sup> Thomas, ‘A Good Man’, p. 55. See also McConville, *A history of English prison administration*, pp. 304–05 and Ramsland, *Just But Relentless*, pp. 106–07. For an amusing example of the professional standards of the South Australian gaols department in the mid-1800s, see Telfer, *Duty of Care*, p. 269.

<sup>44</sup> See D. R. Jones to CGP, 26 February 1940, Pardelup Prison Farm, Progress Reports on Operations, 1937–47, Chief Secretary’s Files, SROWA WAS 1512 Cons 752/1937/0338.

<sup>45</sup> Foley, ‘Murderers Keep Their Word’. See also Anon., ‘If I Were Superintendent’, *The Singing Cicada*, vol. 1, no. 4, 1955, n.p., SLV MSS 10663 Box 80; Tyndale, *Prison People*, p. 22 and Stephenson *Nor Iron Bars a Cage*, p. 5.

<sup>46</sup> ‘Trust is the Warder at Emu Plains Prison Farm’, *The Sun*, 2 September 1937.

<sup>47</sup> Frederick Domer was Principal Keeper at Sing Sing Prison in New York when Thomas Mott Osborne implemented his radical version of the honour system in 1914, which required Domer to exercise greater discretion and treat prisoners with greater respect. ‘Under the old system’, Domer later said, ‘I felt it my duty to be harsh and severe. I was trained to it; I knew no better. But it used to get on my nerves ... I wasn’t fit to live with. Now it is all different; I enjoy my work at the

Plains was a vital ingredient in the farm's success.<sup>48</sup> Informality was important too. 'We have a straight talk to start with, and after that neither of us wants to let the other down', Thomas Ryan, the OIC at Emu Plains said in 1937, explaining his style of management.<sup>49</sup> Officers were even able to take on quasi-familial roles for some inmates. Many of the first generation of officers-in-charge—men like McArthur and Wilson—were in the latter stages of their careers, and much older than the prisoners in their charge. The Catholic Chaplain to Emu Plains Prison Farm described 'the discipline and kind fatherly advice of Mr. McArthur' as the key to the farm's success. Another observer described McArthur a 'big-hearted father' to the young inmates at Emu Plains.<sup>50</sup> The NSW Prisons Department was certainly keen to reinforce this image:



FIGURE 47. Charles McArthur, and inmates swimming in the Nepean River, Emu Plains, 1918<sup>51</sup>

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prison ... and I tell you my wife appreciates the change more than anyone.' Cited in Gordon Hawkins, 'Thomas Mott Osborne—Pioneer in Penology', in Norval Morris and Mark Perlman, (eds.), *Law and Crime: Essays in Honor of Sir John Barry*, Gordon and Breach, New York, 1972, p. 163.

<sup>48</sup> 'Braemar', 'Prison Walls and Prisons Without Walls', *The Sydney Mail*, 31 July 1935.

<sup>49</sup> 'Trust is the Warder at Emu Plains Prison Farm'.

<sup>50</sup> *Report of the Comptroller-General of Prisons, New South Wales for the year 1918*, p. 39; 'A Prison Farm For Boys'. Fatherliness was a common trope in descriptions of the early officers-in-charge. See also: *Report of the Comptroller-General of Prisons, New South Wales for the year 1915*, Government Printer, Sydney, 1916, p. 49; Maguer, *Do Reformatories Reform?*, p. 13; 'Prison Without Bars', *Sunday Herald*, 26 July 1953; 'Homeward Bound: Farewell Messages', *The Singing Cicada*, vol. 1, no. 4, 1955, n.p., SLV MSS 10663 Box 80.

<sup>51</sup> Source: *Report of the Comptroller-General of Prisons, New South Wales for the year 1918*.

Other officers could play fraternal roles. One inmate who served at the McLeod Settlement during Quirk's time, wrote gratefully of 'the brotherly spirit of the officers' on the island.<sup>52</sup> Roche was clearly able to play both roles; one of his former charges later told him that 'you were our elder brother' and that 'we have all looked upon you as a father'.<sup>53</sup> Effectively taking the role of a brother or father-figure did not mean active friendship or excessive sympathy, which were counter-productive if taken too far.<sup>54</sup> It should be noted that paternalism was not unknown in closed prisons. Joseph Berkovits has said that early twentieth-century prisons 'were places where personal interactions mattered, where maternalism and paternalism and other familial relations did bring a measure of order to the chaos.'<sup>55</sup> Within prison walls though, there was a limit to how far familial modes of interaction could be pushed. At camp these limits were greatly extended.<sup>56</sup>

The absence of conventional penal architecture was at least as significant for staff as the absence of conventional penal discipline. If prison camps created a space where prisoners could express their better qualities, it is not surprising that the camps had a positive effect on guards too.<sup>57</sup> Guards in closed prisons have often claimed that they too served time, albeit in blocks of eight to ten hours. Senior administrators, observers and prisoners agreed that prolonged periods in prisons had powerfully negative effects on staff. Vance Marshall, an inmate at Goulburn Prison shortly after the First World War, thought penitential architecture called out the worst in his guards, whose duty was 'simply to use the awful power conferred ... by walls of stone and bars of iron to terrorise, tyrannise, and oppress [their] crushed, spirit-broken, helpless fellow men'.<sup>58</sup>

Marshall was fond of such vigorous prose, but the apparatus of security in conventional prisons embodied distrust, and without doubt, had an effect on officers.<sup>59</sup> In 1938,

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<sup>52</sup> Mauger, *Do Reformatories Reform?*, p. 12.

<sup>53</sup> Reynolds, 'Patrick Roche', p. 67.

<sup>54</sup> For example, see the case of the Tasmanian Acting Deputy Governor Herbert Hynes: 'Report of the Royal Commissioner on the Hobart Gaol', *Journals and Printed Papers of Parliament*, 1943-44, vol. CXXIX, no. 8, Government Printer, pp. 23-27.

<sup>55</sup> Berkovits, 'Us Poor Devils', p. 246, also 243, 251, and 258.

<sup>56</sup> See J. M. Drew, *Prison Reform in Western Australia: The Pardelup Prison Farm*, Government Printer, Perth, 1928, n.p.

<sup>57</sup> See chapter three.

<sup>58</sup> Vance Marshall, *Jail From Within*, The Wentworth Press, Sydney, 1969 (orig. publ. 1918), p. 56. Marshall was scathing in his appraisal of the average prison officer; he thought the 'exaggerated obsequiousness on the part of these uniformed flunkies is so pronouncedly prevalent as to awaken a feeling almost akin to disgust even in the hearts of their wretched victims' (p. 58).

<sup>59</sup> See Stephenson, *Nor Iron Bars a Cage*, p. 39. Thomas Osborne wrote: 'I can conceive no more terribly disintegrating moral experience than that of being a keeper over convicts. However much I pity the prisoners, I think that spiritually their position is far preferable to that of their guards. These latter are placed in an impossible position; for they are not to blame for the System under

Victorian Inspector-General Joseph Akeroyd said that guards in closed prisons were ‘more guardians and supervisors than leaders’. They tended ‘to become restricted in outlook and suspicious of all men’.<sup>60</sup> He later added that the captive population in closed prisons was ‘so lawless and so apt to take advantage of any leniency that officers are apt to be dominated by the security view-point and so lose sight of the final aim—education in citizenship.’<sup>61</sup>

At a conference of Australasian prison administrators in 1966, W. M. English, the Controller of Corrective Institutions for Papua and New Guinea described the effects of prison work in closed prisons on his junior custodial staff. His remarkably candid account accords with Akeroyd’s view, and is worth quoting at length:

The fierce, but silent warfare between the prison community on the one hand, striving to preserve its subculture of hate, hostility, distrust, and inverted status, as well as its ceaseless contriving to gain privileges and amenities as well as exploit staff weaknesses; and on the other hand, the officer ambivalently trying to impose control, maintain security and subscribe to a programme of treatment, must create tensions and uncertainties too great for the young officer to bear with equanimity. A quick resignation, token service, refuge in a cloak of strict and rigid discipline, or a splenetic detestation of all prisoners are frequently observed reactions ... The concentrated and generalised nature of prison hatred bewilders the officer ... In reality, the captor becomes the captive; captured by the primitive feelings and emotions of those he despises. In varying degrees, the officer becomes aware of his state, and he projects his revulsion of the ugly picture of himself by hatred of prisoners.<sup>62</sup>

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which their finer qualities have so few chances of being exercised’. *Within Prison Walls: Being a Narrative of Personal Experience During A Week of Voluntary Confinement in the State Prison at Auburn*, Patterson Smith, Montclair, 1969 (orig. publ. 1914), p. 136. Note also Phil Zimbardo’s famous 1971 psychological study, the so-called ‘Stanford Prison Experiment’: <http://www.prisonexp.org> - accessed 23 December 2009.

<sup>60</sup> ‘Penal Establishments, Gaols, and Reformatory Prisons; Report and Statistical Tables for the year 1937’, *Votes and Proceedings of the Legislative Assembly*, 1938, vol. 1, Government Printer, Melbourne, p. 6. For a recent confirmation of this observation see Merlo, *Screw*, pp. 174-76.

<sup>61</sup> ‘Penal Establishments, Gaols, and Reformatory Prisons; Report and Statistical Tables for the year 1943’, *Votes and Proceedings of the Legislative Assembly*, 1944-45, vol. 1, Government Printer, Melbourne, p. 5.

<sup>62</sup> English, ‘The Effect of Prison Work on Staff’, pp. 1-2.

Akeroyd felt that conditions at camp called for a different brand of officer. They had ‘a much more difficult task and must be men of outstanding ability and really good training. They should be leaders and teachers rather than supervisors and guardians.’<sup>63</sup>

Life in the early gaols, such as Newgate, had revolved around the keepers. Their power was nearly absolute and they ran their gaols in their own interest. The penitential architecture that developed from the late eighteenth century was self-consciously designed to limit the autonomy and the capricious, unbridled power of the keepers, as well as preventing unwanted association between prisoners. According to Robin Evans, late-eighteenth-century reformers such as John Howard passionately believed in

investing power in places rather than persons. They believed that by removing a large portion of the authority concentrated till then in the unreliable hands of gaolers, and redistributing it throughout the inert and seemingly passive body of the prison building, they would be able to reduce the violence of authority and increase its scope at one and the same time.<sup>64</sup>

The rise of penitential architecture marked an important turning point in the history of guard-prisoner interaction. From this time, the history of prison design became ‘the history of the removal of power from those who worked and lived within to those who ruled the prison from outside’.<sup>65</sup>

It is not surprising that guards felt they had an enlarged role to play beyond the walls of the penitentiary. At camp, power was again invested in people, rather than structures, and whatever power officers wielded, it did not come from buildings.<sup>66</sup> In this way, the work of guards at camp was akin to that of the old keepers. Modern officers at camp were of course salaried professionals, unlike the old keepers. Nor did they have the same absolute

<sup>63</sup> ‘Penal Establishments, Gaols, and Reformatory Prisons; Report and Statistical Tables for the year 1937’, p. 6. See also section on ‘Staff’ in *Cadell Training Centre*, Government Printer, Adelaide, 1962, n.p; and J. H. Allen, *Sheriff’s and Gaols & Prisons Department*, Yatala Labour Prison, Adelaide, 1962, pp. 22-23.

<sup>64</sup> Robin Evans, *The Fabrication of Virtue: English Prison Architecture, 1750-1840*, Cambridge University Press, Cambridge, 1982, p. 7.

<sup>65</sup> Evans, *Fabrication of Virtue*, p. 46, also: 6-7, 419. In C. J. Taylor’s words, ‘It was the architecture that should constrain and organize the inmate rather than the guard.’ Taylor, ‘The Kingston, Ontario Penitentiary and Moral Architecture’, *Histoire Sociale - Social History*, vol. 12, 1979, pp. 407-08. See also Patricia O’Brien, *The Promise of Punishment: Prisons in Nineteenth Century France*, Princeton University Press, Princeton, 1992, p. 205.

<sup>66</sup> It could be argued that as camp guards could have a prisoner transferred back to a closed prison, architecture was an indirect source of authority, but on a day-to-day level the difference is quite clear.

control, motives or reputation, but their character and agency were similarly central to the daily operation of the prison.

At the same time, the camps offer glimpses into the future of prison work. In camp, guards had to perform many of the functions ceded to architecture in conventional prisons. Without the ‘awful power’ of walls and bars, staff were forced to rely on interpersonal skills in their work with inmates to a new degree. As it was impossible to maintain discipline in camp through a rigid application of the regulations, the boundaries of authority had to be negotiated on a daily basis, an experience officers in closed prisons did not fully confront until the 1970s.<sup>67</sup> Prisoners’ huts were not locked at most camps, not even at night. Some camps had dormitories for prisoners, making it impossible to separate the prison population. There were no punishment cells in which troublemakers might be isolated, nor watch towers to afford safe and commanding views of inmates. When unrest spread throughout a camp, it could not be ‘locked down’ in the way a conventional prison could. Without the discrete wings of a penitentiary, if a riot erupted at camp there was little to prevent it from engulfing the entire prison. And with no walls to scale, the only way a guard could prevent escape was to convince prisoners that it was in their interest to stay. These skills were not unique to prison camp guards; guards at prisons of all types relied on more than force to maintain order and good behaviour. But in the absence of total architecture, the character and interpersonal skills of guards were tested in uncommon ways.

The experience of the first generation of camp officers confirms what many guards and sensitive administrators have long known—that success or failure of a prison system hinges upon the quality of its staff to a much greater extent than the sophistication of its buildings. Alexander Paterson, the originator of the Borstal system in England, expressed this point eloquently when he said:

It is men and not buildings who will change the hearts and ways of misguided lads. Better an institution that consists of two log-huts in swamp or desert, with a staff devoted to their task, than a model block of buildings, equipped without thought of economy, whose staff is solely concerned with thoughts of pay and promotion.<sup>68</sup>

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<sup>67</sup> As prison regimes were relaxed in the 1970s, guards in closed prisons were forced to interact with prisoners in new ways. See Lynn and Armstrong, *From Pentonville to Pentridge*, p. 292.

<sup>68</sup> Quoted in Lionel W. Fox, *The English Prison and Borstal Systems*, (London: Routledge & Keegan Paul, 1952), pp. 355-56. In the United States, Warden Austin McCormack, echoed



FIGURE 48. Prison officer with cabbage, Bombala Afforestation Camp c.1929<sup>69</sup>

#### THE EFFECT OF POOR STAFF: THE CASE OF STONE RIVER STATE FARM

If prison camps created spaces where good staff could thrive in their roles, they also enabled substandard staff to cause drastic problems. Inadequate staff could create difficulties for any institution, especially those as small and isolated as prison farms. One incompetent or malcontent officer at a camp could undermine the whole operation. The story of Stone River prison farm in the years 1949 to 1956 is worth exploring in some detail as it shows just how dysfunctional a prison camp could become with poor staff. It also highlights the unanticipated implications that prison camps, as a reform, had for Australian prison staff after the war.

Stone River State Farm was founded in 1945, near Ingham in North Queensland. The first three officers-in-charge were capable enough. The founding OIC, Allan Whitney was ‘a

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Paterson when he said: ‘Give me the right staff, and I can run a maximum security prison in an old red barn.’ Quoted in William Nagel, *The new red barn; a critical look at the modern American prison*, (New York: Walker 1973), p. 1.

<sup>69</sup> Source: Anon., ‘The Prison Camps of New South Wales’, c.1929 ML365.3/1A1.

fine style of a man' according to Tom King.<sup>70</sup> The second, warder W. G., found the work particularly stimulating. 'I experience great pride in the part I play in the Honour system of rehabilitating prisoners,' he wrote, adding: 'I think of the farm as my own'.<sup>71</sup> The third OIC, warder L. T., also seems to have been competent, and well-regarded by both head office and local settlers. Under these officers, the prisoners were industrious and appeared to be content, according to Deputy CGP Kerr. By 1949 there were three single officers employed at the farm, but Kerr thought that the isolation of the farm warranted the posting of an extra, married officer as the OIC.<sup>72</sup> The officer selected was J. M., and things took a dramatic turn after his arrival.

M. was cruel and mistrustful. Several prisoners at Stone River complained about their treatment at his hands. When they were sick or injured, he would give them an aspirin and tell them to 'sleep on it', no matter how acute the injury or illness was. He withheld much-needed clothing, forced prisoners to use substandard tools, and blamed the inmates when the equipment was damaged in accidents. On at least one occasion he issued a prisoner with two boots of different sizes. Prisoner A. T. said that M. repeatedly denied his request for a transfer to Townsville to have a troublesome tooth removed, and forced him to perform heavy manual labour with a badly injured wrist.<sup>73</sup>

M. was also verbally abusive. One prisoner, F. A., said that M. would 'sneak up through the cane and timber' on the men as they were grubbing, and surprise them by loudly berating them. F. A. also remembered being told by M. on more than one occasion that 'no crim was worth feeding'. In front of other prisoners, M. would refer to information he had learned about A.'s wife, from the letters she sent to her imprisoned husband. M. had a crippling effect on prisoner morale.<sup>74</sup> One prisoner said, tactfully, that he believed that the 'with the right man in charge' the farm would be 'an ideal institution for the

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<sup>70</sup> King, *Boggo Road & Beyond*, p. 67.

<sup>71</sup> W. G. to CGP, 13 December 1948, Prisons Department, Special Subject Batch, Stone River State Prison Farm, 1944-62, QSA, Series 9097, Item 293179, Batch file.

<sup>72</sup> In 1945, the officers at the under-staffed farm worked three months straight without leave. L. T. to CGP, 4 March 1945, Prisons Department, Special Subject Batch: Stone River State Prison Farm, 1944-62, QSA.

<sup>73</sup> Statement by prisoners J. M. (31 May 1955), and J. H. and A. T. (14 June 1955), Prisons Department, Special Subject Batches, Escapes, 1944-62, QSA, Series 9097, Item 293123, Batch file. J. M. to CGP, 18 August 1956, Special Subject Batch, Stone River State Prison Farm, 1944-62, QSA, Series 9097, Item 293180, Batch file. Statement of prisoner R. L., 15 June 1955, Prisons Department, Special Subject Batches, Escapes, 1944-62, QSA, Series 9097, Item 293123.

<sup>74</sup> Statement of prisoner F. A. 14 June 1955, Special Subject Batches, Escapes, QSA, Item 293123.

rehabilitation of prisoners.<sup>75</sup> Another put it more directly: ‘The farm is a lot better than the jail, but definitely not under [M.]. He doesn’t understand men.’<sup>76</sup>

The prisoners were not alone in their antipathy for M.; he often clashed with his subordinate officers too. In September 1954, warder R. B. wrote to CGP Samuel Kerr with a number of complaints. He had been castigated by M. when he had questioned his superior officer about farm operations. He also felt patronized by M.’s wife—M. would leave the farm’s keys with her rather than the warders when he was called away from the farm, and B. resented having to ask for the keys from an individual not employed by the department. He suspected, moreover, that Mrs M. shared her husband’s low opinion of the farm’s junior staff. B. said he had been in the practice of ‘giving a helping hand with the work to be done’ by the men under his charge. He found this made them more ‘co-operative in their efforts’, and felt it helped ‘indirectly in their rehabilitation’. M. had instructed him otherwise, saying the practice made him ‘too familiar’ with the inmates. B. asked M. if rehabilitation was the farm’s official objective, but M. replied: ‘Originally that was the idea, but it is out of bounds now.’<sup>77</sup> Perplexed, B. wrote to Kerr:

I have no idea what he means by this ... apparently I have been under a misapprehension of my actual duties here, but in future I will refrain from working alongside with the prisoners unless notified to the contrary by the Controller General on this matter.<sup>78</sup>

B. left the farm not long after, but, M.’s poor relations with his staff continued, and the ranking officer’s fallout with warder P. K. had unfortunate consequences not only for the inmates at the farm, but for the Queensland prison service generally. The precise source of this conflict is not entirely clear, but within months of K.’s arrival, the two officers were arguing in front of the prisoners and openly insulting each other. Prisoner J. H. claimed that K.’s behaviour changed very noticeably after the conflict began.<sup>79</sup> K. had previously got on well with the prisoners and assisted them in their labour, but stopped at M.’s command. As the conflict between him and M., worsened, so too did K.’s treatment of prisoners. One inmate reported K. came to take ‘a sadistic delight’ in making life hard

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<sup>75</sup> Statement of prisoner J. H. 14 June 1955, Special Subject Batches, Escapes, QSA, Item 293123.

<sup>76</sup> Statement of prisoner F. A.

<sup>77</sup> R. B. to CGP, 27 September 1954, Special Subject Batch, Stone River State Prison Farm, QSA, Item 293180.

<sup>78</sup> Ibid.

<sup>79</sup> Statement of prisoner J. H.

for them.<sup>80</sup> He deducted remission for petty misdemeanours, and forced the inmates to drink their water from rust-encrusted billies.<sup>81</sup> He reprimanded them for straightening their backs or wiping their brows, and when they made mistakes, he talked to them ‘like a man would talk to a dog’.<sup>82</sup> Like M., he would refuse medical treatment for sick or hurt prisoners.

One prisoner later recalled that he ‘fell out of friendship’ with P. K. as he changed.<sup>83</sup> Others felt more strongly. One of a number of prisoners who escaped from the farm in 1955, gave as his reason for doing so: ‘I was afraid that, had I stayed, I should have killed [K.]’.<sup>84</sup> Significantly, this was not full-blooded escape; the prisoners involved intended to be recaptured. Some of them had asked, repeatedly and without success, to be transferred back to Townsville. They knew that they would not be returned to the farm after the escape, and they hoped to improve conditions for the remaining inmates by drawing attention to the problems at the farm.<sup>85</sup> Comptroller Rutherford described this escape as the worst incident in a ‘black period’ for the Queensland Prisons Service.<sup>86</sup>

Shortly before the escape, P. K.’s relationship with J. M. was at a low ebb, and his demeanour changed a second time. He stopped abusing the prisoners, and seemed not to care whether they worked or not.<sup>87</sup> Prisoner V. S. recalled K. promising that ‘he would be a better man than he had been.’ K. encouraged the malcontent prisoners to escape, and even offered them the use of his car for the purpose.<sup>88</sup> The prisoners obliged, and when K.’s role in the incident was discovered, he was dismissed.<sup>89</sup>

P. K.’s role in the escape was so blatant that he must have known it would be discovered, and that he would lose his job as a result. Perhaps, like the escapees, he could stomach life at the farm no longer, and wished to humiliate J. M. as he went. Perhaps he had become disgusted at himself, at what he had become at the farm. It seems likely that there is some connection between his re-found gentleness and his decision to assist with the escape. Knowing that his frustrations with M. would soon be over, perhaps he no longer

<sup>80</sup> Ibid.

<sup>81</sup> Statement of prisoner W. S. 14 June 1955, Special Subject Batches, Escapes, QSA, Item 293123.

<sup>82</sup> Statement of prisoner J. A. 14 June 1955, Special Subject Batches, Escapes, QSA, Item 293123.

<sup>83</sup> Statement of prisoner A. T.

<sup>84</sup> Statement of prisoner J. H..

<sup>85</sup> For more on this escape see chapter eight.

<sup>86</sup> ‘Report of the Comptroller-General of Prisons for the year ended 30th June, 1955’, JOL, p. 3.

<sup>87</sup> Statement of prisoner R. L. 14 June 1955, Special Subject Batches, Escapes, QSA, Item 293123.

<sup>88</sup> Statement of prisoner V. S. 14 June 1955, Special Subject Batches, Escapes, QSA, Item 293123.

<sup>89</sup> ‘Report of the Comptroller-General of Prisons for the year ended 30th June, 1955’, JOL, p. 3.

felt the need to take them out on the prisoners.<sup>90</sup> Among all these possibilities, a few things are certain. Under a bully or even just an individual poorly suited for charge of the camp, life was miserable for prisoners and junior officers alike, possibly to a greater degree than in closed prisons. Staff were able to vent their frustration on the prisoners, but for the prisoners, the only option was escape.<sup>91</sup>

The troubles at Stone River did not cease with P. K.'s departure. The isolation of the farm, the lack of accommodation for the families of married officers, the lack of nearby amenities, and J. M.'s reputation made it very difficult to staff the farm at all. Turnover was high, and replacements almost impossible to find. In 1956, as he dispatched two new warders to Stone River, Comptroller Rutherford enjoined J. M. to 'excuse any shortcoming they may have, through inexperience, and rally round and assist them in every possible way'. These two men were, Rutherford added, the only two men in the service who 'were prepared to come to Stone River, and I'm sure that you will also show your appreciation'.<sup>92</sup>

#### POST-WAR STAFFING PROBLEMS

According to the standing orders for penal officers at the McLeod Settlement, published in 1967: 'A man is not a success as a Prison Officer if he has the misfortune or unwillingness not to grasp the significance of his position.'<sup>93</sup> Unfortunately, after the Second World War, officers at prison camps seemed to be increasingly unaware of the significance of their positions. J. M. and P. K. represented an admittedly extreme example of dysfunctional staffing, but they were symptomatic of a general pattern.<sup>94</sup>

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<sup>90</sup> It is not known what happened to P. K. after he was dismissed. J. M. was shifted to Numinbah prison farm, but took long service leave in 1960, suffering from anxiety and depression. When he returned, he took a voluntary demotion and was posted to Wacol Prison in Brisbane. 'Annual Report of the Comptroller-General of Prisons for the year ended 30th June, 1960', JOL, p. 5.

<sup>91</sup> The inmate testimony regarding these incidents is overwhelmingly consistent, but does not appear to be orchestrated. The possibility that the various statements were concertedly dishonest seems implausible.

<sup>92</sup> W. Rutherford to J. M., 4 January 1956, Special Subject Batch, Stone River State Prison Farm, QSA, Item 293180.

<sup>93</sup> A. R. Whatmore, 'McLeod Prison Farm Standing Orders', c.1955, CVRC.

<sup>94</sup> In the early 1940s, staffing at the Pardelup Prison Farm became so unsatisfactory that the complete staff had to be replaced. A. Dickson to F. E. Huelin, 23 September 1941, Pardelup Prison Farm, Progress reports on operations, 1932-52, Chief Secretary's Files, SROWA WAS 675, Con 752.

The calibre of the staff at camps across the country declined appreciably in this period. Even as staff training and education programs became progressively more elaborate, turnover increased, and scandals involving misconduct by officers became more frequent.<sup>95</sup> Unlike the earlier period, there is little evidence of camp staff committing themselves to camps for long periods, or of former camp officials rising to the top ranks of the service.

This decline can be linked with changes in the nature of prison work in this period. As we have seen, the camps themselves were not the institutions they had been before the war. The size and composition of their prisoner populations changed significantly.<sup>96</sup> As prisoner numbers rose in the 1950s and 1960s, camps caught the overflow from the metropolitan gaols. New camps were established, but not enough to maintain the old pre-war populations, and by the mid-1960s many camps which had held approximately thirty prisoners before the war, had musters of over a hundred each. Staff numbers were not always increased, and officers-in-charge could no longer be expected to have a detailed knowledge of each prisoner. With larger musters, officers were forced to apply paramilitary discipline at camps too, and the dynamics of familiarity changed. In 1959, the Tasmanian Controller of Prisons W. Lonergan asked the Public Service Commissioner to increase the staff quota at the Hayes Prison Farm, ‘as a matter of urgency’. The quota had remained the same as the inmate muster increased by fifty per cent, and consequently the OIC ‘has far too much to do at present and … cannot give sufficient time to the things that need his attention the most.’<sup>97</sup> The intense bonds between prisoners and officers such as Quirk or Roche had been formed in small prison communities; the larger the camp, the more difficult it must have become to forge such relationships.

The increasing regulation of officers’ work may have also been significant. When Alan Paton took control of the Diepkloof Reformatory in South Africa, there were almost no regulations governing how he ran the institution, giving him he said ‘a freedom to experiment such as comes to few of us in our lifetimes’. He thought this freedom

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<sup>95</sup> See for instance: ‘Annual Report of the Comptroller General of Prisons and of the Indeterminate Sentences Board for the Year ended 30th June, 1951’, *Minutes and Votes and Proceedings of the Parliament*, 1953, vol. 3, Government Printer, Perth, p. 7; and ‘File: 20/14, Gaols/Report on article in ‘Truth’ re alleged party at Hayes Gaol Farm’, 1956, Attorney-General’s Correspondence, 1937-71, AOT, AGD1/1/360.

<sup>96</sup> See, for instance: ‘Report of the Comptroller-General of Prisons for the year ended 30th June, 1952’, JOL, p. 2; and File: 19/7, Gaols/C1 Wilson Pay Rise, 1940, Attorney-General’s Correspondence, 1937-71, AOT AGD1/1/187.

<sup>97</sup> Lonergan to Public Service Commissioner, 7 April 1959, Prisons, Organisations, Hayes Gaol Farm DO48, 1959-63, Public Service Department, General Correspondence, AOT AD583/1/260.

essential to the remarkable results of his work at the reformatory.<sup>98</sup> Likewise in Australia in the early years of the prison camps, officers-in-charge were bound only lightly by regulation, and perhaps they too appreciated this fact.

### *Remuneration and isolation*

Prison work has never been lucrative. Even before the Second World War, rates of pay were low.<sup>99</sup> After the war, rates became increasingly less attractive, relative to other careers. This was a period of full employment and workers could earn substantially more in several walks of life. In the late 1940s and early 1950s, the pay scale for warders in Queensland was £10/5/0, little more than the minimum wage. Many capable officers left the service, often up to six per month from each prison.<sup>100</sup> Roy Stephenson was one officer who found the stress of prison life too much, and its rewards too meagre to bear. He resigned from the service in 1946 to pursue a much more profitable occupation as a taxi driver.<sup>101</sup> In 1957 the Victorian Social Welfare Department, which had control of the state's prisons, advertised the position of Superintendent of the Langi Kal Kal Training Centre, a new prison camp for young offenders. The successful candidate was to possess:

a sound education, *with preferably a University Degree in Arts, Education, Law or Commerce*. Some evidence of study *and research* in the problems of delinquency *and psychology*. A strong personality, with resourcefulness and

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<sup>98</sup> Alan Paton, *Diepkloof: Reflections of Diepkloof Reformatory*, David Philip, Cape Town, 1986, p. 97.

<sup>99</sup> See Samuel Mauger, *Society & Prisons: An Address delivered by Hon. Samuel Mauger, J.P., before the congregation of the Australian Church, Melb., on Sunday, December 4th, 1921*, Ruskin Press, Melbourne, 1921, p. 10. For examples of pay and conditions for staff of nineteenth-century British prisons, and the associated problems with recruitment and retention see McConville, *A history of English prison administration*, pp. 270, 464-65. Even Grant Hervey thought warders' salaries should be doubled. Minutes of evidence taken before the Board of Inquiry re Pentridge Penal Establishment', 31 August 1920, p. 553, Supplementary Inward Registered Correspondence, Chief Secretary's Department PROV VPRS1226/P0000/130.

<sup>100</sup> Rodney Maddock and Frank Stillwell 'Boom and Recession', in Ann Curthoys, A. W. Martin and Tim Rowse (eds.), *Australians From 1939*, Fairfax, Syme & Weldon Associates, Sydney, 1987, p. 255; Wray Vamplew (ed.), *Australians: Historical Statistics*, Fairfax, Syme & Weldon Associates, Sydney 1987, p. 155; King, *Boggo Road*, p. 87; English, 'The Effect of Prison Work', p. 3.

<sup>101</sup> Stephenson, *Nor Iron Bars*, pp. 38-39. The department remained so short-staffed, that in emergencies, Stephenson was recalled to help out, even though he was not officially an employee. On one occasion, his taxi was commandeered to search for two dangerous escapees. He eventually returned to the service, but this decision had little to do with money.

patience in the handling of impetuous youths. Experience in institutional management.<sup>102</sup>

For such an individual, the department offered the minimum award wage. Perhaps, not surprisingly, the position was advertised several times before an acceptable applicant was found, and even then only after the italicised words were removed.<sup>103</sup>

As prison staff went backwards financially, compared to the rest of the workforce, professional expectations of officers were rising. According to the 1956 NSW ‘Manual for Staff Instruction and Guidance’, for instance, the officer

should render, with promptitude and cheerfulness, the same implicit obedience that he is required to exact ... An officer should keep in view the objective of rehabilitating prisoners and strive to acquire a moral influence by the standards of his own conduct ... An officer should at all times guard his tongue against lewd, blasphemous or indecent language, scurrility or falsehood ... While officers are required to adopt a humane and friendly attitude towards prisoners, they must remain aloof from them and in no circumstances have dealing with them or their relatives.<sup>104</sup>

Increasingly elaborate training and education programs were developed.<sup>105</sup> For those on such poor wages, talk of grand duties and penological theories must have sounded at least

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<sup>102</sup> Cited in Howard League for Penal Reform (Victoria), ‘Annual Report, 1<sup>st</sup> July, 1957 – 30<sup>th</sup> June, 1958’, Melbourne, The League, 1958, p. 6, SLV MSS 11553 Box 4/3. (Emphasis added in Howard League report).

<sup>103</sup> Ibid. In 1944, *The Age* acknowledged that the low salaries offered by Victoria’s prison service was a serious obstacle to reform. ‘The Reformation of Delinquents’, *The Age*, 8 May 1945. See also Vamplew, *Australians: Historical Statistics*, pp. 156-57.

<sup>104</sup> *Manual for Staff Instruction and Guidance*, NSW Department of Prisons, Sydney, 1956, p. 6 For similar articulations of the responsibilities of officers, in other jurisdictions in this period, see: ‘Penal Establishments, Gaols, and Reformatory Prisons; Report and Statistical Tables for the Year 1933’, *Votes and Proceedings of the Legislative Assembly*, 1935, vol. 1, Government Printer, Melbourne, p. 1120; ‘Penal Establishments, Gaols, and Reformatory Prisons; Report and Statistical Tables for the year 1943’, pp. 5, 7; *Report on Gaols and Prisons for the year ending 30th June, 1960*, Government Printer, Adelaide, 1960, p. 2; section on ‘Staff’ in *Cadell Training Centre*, n.p.

<sup>105</sup> Even those who developed such training programs could be sceptical about them. John Morony, for instance, who literally wrote the book on the subject, thought training was of limited use; the qualities most required in an officer were he said ‘the sort of things that come best from a good man, an honest man, a tactful man, a sensible man, a good living man’. Morony The Issues Raised’, in *The Conflict of Security and Rehabilitation: A Seminar on the Punishment of Crime*, New South Wales University of Technology, 9-11 July, 1958, p. 17.

a little hollow.<sup>106</sup> In Victoria, from 1958, new staff members were mostly trained off the job, at a new officer-education facility in Hawthorn, which quickly came to be known among the uniformed staff as ‘Bullshit Castle’.<sup>107</sup>

It is no surprise that isolated prisons were particularly affected by the staffing crisis. Queensland Comptroller William Rutherford found recruiting for his prisons, particularly those in the north like Stone River, ‘a matter of grave concern’. In 1951 he said:

the shortage of staff is chiefly due to the small salaries paid to warders at the commencement of their service. Even warders of longer service are leaving to take more lucrative positions elsewhere. Two good officers went to the Police Force and two to the RAAF to receive much better salaries.<sup>108</sup>

The Cadell Prison Farm, on the Murray River, had been open only a matter of months when it was reported, in early 1961, that warders in Adelaide were ready to resign if transferred to country posts, including Cadell. Indeed several staff had *already* resigned from Cadell, citing the high cost of living in the area, and the isolation.<sup>109</sup>

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<sup>106</sup> The current salary range for Correctional Officers in NSW starts at just under \$40 000 (see: <http://www.dcs.nsw.gov.au/careers/correctional%20officer%20award.pdf> - accessed 28 July 2009).

<sup>107</sup> Richard Broome, *Coburg: Between Two Creeks*, Coburg Historical Society, Melbourne, 2001, p. 286. The scepticism of staff when it came to penological theory, was clearly expressed in the various prisons officers’ magazines. ‘The Prison Officers’ Prayer’ by ‘Lealgo’, (*The Grapevine*, vol. 3, March 1964, p. 9) is a good example:

Our work which art in Pentridge, Penology be its name,  
Thy chosen vocation, Thy duty will be done, as it is in  
the regulations. Give us each our weekly pay; And  
forgive us our late relieving, As we forgive them that  
are late relieving us, And let us know who is on the station,  
To save us from evil. For such is the custom,  
both morning, and in the afternoon; First Watch and Second  
Watch:  
And so on.

<sup>108</sup> Rutherford to Under Secretary of Justice, 29 June 1951, Special Batches, Head Office Correspondence, 1935-63, QSA, Series 9097, Item 293136. Difficulty attracting and retaining good staff was admittedly not a new problem for senior administrators. See for instance: *Annual Report of the NSW Sheriffs and Gaols Department for 1874*, Government Printer, Sydney, 1875, p2; and, *Prisons; Report for 1896*, Government Printer, Sydney, 1897, p. 92. What was new in the post-war period was the range, availability and profitability of alternative career paths. See also *Proceedings of the Royal Commission into NSW Prisons*, vol. 9, p. 202 qq.2577.

<sup>109</sup> ‘Warders to Resign If Transferred’, *The Advertiser*, 19 January 1961; ‘No Concern on Prison Staff’, *The Advertiser*, 20 January 1961. See also B. A. B., B. H., K. K., and C. M., ‘H. M. Morwell River Reforestation Prison’, unpublished report, 1980, CVRC.

On at least one occasion, it appears that the isolation of a camp was used by the department against a subordinate officer. In 1968, Robert Bennetts, an officer at Pentridge Prison in Melbourne, broke prison regulations by failing to fire on escaping prisoners, and was subsequently disciplined by the prisons department. An inquiry by the State Public Service Board exonerated him, but the department transferred him to French Island, in an attempt—according to Bennetts’ union—to force him to retire. Bennetts said he was unwilling to accept the transfer because his wife was in poor health, but found himself unable to appeal the decision.<sup>110</sup>

#### *Amenity and family*

One of the problems associated with the isolation of the camps was their lack of amenity. This problem contributed to the conflict between staff at Stone River. One of the matters warder R. B. complained of in 1954 was OIC J. M.’s attitude to the social life of his subordinates. Permission had been granted to warders at Stone River to visit the nearest hotel by the Deputy CGP, Samuel Kerr, on the condition that they did not become intoxicated and left before closing time. However, M. was a teetotaller, and disapproved of his staff drinking. One day in September, B. told M. that he was going to the hotel. M. warned B. that if he went there too often he would have to report him to head office, and expressed his dissatisfaction with the Deputy CGP’s decision. If he had his way, all the officers on the farm would be teetotallers. B. protested; given ‘the position of the farm and lack of amenities I don’t think it unreasonable to journey to the hotel on odd occasions’, he said, adding that he had never ‘shown other than sober habits’ during his time in the service.<sup>111</sup>

The question of whether or not an officer could easily visit a hotel may appear to be a trivial one, but it is not. Thomas wrote of the ‘sheer intrinsic stress’ of prison work.<sup>112</sup> When Warder E. T. retired in 1970 after 29 years working at Hayes Prison Farm, he was asked if would pursue the same career again, given the choice. ‘Not on your life,’ he replied. ‘There’s too much worry in it.’<sup>113</sup> Senior administrators gradually came to recognise the importance of officers’ access to a life beyond the prison, and away from its

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<sup>110</sup> ‘Prison Order Claimed Unfair’, *The Age*, 19 September 1968.

<sup>111</sup> R. B. to CGP, 27 September 1954. The bottle was a necessary crutch for many officers. See, for instance: Charge against Overseer C. S. 1943, Gaols file 20/10, Attorney General’s Correspondence, 1937-71, AOT AGD1/1/218.

<sup>112</sup> Thomas, ‘A Good Man’, p. 57.

<sup>113</sup> ‘Prison Without Locks’ *Mercury*, 27 July 1970. See also Merlo, *Screw*, p. 179.

stresses. Not long after R. B.'s departure, Rutherford put the difficulties staffing Stone River down 'principally to the fact that the Farm offers so few amenities'.<sup>114</sup> His Victorian counterpart, Joseph Akeroyd, thought that:

persons employed within a prison are apt to deteriorate in character and to take something of the color of their surroundings unless near their homes they have ample opportunity to get away from the prison atmosphere and associate with men and women who know nothing of prison life.<sup>115</sup>

Unmarried officers were almost impossible to attract to the camps. Married officers were less reluctant, but they were ' disinclined to be separated from their families', as Akeroyd's successor, Alexander Whatmore noted. 'A solution to this may be found in the erection of cottages on the unit farms'.<sup>116</sup> Accordingly, family accommodation was erected at camps in most states, including the Cadell Prison Farm, the Palen Creek Prison Farm and the Pardelup Prison Farm.<sup>117</sup> In this regard, it is worth noting that several of the first generation of officers-in-charge remained bachelors, or only married late in life; Patrick Roche, for one, did not marry until he was almost sixty.<sup>118</sup>

Family accommodation enabled the department to fill vacant positions, but isolation was at least as much a problem for officers' families as it was for the officers themselves. When the Stone River prison farm was de-proclaimed in 1962, CGP Kerr pointed out the problems the farm's location had posed for officers' families. It was five miles to the nearest school 'through wild and snake-infested country' and the farm was too remote

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<sup>114</sup> Rutherford to OIC, 4 January 1956, Special Subject Batch, Stone River State Prison Farm, QSA, Item 293180. This problem was not unknown before the war, it had always been a difficulty. But according to Roy Stephenson, before the war, 'such was the type of man in the service ... with few exceptions, they had that ingrained sense of responsibility and dedication to the job which made each man perform his duty when the going got rough.' (See *Nor Iron Bars*, p. 25).

<sup>115</sup> 'Penal Establishments, Gaols, and Reformatory Prisons; Report and Statistical Tables for the year 1944', *Votes and Proceedings of the Legislative Assembly*, 1945-47, Government Printer, Melbourne, p. 4. Again, over thirty years later, English articulated the same challenge. He told his fellow penal administrators that officers 'should be encouraged to develop social contact with groups of people who know nothing of prisons and prisoners, in order to counter the pernicious effect of constant exposure to the criminal population. He should also be made aware of the danger of poisoning of his moral system to which his occupation exposes him.' See 'The Effect of Prison Work', p. 3.

<sup>116</sup> A. R. Whatmore, 'Report by the Deputy Inspector-General of Penal Establishments, Victoria, on his investigation into the Penal System of New Zealand', *Votes and Proceedings of the Legislative Assembly*, 1947-48, Government Printer, Melbourne, p. 557.

<sup>117</sup> Section on 'Staff', *Cadell Training Centre*, n.p.

<sup>118</sup> Reynolds, 'Patrick Roche', p. 69.

and too small to justify a medical officer of its own.<sup>119</sup> Ten years earlier, the Kyeema Prison Camp in South Australia had been closed for similar reasons.<sup>120</sup> Isolation was also central to the decision, in 1975, to close the McLeod Prison Farm.<sup>121</sup>

Not all the camps were so isolated, and many of the most successful camps were those—like the Emu Plains and Hayes prison farms—that were located close to urban centres. Even where reasonable amenities were available to officers and their families though, the presence of families on-site created a new set of problems, particularly at those camps at which there were inmates convicted of serious crimes against children. Most states held sex offenders at their camps, despite early assurances from politicians that they would not. This was particularly true in Tasmania and Queensland, and especially after the Second World War. Sex offenders were often docile, productive workers, and if their offences involved children, homosexuality or incest, then they were often at risk of assault from other prisoners in conventional prisons. The lower rates of violence at camp, and sex offenders' good behaviour in prison made their removal to camp an attractive option for administrators. Custodial officers at camp saw the matter differently, however.

Where guards' families lived on site, the presence of prisoners convicted of serious crimes against women or children caused unrest. In January 1971 three officers with families at Numinbah State Farm in Queensland complained, first to their superintendent and then to the CGP, about the arrival of W. W., who had been convicted of raping a ten year old child. Officers N. K., G. G., and L. M. requested that W. W. be returned to a closed prison. 'We have never felt so strongly before, but as the victim was a child we feel we would never forgive ourselves if we let this matter go without telling you of our concern', they said.<sup>122</sup> Shortly afterwards, W. W. was moved to a different prison.<sup>123</sup>

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<sup>119</sup> Kerr to Under Secretary for Justice, 9 August 1960, Prisons Department, Special Subject Batch, Stone River State Prison Farm, closure file, QSA, Series 9097, Item 293185, Batch file.

<sup>120</sup> CGP J. H. Allen stated the camp closed 'because of the difficulty in obtaining and retaining suitable staff', and added 'it has not been considered advisable to erect houses for married staff and, because of the isolated position of the camp, it is difficult to secure enthusiastic officers.' *Report on Gaols and Prisons for the year 1951*, Government Printer, Adelaide, 1952, p. 4; see also *Report on Gaols and Prisons for the year 1952*, Government Printer, Adelaide, 1953, p. 5; and 'Report and Statistical Tables for the year 1944', p. 4.

<sup>121</sup> Victoria's prison population was falling at the time the decision was made, but no sooner had McLeod closed than the state's prison population began to rise again, precipitously. The department briefly considered re-opening the camp, but decided against it.

<sup>122</sup> Officers N. K., G. G., and L. M. to Superintendent, Numinbah State Farm, 25 January 1971, Prisons Department, Ex-Prisoners Files, Box 19, QSA, Series 17926, Item 151350.

<sup>123</sup> S. Kerr to Superintendent, Numinbah State Farm, 27 January 1971, Ex-Prisoners Files, QSA, Series 17926, Item 151350.

Families lived on-site at Palen Creek State Farm too, and some years earlier, a sex offender had given officers cause for alarm. In 1958, E. W., a prisoner convicted of incest was transferred from the farm to the Brisbane Mental Hospital in Goodna. While at the hospital, E. W. wrote a letter to the young daughter of Overseer W. E., the only girl on the farm. It was a strange note. Written with polite warmth, E. W. told her the location of some misplaced tools, and then asked: ‘How are Mum and Dad and the other Warders ... I often think of you.’ With the help of the doctor at Goodna, E. W. said he planned to go straight back from here to Palen Creek. ‘I am not an underworld man, so you need never worry about me being mixed up in any shady work.’<sup>124</sup> In response to the warder’s concerns, E. W. was not returned to Palen Creek and was prevented from writing to the girl again.

The available records furnish only one example of a member of an officer’s family coming to harm at the hands of an inmate at a camp anywhere in the country.<sup>125</sup> Nevertheless, officers naturally bristled with worry wherever their families lived alongside sex offenders and in terms of staffing the camps, this anxiety was the real problem.<sup>126</sup>

All these issues made staffing the camps difficult, and in a vicious cycle, staff shortages in turn produced new problems. In the mid-1970s, the last Governor of the McLeod Prison Farm, expressed his frustration at this fact: ‘shortage of staff meant overtime and excessive overtime has dulled the keenness of the officers and reduced their effectiveness’.<sup>127</sup> According to the penological theory on which they were supposedly based, the camps were a response to criminality rather than crime. They were to be places where the individual prisoner’s needs could be recognised and responded to. Their planners never considered the implications they would have for staff—yet as a reform, the camps had very real effects on the lives of officers and their families. These effects in turn bore on the workings of the camps.

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<sup>124</sup> E. W. 12 April 1959, Ex-Prisoners Files, QSA, Series 17926, Item 151350.

<sup>125</sup> Governor J. D., Quarterly Report, 1 July to 30 September 1974, McLeod Prison Farm, Governor’s Inward and Outward Correspondence, 1973-75, PROV VPRS 11974.

<sup>126</sup> In some of the early nineteenth-century penitentiaries officers families were required to live on-site, with a number of unfortunate side-effects. See McConville, *A history of English prison administration*, pp. 155-56.

<sup>127</sup> Governor J. D., to Director of Prisons, 16 September 1974, McLeod Prison Farm, Governor’s Inward and Outward Correspondence, 1973-75, PROV VPRS 11974.

Before the war a handful of remarkable individuals were willing to accept the drawbacks of isolation and scant remuneration. But by the 1950s, things had changed. There were more camps, with more prisoners, requiring more staff. The new guards were less committed to the idealism than their predecessors, and the labour market did not encourage dedication to the service. For officers and their families, there were better opportunities in the cities than there were at the camps, or in the small townships nearby. Good staff left, and bad staff set about zealously defending their meagre pay and conditions. Across the prison systems, officers had less faith in the ideals of the service, and in the end, officers at camp and at head office simply saw less reason to care.<sup>128</sup>

#### THE CASE OF FRANK POSSELT

While staff quality decreased after the war, there were still a few officers capable of inspiring prisoners as James Quirk or Patrick Roche had done. Frank Posselt was one of these.

Posselt was admittedly not a member of custodial staff; he was the education officer at McLeod Prison Farm (formerly the McLeod Settlement) from 1955 to 1957.<sup>129</sup> Only twenty-four years old when arrived on the island, he was an unconventional prison officer. He criticised the penal system, and the general public's attitudes towards it, and encouraged prisoners to find constructive ways to do the same.<sup>130</sup> Several prisoners became intensely attached to Posselt during his short stint on the island. According to prisoner J. L., Posselt

went beyond the dictates of duty to make life a little bit brighter for the men of this camp ... He has never turned a man down when that man needed help ... He has painstakingly listened to our tales of woe, our fears, our hopes.

Mr Posselt has indeed been the Father Confessor to the men of this camp ... I am handicapped by lack of words in my desire to describe what Mr Posselt means to the men of this Prison ... He had no favourites. All men were the same to him ...

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<sup>128</sup> Very similar difficulties spelt the end of the North Sea Camp, a British borstal. According to Tyndale it was 'a bold experiment in penal reform', but it could not be sustained because 'it failed to take into account the needs of the staff'. Tyndale, *Prison People*, pp. 22-23.

<sup>129</sup> Posselt was the island's second education officer. The first was David Biles, who went on to become one of Australia's leading criminologists.

<sup>130</sup> *Neptune News*, vol. 3, no. 9, 1957, NLA.

we give you the grateful thanks of the men who live in this artificial nether-world ... you may leave us, but you will never be forgotten. I thank you on behalf of the men of McLeod.<sup>131</sup>

To another prisoner at McLeod, Posselt was ‘the Robinson Crusoe of French Island ... to all his Man Fridays, who go like him shipwrecked sailors from the sea of life, castaways.’<sup>132</sup> In this prisoner, and certainly others, Posselt had managed to ignite not only a genuine interest in a changed life, but a passionate concern for his fellow prisoners and society generally. Prison officials, the prisoner complained, were judged not by how many prisoners they assist, but by how many they prevent from escaping. In this context, Posselt was:

one of a band of Crusaders, fighting through the Slough of medieval ideas, centuries old superstition and prejudice, against the satisfying of the primitive instinct for revenge, rather than attacking the problem of crime. These things must be done scientifically not emotionally ... This small band of Crusaders is fighting the tribal magic-word-power of superstitions, dressed up in twentieth century clothes ... As Mr Posselt would say: ‘How about it, Mr Citizen? ... Bon Voyage, modern Robinson Crusoe!! and THANKS!!<sup>133</sup>

Posselt’s work at McLeod is proof that even as work at the camps became less and less attractive, there were still exceptional individuals who saw reasons to care about the work. His departure from the service, after only two years, also demonstrates what was lost when such individuals moved on.

## CONCLUSION

In the early 1930s, the American penologist John Gillin visited Witzwil, a model prison farm in Switzerland. He came away impressed with what he had seen. But what struck him most was the Superintendent. ‘If ever you will see it on earth,’ he wrote afterwards,

<sup>131</sup> Anon., ‘Bon Voyage, “Robinson Crusoe of French Island”’, *Neptune News*, vol. 3, no. 12, 1957, n.p, SLV MSS 10663 Box 78.

<sup>132</sup> Jim L., ‘Neptune Roundsman’, *Neptune News*, vol. 3, no. 12, 1957, n.p. Robinson Crusoe and Friday were recurrent figures in prisoners’ writing on McLeod. One prison humourist disparaged the island by suggesting ‘Robinson Crusoe Wouldn’t Give it to Friday’; see Ruth Gooch, *Frontier French Island*, Prahan Mechanics Institute Press, Melbourne, 2006 p. 197.

<sup>133</sup> Anon., ‘Bon Voyage’.

'here you will see the realization of Emerson's famous aphorism that 'an institution is but the lengthened shadow of a man.'<sup>134</sup>

The first generation of officers at the Australian prison camps cast long shadows indeed, but their contributions have gone unrecognised. Much has rightly been written in attempts to humanise the prisoner, but the same sympathy and imagination should be extended to those who worked in prisons, not merely those in head offices, but the many unsung workers who dealt with prisoners, face-to-face, every day.

Guards have often been described as obstacles to reform. It is certainly true that when they perceive penal reform to be at odds with their industrial interests, they have stubbornly and effectively resisted change, as they still do. But officers can be vectors for change too. The history of the prison camps demonstrates the vital role of the guard in prison reform. The systems' early successes and their later disappointments can be connected with the quality of the keepers. Before the war, there were relatively few camps, and the ideals they embodied remained fresh. The number of officers required to run the camps was reasonably small, many of them felt personally invested in the success or failure of the camps, and they served under comptrollers deeply interested in the operations of their institutions. The labour market, and its culture, encouraged new roles for camp officers, and dedication. Many of these officers rose to senior ranks, and pushed for the expansion of the camp systems. Indeed, the camps' fortunes turned more on these individuals than they did on the system of penology, the regime of labour, or the style of architecture. As the leading early twentieth-century American penologist, Sanford Bates put it: 'in the hands of an intelligent, big-hearted, persevering official, any system will be successful'.<sup>135</sup>

In the second half of the century, pressures caused by the location of the camps and the rising numbers of prisoners they held, and by the pay scale of the work, gave rise to serious staffing difficulties. While the services tried to address specific issues as they emerged, such as family accommodation, they did not go to the core of the matter, and

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<sup>134</sup> John Lewis Gillin, *Taming the Criminal: Adventures in Penology*, Patterson Smith, Montclair, 1969, (orig. publ. 1932), p. 166; Ralph Waldo Emerson, 'Self-Reliance' in *Selected Writings of Ralph Waldo Emerson*, Charles Johnson (ed.), Signet Classic, New York, p. 276. See also McConville, *A history of English prison administration*, pp. 271-72. Of J. B. Hardiman, OIC at Mannus in the 1950s, a reporter wrote: 'In a way that is peculiarly personal for such an official institution as a prison, the camp is his. He has left his deep imprint on its functionings'. 'Prison Without Bars', *Sunday Herald*, 26 July 1953.

<sup>135</sup> Sanford Bates, 'Honor System for Inmates of Prisons and Reformatories', *Journal of the American Institute of Criminal Law and Criminology*, vol. 13, no. 1, 1922, p. 112.

indeed only created new dilemmas. The prison camp movement foundered at least in part not on ill-conceived penological principles, but on problems with personnel.

## EPILOGUE

### Prisons, History, Policy

The history of the Australian prison camps does not offer a model for understanding penal change in general terms. To explain the camps as a reform requires the analysis of a complex and particular set of variables: the economics and politics of prison labour, the responses to the challenges presented by a generation of prison buildings and the penological principles they embodied, and the ways in which an imagined penal past and future affect reform discourse. Not all these variables would be significant in the history of other reform projects, or not to the same extent. Other reforms would call forth different, equally complex factors. As Michael Ignatieff argued, the ‘real challenge’ is to find:

a model of historical explanation which accounts for institutional change without imputing conspiratorial rationality to a ruling class, without reducing institutional development to a formless *ad hoc* adjustment to a contingent crisis, and without assuming a hyper-idealist, all-triumphant humanitarian crusade.<sup>1</sup>

History cannot offer a universal model for understanding how penal systems have changed, but historical research can help frame important issues of policy in the present. To date, however, those charged with formulating penal or correctional policy have been little interested in history, except as an ornament or a morality tale. As Séan McConville writes:

penal history, where it has been studied at all, has been a source of self-congratulation rather than of warnings...neither reformers nor administrators consider it worth while seriously to ponder the experience of earlier generations.<sup>2</sup>

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<sup>1</sup> Michael Ignatieff, ‘State, Society and Total Institutions: A Critique of Recent Social Histories of Punishment’, in Stanley Cohen and Andrew Scull (eds.), *Social Control and the State: Historical and Comparative Essays*, Basil Blackwell, London, 1985, p. 77.

<sup>2</sup> Séan McConville, ‘The Victorian Prison: England, 1865-1965’, in Norval Morris and David J. Rothman, (eds.), *The Oxford History of the Prison: The Practice of Punishment in Western Society*, Oxford University Press, New York and Oxford, 1995, p. 139.

This reflects the fact that penal discourse makes a fetish of innovation. The past has been demonised to the point that it has become impossible to characterise a proposed change as a ‘return’ to a previous practice, no matter how sound. This is particularly true in Australia, where the ghosts of the convict system still have the power to spook.<sup>3</sup> In penal discourse this seems at times almost like a closed loop: reforms are successful because they are new, and because they are new, they must be successful. This is an effective way to bolster support for one’s own program of reform—to depict one’s predecessors’ policies not simply as failures, but as the product of entirely different and wrong-headed philosophies. The errors of the past are quarantined, while the policies of the present are sure to succeed, by virtue of a more virtuous philosophy. Consequently, our capacity to think constructively about penal reform is diminished.

As a reform, the prison camps reflect this difficulty. To be comprehensible as a penal reform, the camps had to be floated on the rhetoric of modernity, but they were in many senses a step back, to an earlier penology, to the transportation-era convict system, to the garden. And for all their problems, they were humane places. Some of the principles on which they were based might be worth revisiting. Coming to terms with the fact that earlier generations have pursued the same tasks as ourselves, in the same spirit, albeit with different methods and language, makes the task of reform much more challenging, but it also broadens our options: the wheel does not have to be reinvented.<sup>4</sup>

The history of the camps also offers more particular insights. It suggests, for instance, that for many prisoners, walls and bars are unnecessary cruelties. Escapes moreover probably do not need to provoke as much anxiety as they do. Driven by local unease and sensational newspaper coverage, penal bureaucrats sought to reduce the number of escapes from camp and emphasise their infrequency, but they may have been better

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<sup>3</sup> At an international corrections conference held in Sydney in 1988, John Dawes, the Executive Director of the South Australian Department of Corrective Services said that the bicentenary, as the anniversary of a historic penal experiment, afforded the assembled delegates ‘the opportunity to smile indulgently at the errors of judgement and the crises which marked the times of our predecessors and to happily design futures in which our advanced knowledge and technology will ensure that succeeding generations will have no cause to smile indulgently because of our mistakes. Sadly, however, I fear we face the same fate as those who have gone before us.’ Dawes, ‘The Future of Australian Prisons - An Australian View’, in David Biles, (ed.), *Current International Trends in Corrections*, Federation Press, Sydney, 1988, p. 62.

<sup>4</sup> If American progressives had, as David Rothman pointed out ‘seen their predecessors as genuinely devoted to doing good, then [they] would have had to reckon seriously with the possibility of their own failure...this thought was too dark for men and women with a new mission to consider.’ Rothman, *Conscience and Convenience: The Asylum and its Alternatives in Progressive America*, Little, Brown and Co, Boston, 1980, p. 60.

served if they had aimed to help inmates deal with the problems and behaviours that gave rise to escapes, and to explain the real nature of escapes to the public.

Policy-makers who seriously considered this history could also distil a few insights about the consequences of reform for staff. As J. E. Thomas has observed, ‘no prison system will move in any direction’ without the cooperation of its employees.<sup>5</sup> Politicians, penologists, and prisoners have all long agreed on the importance of good staff. For the most part though, it seems the prisons services had little idea how to recruit such individuals, or find enough money to pay them appropriately. Bureaucrats spoke frequently of training and education, but were unable to connect the presence or absence of such staff to wider reform agendas. Although their moment has passed, the camps suggest that if reform is to have any chance of success, it must be formulated with the needs of the people who have to implement it in mind.

The camps also shed light on how we might approach the central problem in the administration of justice. For centuries now, reformers, administrators, criminologists, leaders, keepers and prisoners have thought, talked, written and argued about how to iron the criminal kink out of offenders. The camps were quickly proclaimed to be great successes in this regard, but the judgement was premature. As an exercise in the reform and management of the prison, the camps were undoubtedly successful, but it turned out to be much easier to repair the image of the prisons than it was to rehabilitate criminals. On some level, prisons staff understood this and, as a result, became increasingly disillusioned with the concept of rehabilitation, both in relation to the camps in particular and more broadly. J. D. was one such officer. He joined the Victorian prison service in 1937, and rose to be the Governor of McLeod Prison Farm, before he retired in 1974. Shortly before leaving the service, he admitted to his superior, Eric Shade:

I have seen prisons change from places of punishment only to ones where hopefully some change for the better could be instilled in prisoners...but in my opinion the results have been disappointing. I am convinced that rehabilitation cannot be effected in a prison atmosphere, most aspects of prison life are against it.<sup>6</sup>

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<sup>5</sup> J. E. Thomas, “‘A Good Man for Gaoler’—Crisis, Discontent and the Prison Staff”, in John C. Freeman (ed.), *Prisons Past and Future*, Heinemann, London, 1978, p. 58.

<sup>6</sup> Governor J. D. to Eric Shade, Memorandum re Revision of Regulations, 16 September 1974, Governor’s Inward and Outward Correspondence, McLeod Prison Farm, PROV VPRS 11974.

Many have come to share this view. Since the late 1970s, around the world and in Australia, there has been diminution of faith in the rehabilitative ideal amongst penologists; many have argued that ‘nothing works’.<sup>7</sup> The same period has also seen a rise in punitive penal practices. Maximum penalties for offences have been increased, sentences have got longer, prisons have been privatised, budgets for rehabilitative programs have been cut, and prison populations have risen.<sup>8</sup>

I would argue that the apparent failure of rehabilitative penology to fulfil the hopes held for it does not warrant a retreat to a tougher form of ‘justice’. One can be idealistic and agree with Herman Kling, the former Swedish Minister of Justice, who said: ‘We must practice humanity without expecting anything in return. Humanitarianism should be regarded as a fundamental obligation to mankind, no matter where it leads.’<sup>9</sup> However, one does not need to hold such righteous sentiments to believe that it is worth persevering with the idea of rehabilitation.

By the end of his career, John Morony had a complicated view of these matters. As a young officer, by his own admission he had ‘unwarranted expectations’ of the prison system. But to his credit, the disappointment he felt when he realised he had set his hopes too high did not turn him into a cynic. With a strange pragmatism, Morony came down in favour of a necessary illusion:

it was de Tocqueville, who, writing of the American prison scene, said that the object of the administration, to so correct the offenders that crime would cease to be, was an illusion. It is quite probable that he is right but nevertheless it is an illusion upon which all forward-thinking prison administration must be based.<sup>10</sup>

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<sup>7</sup> This catch-cry was based—inaccurately as it turns out—on the findings of a landmark study: Douglas Lipton, Robert Martinson and Judith Wilks, *The effectiveness of correctional treatment: a survey of treatment evaluation studies*, Praeger, New York, 1975.

<sup>8</sup> John Pratt, David Brown, Mark Brown, Simon Hallsworth, and Wayne Morrison (eds.), *The New Punitiveness: Trends, theories, perspectives*, Willan Publishing, Devon, 2005, *passim*.

<sup>9</sup> Address at the Third United National Congress for the Prevention of Crime and the Treatment of Offenders, Stockholm, 1965, quoted in Torsten Eriksson, *The Reformers: An Historical Survey of Pioneer Experiments in the Treatment of Criminals*, Elsevier, New York, 1976, p. 250.

<sup>10</sup> J. A. Morony, *The More Things Change: A History of Corrections in New South Wales*, J. Morony, Sydney, 1988, pp. 532-33. See also Alexis de Tocqueville and Gustave de Beaumont, *On the Penitentiary System in the United States, and its Application in France; with an Appendix on Penal Colonies, and also Statistical Notes*, trans. Francis Lieber, Carey, Lea & Blanchard, Philadelphia, 1833, p. 48 ff.

Morony could be right, it might be necessary for administrators to believe in an impossibility in order to maintain certain minimum standards. It might also be too soon to say whether De Tocqueville's dismal prophecy has come true. At an international conference in 1975, amongst increasingly disillusioned colleagues, the criminologists Peter Lejins and Denis Szabo argued in favour of patient optimism. As we have seen, early twentieth-century criminologists used the language of medicine to support grand theories, but Szabo and Legins drew a humbler analogy with the world of medical science. They pointed out that around the world, thousands of researchers had for many years diligently worked to find a cure for cancer and made little progress. No one called for that project to be abandoned. The fact that efforts to address the problem of crime had met with scant success should not be a source of despair, Szabo and Legins counselled. Rather it should be read as a compelling invitation to further work.<sup>11</sup>

One does not have to believe that science will one day rid society of crime to see the wisdom in Szabo and Legin's words. Prison reform is not a steady march towards an ever-better future, no matter how intensely we might wish it were. But nor is it static. With a little determination and imagination, some things can be improved, and we are not at the end of the story. As he left the world of prison management, John Morony said that 'the future is neither dark nor bright, but it is indistinct'.<sup>12</sup>

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<sup>11</sup> Fifth UN Congress on the Prevention of Crime and Treatment of Offenders, Geneva, 1975, quoted in Eriksson, *The Reformers*, p. 252.

<sup>12</sup> *Report of the Operation of the Department of Prisons for the Year 1965-66*, Government Printer, Sydney, 1966, p. 5.

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