

assets should be shared rateably between them.

The Australian Law Reform Commission's Discussion Paper No 32 on its *General Insolvency Inquiry* published in August 1987 briefly considered the question of pre-paid consumer contracts. The conclusion reached in that Paper was that there was not a sufficiently strong case regarding pre-paid consumer contracts to justify creating a new priority. Rather the Commission supported the fundamental principle of a rateable distribution of available assets among creditors and it favoured limiting, rather than extending the range of priority creditors in the existing, insolvency legislation.

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## prisons in the spotlight

We tried to implement Christian principles.

Attributed to the architect  
of Jika Jika prison

*long bay.* Recent events in New South Wales and Victorian jails have placed the prison system under public scrutiny. In New South Wales an eighteen year old fine defaulter in Long Bay Jail was bashed by another inmate in the prison yard. His injuries were so severe he had to be rushed to nearby Prince Henry Hospital where doctors performed an emergency operation to relieve pressure on his brain.

The victim, Jamie Partlic, had entered jail less than 24 hours earlier to eradicate \$1250 in traffic fines, including one for bald tyres, breaching bail conditions and other offences. He was in a section reserved for fine defaulters,

although according to witnesses a convicted double murderer was also in the yard.

After the assault, the NSW Government moved quickly to place a moratorium on fine defaulters serving short jail terms in lieu of paying fines. Fine defaulters and minor criminals will be given the option of car licence cancellation and/or community service. Speaking after a State Cabinet Meeting the Premier, Mr Unsworth criticised prison procedures saying:

Clearly there has to be appropriate classification of prisoners to ensure that the minor offenders are not placed in circumstances where they would come into contact with hardened criminals.

The assault is the subject of an inquiry by Judge Muir of the District Court. It has all the powers of a Royal Commission, except witnesses can refuse to give evidence that might incriminate them.

*jika jika.* In Melbourne five prisoners died in October when they barricaded themselves in their cell block and set fire to the barricade. They were apparently protesting against the reversal of a decision to move a prisoner from the maximum security jail Jika Jika, a division of Pentridge, back into the main prison. Several days later the Victorian Attorney-General, Mr Kennan announced the closure of the controversial section describing Jika Jika as 'an electronic zoo'.

Jika Jika — once the pride of the Victorian prison system — was designed in keeping with the maxim that there is some good in everyone.

According to *The Australian* of 31 October 1987.

The irony could hardly be more pointed. In the aftermath of the tragedy it has become clear that the maximum-security section's sterile, electronic and dehumanising world incited the protest that led to the deaths of five prisoners.

Five years ago the \$7 million complex won a merit award from the Royal Australian Institute of Architects — *Jika Jika* was commissioned in the 1970's after extensive overseas research into high security jails. It was completed in July 1980. But as early as May 1981 complaints about conditions had begun to surface. Wives and mothers of prisoners being held there told a State Labor MP that the section was a 'hell hole'.

*calls for reform.* 'Mind games' played by prison authorities could lead to events such as the *Jika Jika* deaths the Australian Law Reform Commission was told at its public hearings into sentencing matters in Melbourne. Mr Michael O'Brien of the Criminal Law Division in the Legal Aid Commission told the hearing that inmates were often extremely frustrated because privileges were withdrawn and they could not find out why. He said prisoners had sometimes tried to find out why privileges had been withdrawn. They had written to the Attorney-General's office and received a written response that no restrictions had been imposed. Mr O'Brien said:

They parade the letters back at the prison but the authorities say 'regardless of what the letters say, we have our orders and that means you cannot have privileges'. Frustrations build up (through these) insidious sorts of mind games. Those sorts of mind games cause tragedies such as we have seen recently.

He called for imprisonment as a last resort and said many prisoners could be released without any danger to the community.

*The Australian* also urged prison reforms in its editorial of 2 November 1987:

Prisoners serving long sentences for serious crimes have the right to expect basic humane accommodation and it is up to governments to ensure that sufficient funds are allocated for prison construction and upkeep to ensure this. . .

While we should not lose sight of the fact that prisons are designed for three basic reasons — to inflict punishment on those who break our laws, to keep dangerous people away from society and to serve to discourage others from adopting a life of crime — prisons should not be inhumane, in either design or in the conditions found therein.

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## appointments to the U.S. supreme court: trial by ordeal

It has always been desirable to tell the truth, but seldom if ever necessary to tell the whole truth.

Arthur Balfour, who was  
nicknamed Artful Arthur  
by Gladstone, (1848–1930)

*reagan nominees unsuccessful.* In October and November 1987 two Reagan nominees for the US Supreme Court were denied appointment to the highest court of the land. Judges Bork and Ginsburg, whilst their formal qualifications and experience were not at issue, failed to satisfy other criteria. Judge Bork was rejected primarily