

Wayne Fella Morrison inquest: guard directed to answer questions about death in custody

South Australian prison officer involved in transporting 29-year-old Indigenous man before his death initially refuses to answer questions



Relatives of Wayne Fella Morrison held a memorial in Adelaide on Thursday. They want a ban on the use of spit hoods.

Royce Kurlmelovs

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A prison guard has been directed to answer questions despite an attempt to claim legal protection and remain silent during a South Australian coronial inquest into the death in custody of an Indigenous man.

Corrections officer Trent Hall gave evidence on Friday at the inquest into the 2016 death of Wayne Fella Morrison.

Hall was one of seven officers in a prison transport van with Morrison when the 29-year-old was taken to G division – the high-security wing of the Yatala labour prison in 2016.

Earlier, following an incident, up to 14 corrections officers had wrestled Morrison to the ground outside his cell. He was then hogtied, placed in a spit hood and carried to a prison van for transport to G division.

When he was removed, Morrison was non-responsive, and he died at the Royal Adelaide hospital three days later.

Hall spent most of Friday's morning session refusing to answer several lines of questions by claiming "penalty privilege".

Penalty privilege is a legal protection that allows a witness at an inquest to remain silent where they may attract criminal or civil liability.

The South Australian government removed the protection in March but the change does not apply retrospectively. The Morrison inquest has been running for almost five years since his death on 26 September 2016.

The coroner on Friday afternoon allowed a line of questioning about the initial incident that sparked Morrison's restraint, directing Hall to answer.

Lawyer Michael Abbott, appearing for Hall, flagged he would be seeking to challenge in the supreme court the coroner's decision to direct the prison officer to answer questions. Abbott asked for the inquest to be adjourned.

But that request was refused by the coroner, Jayne Basheer, who said there had been enough delays and she would allow the questions on the basis that if a supreme court challenge was successful the answers could be struck from the record.

What followed was a series of legal arguments over more than 40 questions Hall was directed to answer under protest, leading to a heated exchange where Abbott foreshadowed that he would be applying to the supreme court for an injunction.

"The normal process would be to obtain an injunction," Abbott said.

The coroner said he was free to do so but that she was conscious of not delaying proceedings further. "There's been delays. It's been five years now this family have waited, I intend to press on," Basheer said.

The hearings that began last week were the first in two years since an unsuccessful supreme court bid by 18 prison officers and one nurse that sought to have the coroner removed from the inquest.

Hall's appearance at the inquest was much anticipated for its potential to shed light on events during the 125-second van trip. No CCTV footage exists.

Speaking outside court earlier in the day, Morrison's mother, Caroline Andersen, said she was "disappointed" at the silence of the prison officers and the delay in changing the laws around legal protections for witnesses.

"My son has lost his life in order for these new laws to be brought about in South Australia," she said. "And that's just a crying shame that it had to come to this before South Australia fell into line with all the other states in the country."

At the time of his death, Morrison, a 29-year-old Wiradjuri, Kokatha and Wirangu man, had not been convicted of any offence and was being held on remand pending an appearance in the Elizabeth magistrates court via video link.

The inquest continues on Tuesday.