



Department of Planning,  
Lands and Heritage



FREMANTLE PRISON  
The Convict Establishment



# Fremantle Prison

Accessibility and Inclusion Plan 2023  
Appendices



Cover: Tour group looking at the Visible Collection, West Workshops, Fremantle Prison 2022.

Above: The Rainbow Serpent and Spirit Children, cell E30 - 4 Division, 1991, Peter Cameron.



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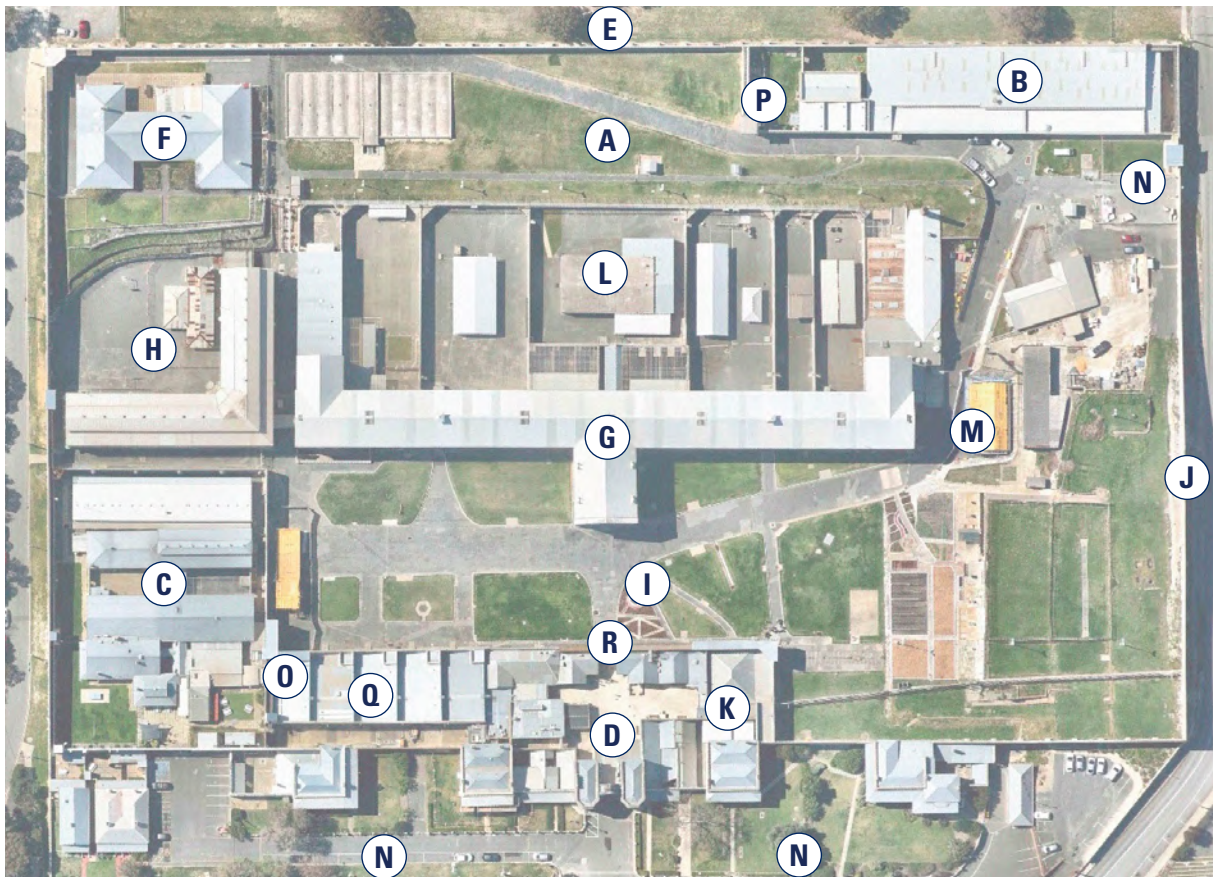
## Appendix 1

### John Massey Group Audit

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# Locations and Tour Routes

The buildings and areas which have been analysed in this audit are noted in the diagram below. Parts of the site are open to the public for a variety of uses and functions, with others forming private offices, accommodation or education facilities.

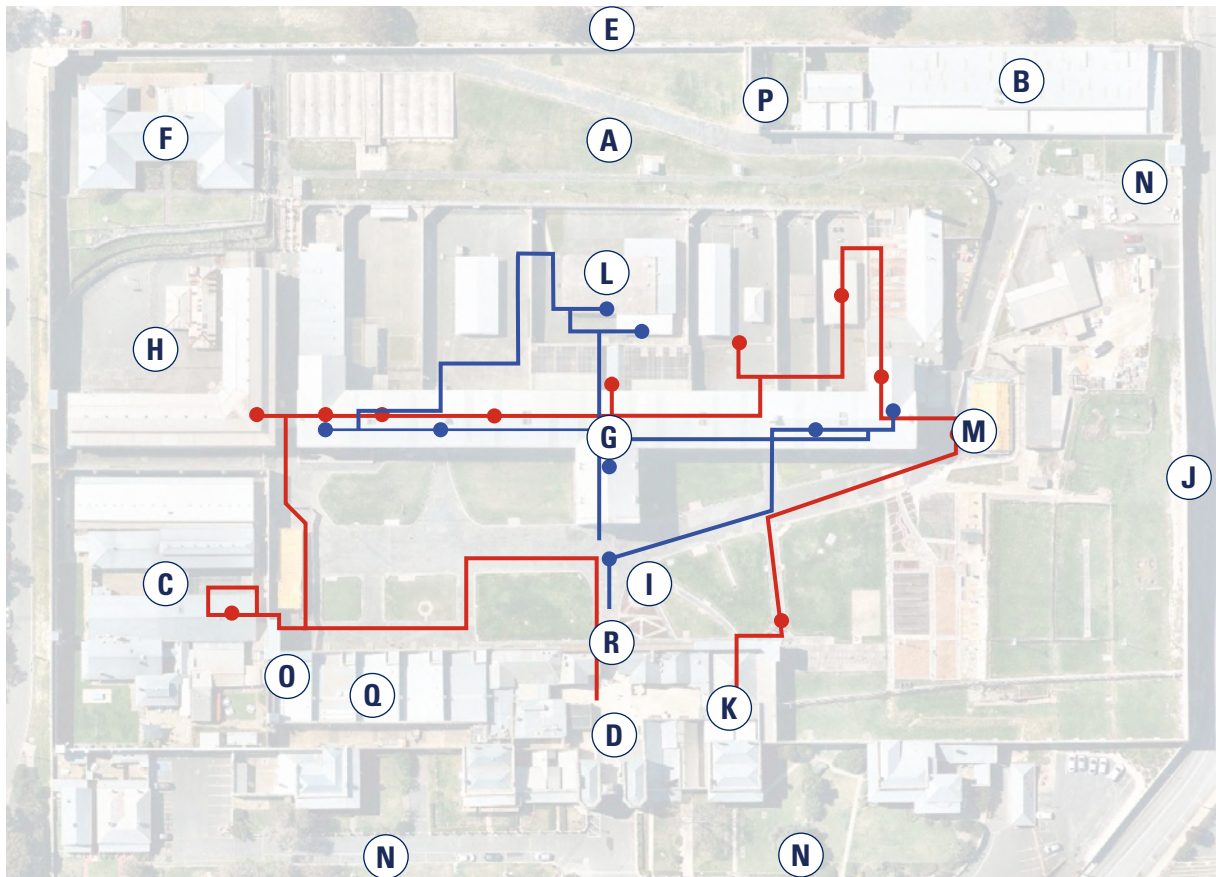


- |  |                              |
|--|------------------------------|
| <b>(A)</b> East Bank                       | <b>(J)</b> Perimeter Walls   |
| <b>(B)</b> East Workshops                  | <b>(K)</b> Reception         |
| <b>(C)</b> Female Division                 | <b>(L)</b> Refractory Block  |
| <b>(D)</b> The Gatehouse and Entry Complex | <b>(M)</b> Shower Block      |
| <b>(E)</b> Hampton Road Reserve            | <b>(N)</b> The Terrace       |
| <b>(F)</b> Hospital                        | <b>(O)</b> Watch Tower No. 1 |
| <b>(G)</b> Main Cell Block                 | <b>(P)</b> Watch Tower No. 6 |
| <b>(H)</b> New Division                    | <b>(Q)</b> West Workshops    |
| <b>(I)</b> Parade Ground                   | <b>(R)</b> Wray Gates        |

The Prison currently hosts five different tours for visitors to the site which include:

- Convict Prison;
- Behind Bars;
- True Crime;
- Tunnels Tour; and
- Torchlight Tour.

The routes and pathways that each tour experiences are shown in the below diagrams:



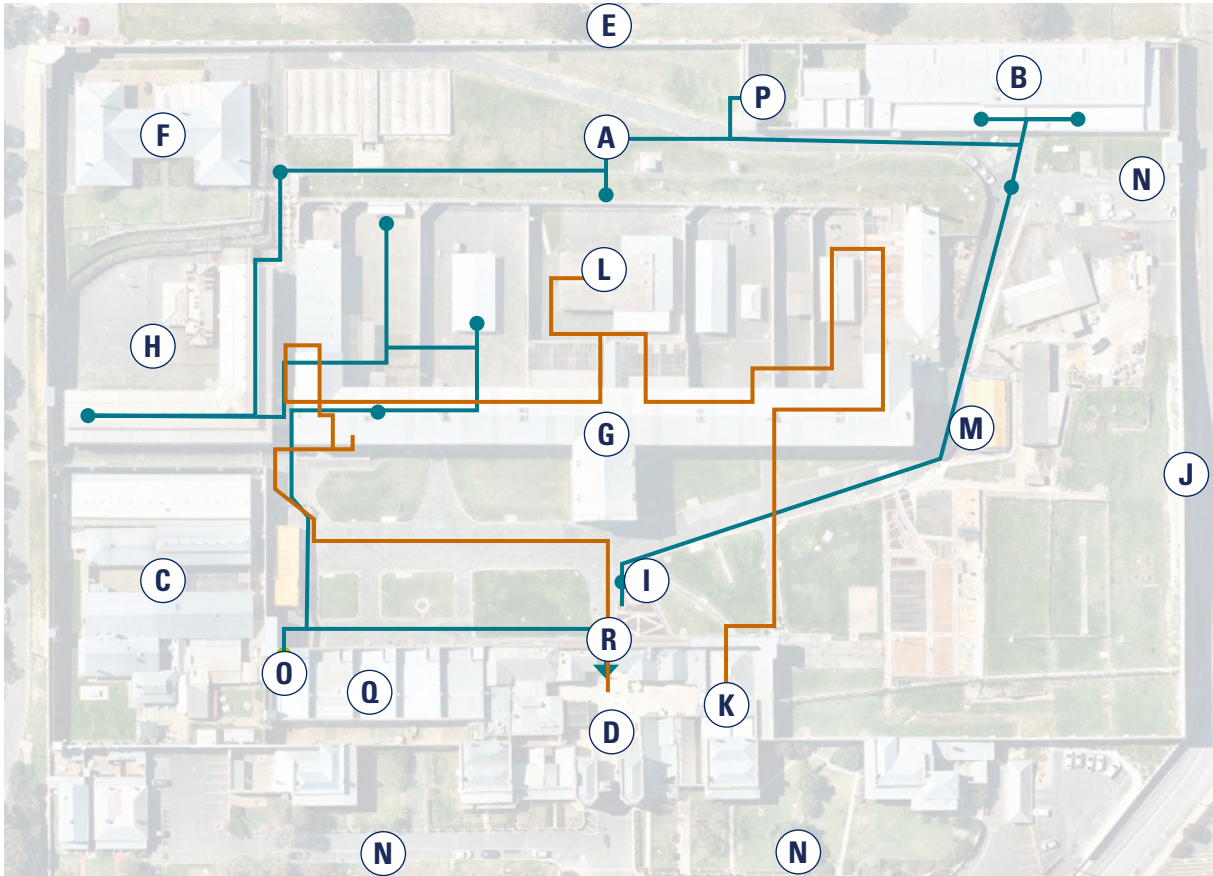
**Convict Prison Tour route**



**Behind Bars Tour route**

- (A) East Bank
- (B) East Workshops
- (C) Female Division
- (D) The Gatehouse and Entry Complex
- (E) Hampton Road Reserve
- (F) Hospital
- (G) Main Cell Block
- (H) New Division
- (I) Parade Ground

- (J) Perimeter Walls
- (K) Reception
- (L) Refractory Block
- (M) Shower Block
- (N) The Terrace
- (O) Watch Tower No. 1
- (P) Watch Tower No. 6
- (Q) West Workshops
- (R) Wray Gates



**True Crime Tour route**



**Torchlight Tour route**

- (A)** East Bank
- (B)** East Workshops
- (C)** Female Division
- (D)** The Gatehouse and Entry Complex
- (E)** Hampton Road Reserve
- (F)** Hospital
- (G)** Main Cell Block
- (H)** New Division
- (I)** Parade Ground

- (J)** Perimeter Walls
- (K)** Reception
- (L)** Refractory Block
- (M)** Shower Block
- (N)** The Terrace
- (O)** Watch Tower No. 1
- (P)** Watch Tower No. 6
- (Q)** West Workshops
- (R)** Wray Gates

# Legislation: Access to Premises Standards

In 2001, the Australian Government asked the Australian Building Codes Board (ABCB) to develop a proposal that could form a basis of a disability standard in the area of access to buildings. This was done to address the gap between building law and the *Disability Discrimination Act 1992* (DDA), and provide certainty on what levels of access to public buildings would satisfy the general non-discrimination requirements of the DDA.

On 1 May 2011, the Building Code of Australia (BCA) was amended to accommodate the introduction of the Disability (Access to Premises Standard – Buildings) Standard 15 March 2010 of the DDA.

The purpose of the Premises Standard is to both:

- Provide for equitable and dignified access to new buildings and those areas of existing buildings that undergo renovation or upgrade that requires a building approval, and
- Provide greater certainty to those involved in the design, construction, certification and management of buildings in relation to the level of access required in the buildings covered by the Premises Standards.

It is unlawful to contravene a disability standard. If a building complies with the Premises Standards, those responsible for the building cannot be subject to a successful complaint of unlawful discrimination under the DDA in relation to the matters covered by the Premises Standards.

## Notes

It is important to note that complying with the Premises Standard does not mean those responsible for buildings are fulfilling all their responsibilities in relation to possible discrimination under the DDA. There are a number of areas where complaints of discrimination may still be made in relation to the use of the buildings, even if the Premises Standards have been complied with. i.e. it will be possible for a person with a disability that experiences discrimination because the building or feature is not accessible, to complain even if the building was built before the Premises Standard, about the inaccessibility of certain fixtures and fittings, or about the inaccessibility of directional information, not covered by the Premises Standards.

Those responsible for buildings are encouraged to develop policies and procedures for emergency egress including, e.g. Personal Emergency Egress Plans (PEEPS) for occupants with disability.

The codes used for this report are:

- National Construction Code (NCC) Volume 1 2019; and,
- Australian Standards referenced within the NCC being AS1428.1-2009 and AS 1428.4.1-2009.

These documents do not alleviate the possibility of complaints being lodged under the DDA where changes may be enforced.

# NCC Volume 1 – Part D3 Access for People with a Disability

## D3.1 – General building access requirements

### Class 9b – Assembly Building:

- To wheelchair seating spaces in accordance with D3.9
- To and within all other areas normally used by the occupants, except that access need not be provided to tiers or platforms of seating areas that do not contain wheelchair seating spaces.

### Class 5 – Office Building:

- To and within all areas normally used by the occupants.

### Class 3 – Accommodation Common Areas:

- From a pedestrian entrance required to be accessible to at least 1 floor containing Sole Occupancy Units (SOU) and to the entrance doorway of each SOU located in that level.
- To and within not less than 1 of each type of room or space for use in common by the residents.
- Where a ramp or passenger lift is installed –
- Access is required to the entrance doorway of each SOU; and
- To and within rooms or spaces for use in common by residents, located on levels served by lift or ramp.

## D3.2 Access to buildings

An accessway must be provided to a building required to be accessible –

- (i) From main points of a pedestrian entry at the allotment boundary; and
- (ii) From another accessible building connected by a pedestrian link; and
- (iii) From any required accessible parking space on the allotment.

In a building required to be accessible, an accessway must be provided through the principal pedestrian entrance, and –

- (i) Through not less than 50% of all entrances including the principal entrance; and
- (ii) In a building with a total floor area more than 500m<sup>2</sup>, a pedestrian entrance which is not accessible must not be located more than 50m from the accessible pedestrian entrance.



### **D3.3 Access to buildings to be accessible**

In a Building required to be accessible –

Every ramp and stairway, except ramps and stairways exempted by D3.4, must comply with:

- (i) For a ramp, except a fire isolated ramp, clause 1 of AS 1428.1; and
- (ii) For a stairway, except a fire isolated stairway, clause 11 of AS 1428.1; and
- (iii) For a fire isolated stairway, clause 11.1(f) and (g) of AS 1428.1; and

Every passenger lift must comply with E3.6; and

Accessways must have –

- (i) Passing spaces complying with AS 1428.1 at maximum 20m intervals on those parts of an accessway where a direct line of sight is not available; and
- (ii) Turning spaces complying with AS 1428.1 –
  - (A) within 2m of the end of accessways where it is not possible to continue travelling along the accessway; and
  - (B) At a maximum 20m intervals along the accessway; and

An intersection of accessways satisfies the spatial requirements for a passing and turning space; and

A passing space may serve as a turning space; and

A ramp complying with AS 1428.1 or a passenger lift need not be provided to serve a storey or level other than the entrance storey in a Class 5, 6, 7, or 8 building –

- (i) Containing not more than 3 storeys; and
- (ii) with a floor area for each storey, excluding the entrance storey, of not more than 200m<sup>2</sup>; and

Clause 7.4.1(a) of AS 1428.1 does not apply and is replaced with ‘the pile height or pile thickness shall not exceed 11mm and the carpet backing thickness shall not exceed 4mm’; and

The carpet pile height or pile thickness dimension, carpet backing thickness dimension and their combined dimension shown in Figure 8 of AS 1428.1 do not apply and are replaced with 11mm, 4mm and 15mm respectively.

### **D3.4 Exemptions**

The following areas are not required to be accessible:

- (a) An area where access would be inappropriate because of the particular purpose for which the area is used;
- (b) An area that would pose a health or safety risk for people with a disability;
- (c) Any path of travel providing access only to an area exempted by (a) or (b).

### **D3.5 Accessible carparking**

Subject to (b), must be provided in accordance with Table D3.5 in –

- (i) A Class 7a building required to be accessible; and
- (ii) A carparking area on the same allotment as the building required to be accessible; and

Need not be provided in a Class 7a building or a carparking area where a parking service is provided and direct access to any of the carparking spaces is not available to the public; and

Subject to (d), must comply with AS/NZS 2890.6; and

Need not be identified with signage where there is a total of not more than 5 carparking spaces, so as to restrict the use of the carparking space only for people with a disability.

Table D3.5 Carparking Spaces for people with a disability.

### **D3.6 Signage**

In a building required to be accessible –

Braille and tactile signage complying with Specification D3.6 must –

Incorporate the international symbol of access or deafness, as appropriate, in accordance with AS 1428.1 and identify each –

- (A) Sanitary facility, except a sanitary facility associated with a bedroom in a Class 1b building or a SOU in a Class 3 or a Class 9c building; and
- (B) Space with a hearing augmentation system; and

Identify each door required by E4.5 to be provided with an exit sign and state –

- (A) “Exit”; and
- (B) “Level”; and either
  - (aa) the floor level number; or a floor level descriptor; or a combination of both; or
  - (bb) a floor level descriptor; or
  - (cc) a combination of the aa and bb; and

Signage including the international symbol for deafness in accordance with AS 1428.1 must be provided within a room containing a hearing augmentation system identifying –

- (i) The type of hearing augmentation; and
- (ii) The area covered within the room; and
- (iii) If receivers are being used and where the receivers can be obtained; and

Signage in accordance with AS 1428.1 must be provided for accessible unisex facilities to identify if the facility is suitable for left or right handed use; and

Where a pedestrian entrance is not accessible, directional signage incorporating the international symbol of access, in accordance with AS 1428.1 must be provided to direct a person to the location of the nearest accessible pedestrian entrance; and

Where a bank of sanitary facilities is not provided with an accessible unisex sanitary facility, directional signage incorporating the international symbol of access in accordance with AS 1428.1 must be placed at the location of the sanitary facilities that are not accessible, to direct a person to the location of the nearest accessible unisex sanitary facility; and

In a building subject to F2.9 (Accessible Adult Change Facilities), directional signage complying with Specification D3.6 must be provided at the location of each –

- (i) Bank of sanitary facilities; and
- (ii) Accessible unisex sanitary facility, other than one that incorporates an accessible adult change facility,

To direct a person to the location of the nearest accessible adult change facility within that building.

### **D3.7 Hearing augmentation**

A hearing augmentation system must be provided where an inbuilt amplification system, other than one used for emergency warning, is installed –

- (i) In a room in a Class 9b building; or
- (ii) In an auditorium, conference room, meeting room, or room for judicatory purposes; or
- (iii) At a ticket office, teller's booth, reception area or the like, where the public is screened from the service provider.

If a hearing augmentation system required by (a) is –

- (i) An induction loop, it must be provided to not less than 80% of the floor area of the room or space served by the inbuilt amplification system; or
- (ii) A system requiring the use of receivers or the like, it must be available to not less than 95% of the floor area of the room or space served by the amplification system, and the number of receivers provided must not be less than –
  - (A) If the room or space accommodates up to 500 persons, 1 receiver for every 25 persons or part thereof, or 2 receivers, whichever is the greater; and
  - (B) In the room or space accommodates more than 500 persons but not more than 1000 persons, 20 receivers plus 1 receiver for every 33 persons or part thereof in excess of 500 persons; and
  - (C) If the room or space accommodates more than 1000 persons but not more than 2000 persons, 35 receivers plus 1 receiver for every 50 persons or part thereof in excess of 1000 persons; and
  - (D) If the room or space accommodates more than 2000 persons, 55 receivers plus 1 receiver for every 100 persons or part thereof in excess of 2000 persons.

The number of persons accommodated in the room or space served by an inbuilt amplification system must be calculated accordance to D1.13.

Any screen or scoreboard associated with a Class 9b building and capable of displaying public announcements, must be capable of supplementing any public address system, other than a public address system used for emergency warning purposes only.

### **D3.8 Tactile indicators**

For a building required to be accessible, tactile ground surface indicators must be provided to warn people who are blind or have a vision impairment that they are approaching –

- (i) A stairway, other than a fire-isolated stairway; and
- (ii) An escalator; and
- (iii) A passenger conveyor or moving walkway; and
- (iv) A ramp, other than a fire-isolated ramp, step ramp, kerb ramp, or swimming pool ramp; and
- (v) In the absence of a suitable barrier –
  - (A) An overhead obstruction less than 2m above floor level, other than a doorway; and
  - (B) An accessway meeting a vehicular way adjacent to any pedestrian entrance to a building, excluding a pedestrian entrance serving an area referred to in D3.4, if there is no kerb or kerb ramp at that point, except for areas exempted by D3.4.

Tactile ground surface indicators required by (a) must comply with sections 1 and 2 of AS/NZS 1428.4.1.

A hostel for the aged, nursing home for the aged, a residential aged care building, Class 3 accommodation for the aged, Class 9a health-care building or a Class 9c aged care building need not comply with (a) (i) and (iv) if handrails incorporating a raise dome button in accordance with AS/NZS 1428.4.1 are provided to warn people who are blind or have a vision impairment that they are approaching a stairway or ramp.

### **D3.9 Wheelchair seating spaces in Class 9b assembly buildings**

Where fixed seating is provided in a Class 9b assembly building, wheelchair seating spaces complying with AS 1428.1 must be provided in accordance with the following:

The number and grouping of wheelchair seating spaces must be in accordance with Table D3.9.

In a cinema –

- (i) With not more than 300 seats – wheelchair seating spaces must not be located in the front row of seats; and
- (ii) With more than 300 seats – not less than 75% or required wheelchair seating spaces must be located in rows other than the front row of seats.

### **D3.11 Ramps**

On an accessway-

- (i) A series of connected ramps must not have a combined vertical rise of more than 3.6m; and
- (ii) A landing for a step ramp must not overlap a landing for another step ramp or ramp.

### **D3.12 Glazing on an accessway**

On an accessway, where there is no chair rail, handrail or transom, all frameless or fully glazed doors, side lights and any glazing capable of being mistaken for a doorway or opening, must be clearly marked in accordance with AS1428.1.

# Limitations

JMG Building Surveyors advice is given in good faith based upon our technical expertise to interpret the provisions of the Access Code. JMG will not be held responsible for alternative NCC interpretations given by others.

JMG Building Surveyors will not be responsible for the accuracy, appropriateness or third party review of documents relied upon for the purpose of determining compliance.

This audit is provided to, and is to be used by, the direct client to JMG Building Surveyors for the use/ purpose only as detailed in the description and classification listed in the Building Characteristics section of the report and for the particular project nominated on the cover sheet. The use of this audit for any other purpose, project or any design changes to the drawings nominated without further assessment or certification from JMG Building Surveyors will invalidate the content of and certification associated with this document. Permission to use this report and the certification by third parties is to be obtained from JMG Buildings Surveyors before the use can be endorsed and approved by the report author.



Prepared By:  
**Jonathan Evans**  
20 April 2020

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BSc (Hons) Building Surveying  
Senior Building Surveyor  
Building Surveying Practitioner Level 1

The following includes a detailed analysis of non-compliant buildings and areas around Fremantle Prison, the recommendations/rectifications required and the risk classification that they present.

## 2, 4 and 6 The Terrace

1. Three heritage single storey short stay holiday accommodation houses – Class 1b.
2. NCC requires at least one house to meet the requirements of Part D3, where house No. 2 has been considered for a person with a disability. Each facility is generally the same in design apart from House No. 2 has a larger shower room.

### Access Synopsis

#### External Access

1. Due to the site constraints, access to the front door would require a large unsightly ramp or an external platform lift to allow access to the front principle entrance. Therefore, access has been provided through the rear side door. This accessway has restrictions as noted below.
2. No way-finding signage provided.

#### Internal Circulation

1. Doorways are generally accessible and not impossible to traverse.

## High risk

### Item 1: External Access

1. One accessible car bay is provided adjacent to No. 6. The Terrace, which is shared with the adjacent YHA Accommodation. Accessible car bay identification markings have deteriorated and signage is not provided.
2. Access path to No. 2 is via a pathway that is less than 1m wide and has uneven surface and tripping hazards. There is a steep embankment with no protection if a person lost control of the wheelchair, being quite dangerous.
3. Gate access into the front garden has a latching device that would be very difficult for a person with a disability to operate as it is on the inside of the gate. The threshold of the gate has a step that would make traversing difficult in a wheelchair.
4. Access pathway from the front gate to the rear accessible entry door is graded in parts with a max grade of 1:14, requiring handrails, TGSIs as required under AS 1428.1.

5. Front entry steps do not have handrails on both sides.
6. Steps have risers have a non-compliant difference of 30mm between steps.
7. Step risers are greater than max required 190mm.
8. Step treads do not have non-slip luminance contrasting nosings; or TGSIs.



## Medium/high risk

### Item 2: Internal Circulation

1. Principal entrance doorway threshold has a step not allowing wheelchair access to the Veranda from within the building.
2. Door clear opening width is 800mm.
3. Internal doors to the circulation areas have been removed to allow better circulation throughout.
4. Passageway serving bedrooms are approximately 1.08m wide where current requirements required 1240mm.
5. Clear opening width of doorways into Bedrooms are only 750mm, where current requirements are 850mm.
6. Door furniture is the ball type and should be lever type to assist with gripping.
7. Switches and controls are not located in positions that would suite a person with a disability.
8. Latching device to side accessible entry is located higher than 1100mm.

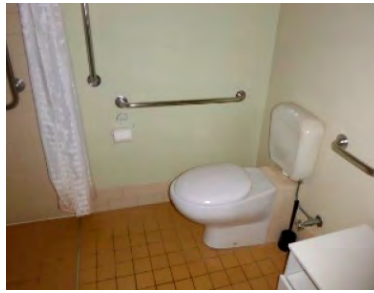




## Low risk

### Item 3: Accessible Shower Room

1. Door clear opening width is only 800mm.
2. Latching device is higher than 1.1m.
3. No drop down seat provided to the shower.
4. Shower head support pole is required to be a grabrail type.
5. Shower head water outlet is located significantly higher than 700mm, where the shower head length is affected for use.
6. Stainless steel shower tray rim causing a tripping hazard and restriction for wheelchair access.
7. Shower screen restricts wheelchair access to the door on the latched side.
8. Coat hooks in the incorrect position.
9. Bottom of the mirror is greater than 800mm off the floor.
10. No shelf provided adjacent to the wash hand basin.
11. Grabrails serving the toilet should be one continuous rail and be set back to allow a person to reach the vertical portion.
12. Centre of toilet pan to be 450-460mm from side wall.
13. Front of pan to be 800mm from back wall.
14. Toilet flushing controls do not meet the requirements of AS 1428.1.



## Women's Prison/West Workshops – Youth Hostel Association (part)

1. Single and two storey heritage building used for short stay accommodation – Class 3.
2. NCC requires that if the building or group of buildings contain 41-60 Sole Occupancy Units (SOU's) then 3 SOU's are required to be accessible. It was noted that only two were provided in the rear single storey modular buildings.

### Access Synopsis

#### External Access

1. There is an accessible parking bay provided to the principle entrance that appears to be shared with The Terrace Buildings (noted earlier) managed by the YHA.
2. Generally access is available between buildings by ramps. There are multiple floor finishes and parts have tripping hazards and voids that would impact on wheelchair circulation and safety. Note: The max vertical rise on an accessway is 3mm or 5mm if the edges are rounded or bevelled.
3. No wayfinding signage provided.

#### Internal Circulation

1. Circulation to the accessible accommodation is provided by a ramp, which allows acceptable access. The ramps may not be compliant with AS 1428.1, but are deemed fit for purpose.
2. Access to Common Areas is restricted in parts having doors less than 850mm clear opening width.

### Medium risk

#### Item 1: Principle Entrance and External Areas

1. One accessible car bay is provided adjacent to No. 6, The Terrace, which is shared with the adjacent YHA Accommodation. The car bay accessible car bay identification markings have deteriorated signage is not provided.
2. Thresholds at door have non-compliant upstands and should be levelled.
3. Threshold ramps to doors provide some restriction to wheelchairs.
4. Ramp serving the entrance gate when leaving the courtyard does not have a landing at the top of the ramp for a wheelchair to stop and access the door without rolling back.
5. Services covers located throughout the courtyard have projections above the paving causing tripping hazards in multiple locations.
6. Door into Reception has an 860mm clear opening width, but paving has sunk and the threshold ramp has a vertical rise greater than 5mm.
7. Door into Office, similar issue as above, but door clear opening width is less than 850mm (approx. 750mm). Rear entrance door has a step and the door clear opening width is the same (1st photo).

8. Reception desk is 1.3m above the floor. Telephone is 1.6m above the finished floor, both being too high for a person with a disability.
9. Principle entrance and egress from the main part of the facility has a door served by a ramp shown in 2nd photo, does not have a landing on the internal side of the door and the grade of the ramp is non-compliant at 1:11, making it difficult to open for a person in a wheelchair. Door handle is higher than 1.1m. Timber threshold has deteriorated to allow a vertical rise greater than 5mm, being a barrier for wheelchair and a tipping hazard. Gate serves as an exit and the door should open out in the direction of egress. (Signage should be provided stating that the door opens inward).
10. Door entry to Dining Area, Laundry and Sanitary Facilities, has a reduced latched side clearance of 530mm. The door is set back approx. 300mm which was acceptable prior to 2 April 2012.
11. Handrail serving internal stair is higher than 1m, but fit for purpose.
12. Kerb rail to internal ramp is 40mm to low.
13. Threshold steel-plate ramp serving the opening between central courtyard and side courtyard does not cross the full width of the door and does not have any upstands to prevent the wheelchair from running off.



## High risk

### Item 2: Main Entry to Accommodation Building

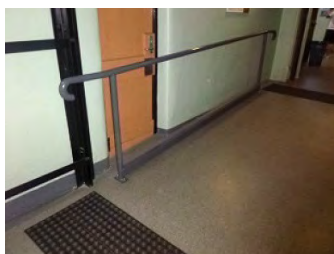
1. Ramp serving access to the main entry door into the accommodation building does not have a compliant landing at the top of the ramp to open the door. Ramp Grade approx. 1:14. Ramp is not wide enough to allow a wheelchair access to the latched side of the door. Handrail to the ramp is 25mm to low, but fit for purpose. Kerb rail is 10mm to low. Gate when open restricts access to the handrail on that side.
2. Main entry door at the top of the ramp is also an exit door and opens inwards against the direction of egress. Signage should be provided on the back of the door to inform people that the exit door opens towards them.



## High risk

### Item 3: Internal Walkway

1. Walkway grade 1:19.
2. Kerb rail is non-compliant with AS 1428.1. Height is 40mm to low.



## High risk

### Item 4: Rear Door from Main Accommodation leading to the 2 ASOU's.

1. Door is served by a threshold ramp being and acceptable for wheelchair transition.
2. Door clear opening width is restricted by the door weather bar fixed to the face of the door.
3. Door is held open, but not sure on whether the door is close at times. Door is a nominated exit door and opens inwards against the direction of egress. Signage should be provided on the back of the door to inform people that the exit door opens towards them.
4. Door latched side clearance is not compliant with current requirements. Not applicable when the door remains open.



## Low risk

### Item 5: Access into Common Area (Rooms 101 – 109)

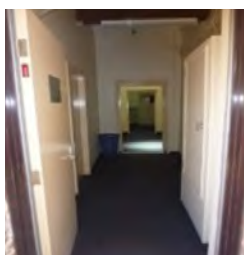
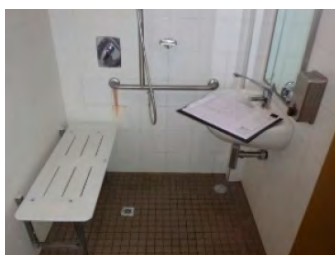
1. Both entry doors clear opening widths are less than 850mm, but fit for purpose at 830mm.



## High risk

### Item 6: Universal Accessible Toilet/Shower Room (Rooms 101 - 104)

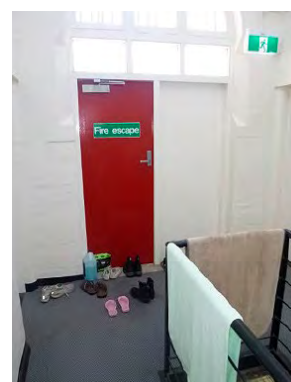
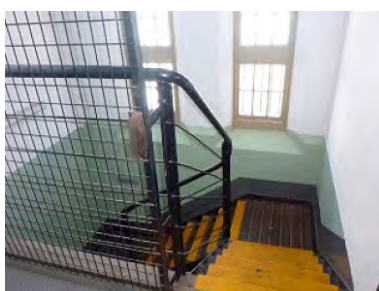
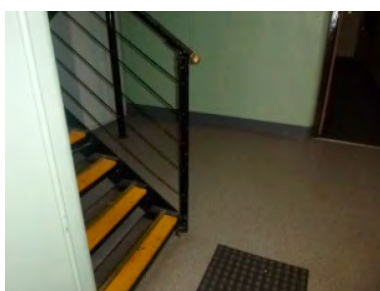
1. Sliding door clear opening width is less than 850mm being only 740mm.
2. Door rebate is 500mm making it difficult for a person in a wheelchair to open the door effectively.
3. Circulation within the room is non-compliant with AS1428.1.
4. Access to Rooms 101 – 104 + UAT is non-compliant from the courtyard. (door widths, circulation, steps and thresholds)



## Low risk

### Item 7: Internal Stairs

1. Risers are greater than 5mm difference between successive risers being non-compliant.
2. Stair tread going is less than 250mm being non-compliant.
3. Stair handrail only to one side of the stair and is not compliant with AS 1428.1. (projection at the top and bottom of the stair, height higher than 1m.
4. Stair is nominated as an exit and is less than 1m clear opening width, being non-compliant with current NCC.
5. Balustrade has openings that allow a sphere of 125mm to pass through being non-compliant with current NCC.
6. Stair should have emergency lighting for egress.
7. Gate at the top of the stairs is to be not lockable and should be fixed/locked in the open position.
8. Shoes should not be located in the path of travel to the exit door as it will cause a tripping hazard in an emergency.



## Women's Prison – Fremantle Prison Tour

1. Single storey heritage building used as part of the prison tours.
2. A publicly used building being a Class 9b building, requiring access to all areas used by the occupants.
3. Class 9b Buildings also fall under the Health (Public Buildings) Regulations 1992, where the Health Regulations over-ride the NCC, being a public building.
4. No way-finding signage provided.

### Access Synopsis

#### External Access

1. This building is only accessed through the main Fremantle Prison Entry Gates that are also subject to this report.
2. Restricted access to within the Women's Prison Tour building as noted below.
3. Internal Circulation
4. Internally access compliant within the open area outside the cells.
5. No wheelchair access is available to within the cells or office.

#### High risk

1. Ramp grade through security gates is approx. 1:5 and non-compliant for wheelchair access and as an exit path. No landing at the gates for wheelchair to stop on a level surface to open the gate. It is to be noted that this security gate will be managed and only an able bodied person can open it as the latching devices are non-compliant also.
2. Steel bar across the gated entry threshold provides a barrier for wheelchair access and causes a tripping hazard.
3. Clear opening width of gate is compliant.
4. Wheelchair access is not available into the Prison Corridor. Two steps form a barrier entry and the threshold is also raised on the internal part.
5. Wheelchair access into the cells is not available, but a person can access the door and view inside to gain the experience.



## West Workshops – Used as Museum, Gallery and Store/Workshop

1. Single storey heritage building located within the walls of Fremantle Prison. Visual Storage or Exhibition Spaces accessed from the Entry Forecourt adjacent to the Gallery's, Tailors Workshop can also be accessed off the Parade Ground by staff only.
2. Predominantly a public building with workshops. The West Workshop (Boot Shop) is part of the Youth Hostel Association, forming the Dining Area/ Laundry and Sanitary Facilities (separated).
3. Sanitary facilities are only available in the Prison Entry Courtyard.

### Access Synopsis

#### External Access

1. Access is provided for wheelchairs from the Prison Main Gate Courtyard to the principle entrance (Museum).

#### Internal Circulation

2. Wheelchair access is provided from the principle entrance of the Museum, through the Gallery and into the Workshop.

### Low risk

#### Item 1

1. Secondary entrance and nominated exit has a ramp externally, which has a non-compliant grades varying from 1:3 to 1:6 for wheelchair access, has a step at inner door threshold. No handrails fitted etc. Generally not required to be compliant for wheelchair access, unless access is not available through from the Museum and Gallery.
2. Ramp grades are non-compliant as an exit also.



## Low risk

### Item 2

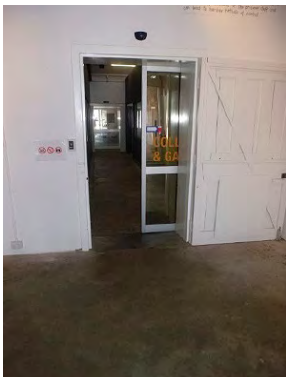
1. Access for staff into Museum Display Rooms was not available, but door leaf measurement would achieve the required 850mm and be compliant.



## Low risk

### Item 3

1. Some doors appear to not provide luminance contrast of not less than 30%.
2. Controls buttons to open doors should be not higher than 1.2 and should be not less than 25mm wide.
3. Where signage is provided, signs should be in braille and tactile for people with visual impairments.





## Low risk

### Item 4

1. Sliding auto-door threshold has damaged concrete surface where it meets the stone flags causing a restriction for wheelchair and tripping hazard.



## High risk

### Item 5

1. Door opening between rooms is only 815mm, but fit for purpose.



## Low risk

### Item 6

1. Floor mats to not cause restriction to wheelchair access and possibly tripping hazards.
2. Signage is not provided to allow a person with a visual impairment to identify the Museum and Gallery etc.
3. Hearing Augmentation was not identified to assist people with a hearing impairment.



## Workshops East – Tunnel Tours, Function Rooms and Storage

1. Split level single storey building that has multiples of uses - Tunnel Tour – Class 9b, Function Rooms – Carpenters, Blacksmiths and Automotive Workshops - Class 9b.
2. Tunnel Tour and Function Rooms are publically used and also fall under the Health (Public Building) Regulations 1992.
3. Liquor Licencing approvals will also apply where alcohol is available.

### External Access - Tunnel Tours and Function Rooms

1. This building is located within the grounds of the Prison and access from the main entrance to the Function Room and Tunnel Tour have grades that are excessive for a person with a disability.
2. The pathway from the main gate includes tripping and wheelchair barriers that would affect access.
3. Door thresholds are non-compliant for access for a wheelchair restricting access.
4. Now way-finding signage provided.

### Internal Circulation –

1. Function Rooms (Automotive and Carpentry)
2. Access has restrictions within and throughout.
3. No sanitary facilities for people with a disability or ambulant disability.

### Tunnel Tour (Stores and Well)

1. Non-compliant restricted access to within as noted and also from the entrance door to the internal floor area and no access down to tunnel tour. Access down to the tunnel could fall into the NCC D3.4 Exemption for access as the area could pose a health and safety risk to a person with a disability. Premises standard has provision to apply for 'Unjustifiable Hardship', but unfortunately in Western Australia there is no facility to grant this provision.
2. No UAT or Ambulant Toilets provided for people with disabilities.

### Carpenters, Blacksmiths and Automotive Workshops-

1. Non-compliant access to all areas including split levels.
2. No UAT or Ambulant Toilets provided for people with disabilities.

## Function Rooms

### Medium risk

#### Item 1

1. Inspection and Drain Covers uneven bitumen where repairs have been made. Constant incline (grade) providing restrictions for a person with a disability. Resurfacing and managing access for people with a disability would alleviate the problem. Altering grades and levels would require heritage approvals and likely not be supported. Grade is generally compliant at 1:20 as a graded walkway.



### High risk

#### Item 2

1. Principle entrance sliding door does not have a compliant latching handle to open and close the door.
2. Threshold ramp is also non-compliant to allow a person in a wheelchair to be capable of opening the door.
3. Door opening force is greater than 20N.
4. Sliding door runner/channel is a physical barrier for wheelchair access and a hazard for able bodied people.
5. Steel plate ramp landing does not lie flat and true to the sub-floor causing vertical upstands significantly greater than 3mm or 5mm if rounded or bevelled.



## Low risk

### Item 3

1. Internal sliding gate between entrance passage and the main function area has a sliding door channel where the sliding door runs causing a physical barrier for wheelchair access and a hazard for able bodies.
2. Floor finishes within the function rooms are uneven in areas where cracks have appeared, also there are non-compliances between transitions of rooms and steel plates rising above the concrete finish.



## Low risk

### Item 4

1. Stairs leading to the sanitary facilities and exit, do not have compliant risers and goings in accordance with AS 1428.1. Successive risers and goings should have a tolerance of only 5mm.
2. Non-slip, luminance contrasting nosing's are not provided.
3. Stairs require handrails to both sides in accordance with AS 1428.1.
4. TGSIs to be provided to the top and bottom of stairs.



## High risk

### Item 5

1. Male and Female sanitary facilities required to have an Ambulant Toilet Cubicle in accordance with AS 1428.1.
2. No UAT provided for people with a disability. Note where showers are provided for able bodied people, a showering facility for a person with a disability is required to be provided.



## Low risk

### Item 6

1. Ramp serving the toilets and exit at the rear side of the building does not meet the requirements of AS1428.1.
2. Grade is acceptable for use.
3. Width of ramp is less than compliant 1m.
4. Vertical upstands unprotected causing hazards for a wheelchair.
5. No kerb rail fitted.



## Tunnel Tour

### Low risk

#### Item 1

1. Access road grade is steeper than 1:20 walkway, generally requiring handrails etc. in accordance with AS 1428.1.
2. Threshold ramp external to Principle entrance door is non-compliant with AS1428.1.
3. External threshold ramp is non-compliant at 1:5.
4. Signage is not provided to allow a person with a visual impairment to identify the Tunnel Tour.



### Low risk

#### Item 2

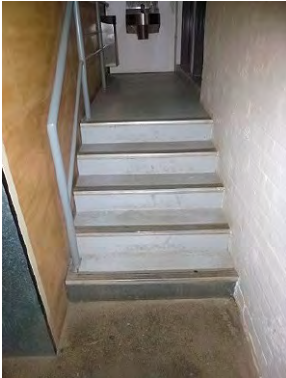
1. Internal ramp does not have a trafficable surface that allows a wheelchair to travel over freely. Openings in the grates are greater than 13mm in diameter/wide. Non-compliant with AS 1428.1.
2. Ramp kerb rails are non-compliant with AS 1428.1.
3. No TGSIs are provided at the top and bottom of the ramp.
4. Vertical upstand greater than 3mm at the door threshold and the bottom of the ramp. Ramp grade is compliant at approx. 1:14.



## High risk

### Item 3

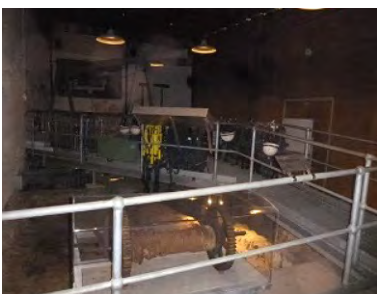
1. Two handrails in compliance with AS 1428.1 are not provided. Note: current clear opening width is less than 1m and additional handrail will make the exit width compliance worse.
2. No TGSIs provided.
3. Clearance between handrail and wall should be not less than 50mm.



## Medium risk

### Item 4

1. Access down to the Tunnels is not available for people with a disability.
2. Access walkways have non-compliant surfaces or circulation for people with a disability in accordance with AS 1428.1.
3. No UAT or Ambulant Toilet provided for people with a disability.
4. Hearing Augmentation was not identified to assist people with a hearing impairment.



## Store – (Carpentry)

### Low risk

#### Item 1

1. Entrance door does not have a compliant door latching system for a person with a disability.
2. Floor level is graded and restrictive for a person with a disability.
3. Access into the Office is non-compliant for a person with a disability.
4. No Handrails to steps.
5. No TGSIs provided.
6. No non-slip luminance contrasting nosings to treads and landing.
7. No Ramped access.
8. Door clear opening width into internal offices are non-compliant for access.
9. Grade of ramp between split levels is non-compliant and does not have handrails, kerb rails TGSIs etc.
10. No UAT or Ambulant Toilet.
11. Risk is currently low as it is not used. If area is to be accessed by the public then the risk is high.



## Store – (Metal Workshop)

### Medium risk

#### Item 1

1. Gate access does not comply for people with a disability.
2. Gate is located on a ramp without level landing to access the gate latch.
3. Grade of ramp between split levels is non-compliant and does not have handrails, kerb rails TGSIs etc.
4. Gate latching device is non-compliant for a person with a disability.
5. Internal room access doors are non-compliant for wheelchair access.
6. No UAT or Ambulant Toilet.





## 8 The Terrace – Vacant Office Use Building

1. Two storey heritage building used as an office – Class 5.
2. NCC requires the ground floor to be accessible from the boundary to and within the ground floor. Also, the second storey to be accessible if the total floor area is greater than 200m<sup>2</sup>.

### Access Synopsis

#### External Access

1. Although there are some minor non-compliances, general access to and within the building can be made compliant/acceptable with some minor remedial works.

#### Internal Circulation

1. Restricted access to and within all rooms to GF and no access to upper floors.

### Medium risk

#### Item 1

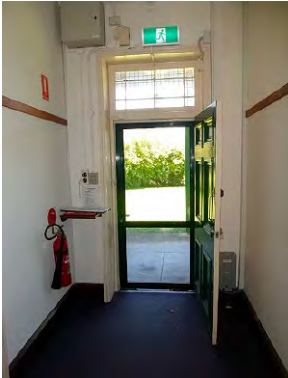
1. Gate latch is located 100mm above the required max height of 1100mm.
2. Pathway at gate threshold and where it meets the veranda is uneven and difficult for wheelchair transition.



## High risk

### Item 2

1. Principle entrance door has a threshold that would make wheelchair traversing difficult.
2. Door furniture is located at 1400mm above the finished floor, where 1100mm is the max allowed.
3. Door furniture is not compliant with AS 1428.1.



## High risk

### Item 3

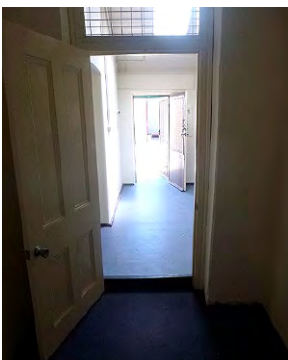
1. Light switches etc. are located 1450mm above the finished floor being non-compliant with AS 1428.1.



## High risk

### Item 4

1. All doorways internally do not meet the requirements of AS 1428.1 for door width, door circulation and door furniture.
2. Steps in the floor prevent wheelchair circulation to all areas of the ground floor.
3. Rear door into rear yard is non-compliant as noted also.



## High risk

### Item 5

1. Three showers are provided in the external buildings. One toilet pan is provided to serve the whole building.
2. Bathroom with toilet pan and WHB located on the 1st floor.
3. No UAT with showering facility provided for people with a disability.

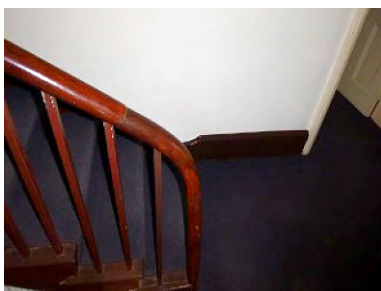


## High risk

### Item 6

4. Stairs serving 1st Floor are non-compliant for access.
5. Stair does not have handrails to both sides.
6. Existing Handrail is non-compliant profile with AS 1428.1.
7. Stair width is only 850mm wide, making a stair lift difficult to fit.
8. Stair tread going is less than 250mm.
9. Handrail does not extend as required by AS1428.1
10. TGSIs not fitted.
11. Non-slip stair nosings with a luminance contrast of not less than 30% not provided.
12. Balustrade height is non-compliant to stair and landing. JMG recommend that the balustrade height be made compliant and not be less than 1m.

**Safety Issue.**



## 10, 12 and 14 The Terrace – Fremantle Prison Main Administration and Security Buildings

1. Two storey heritage buildings used for administration and security of the Fremantle Prison.
2. NCC requires the ground floor to be accessible from the boundary to and within the building. Also, the second storey to be accessible if the total floor area is greater than 200m<sup>2</sup>.
3. Ground floor access between buildings requires a person to exit one building and re-enter the other building from a separate door. Access is available between buildings over the Main Entrance Arch via non-compliant stairs for able bodied people only.

### Access Synopsis

#### External Access

1. Access to within the buildings is from within the Main Entrance Courtyard, where access can be provided from the boundary to within each building directly. Access is not fully compliant and ramps will be required in most instances.

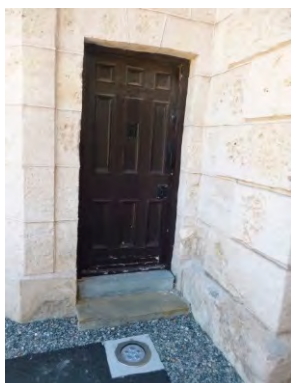
#### Intrernal Circulation

1. Restricted access to and within all rooms to GF and no access to upper floors.

### High risk

#### Item 1

1. Gate latches is located 100mm above the required max height of 1100mm.
2. Pathways at gate threshold throughout have uneven surfaces difficult for wheelchairs to traverse. Some gate thresholds have non-compliant surfaces.
3. Several doorways located on the external walls of the building require ramps to be fitted for wheelchair access.
4. Two access gates from the side of the front gardens have gravel paved parts that are non-compliant for wheelchair access, if pathway was required to be used for access for the public.
5. Access through the Main Archway to the internal Courtyard has some uneven surfaces but generally acceptable.



## High risk

### Item 2

1. All entrances into the Admin and Security parts of the building do not have compliant ramps to allow wheelchair access to within the buildings.
2. Entry door clear opening width are not compliant with AS 1428.1. Doors are required to be not less than 850mm clear opening width.



## High risk

### Item 3

1. Female and Male Staff toilet does not have any signage for people with a vision impairment.
2. No UAT provided for staff other than leaving the building and travelling to the other side of the courtyard or use the public UAT external to the building.



## Medium risk

### Item 4

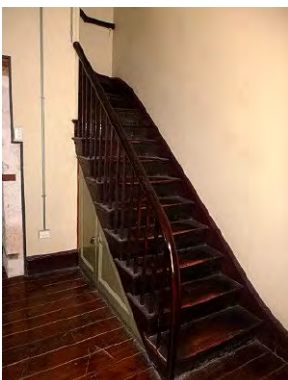
1. Internal doors do not have compliant clear opening width, door circulation on the latched side of the door and door furniture on some doors, being knobs and at a non-compliant height.



## High risk

### Item 5: South Stairs (from 14 The Terrace) - non-compliant for people with a disability.

1. Only one handrail provided. Handrail is not continuous throughout the flight.
2. Balustrade height is non-compliant to stair, being less than 865mm. JMG recommend that balustrade be made compliant for safety reasons.
3. Stair width is less than the required minimum for an exit, adding additional handrails would reduce the width further.
4. No non-slip nosings with a minimum luminance contrast of 30% provided to the tread nosings.
5. A 'required' exit stair should not have winders within the design. A 'non-required' stair should have not more than 3 winders. The stair has 4 winders and the handrail is not fitted to assist with transition through the non-compliant mid-winder section of the stair. Note: non-compliant winders in two sections of the total stair.



## Medium risk

### Item 6: 1st Floor

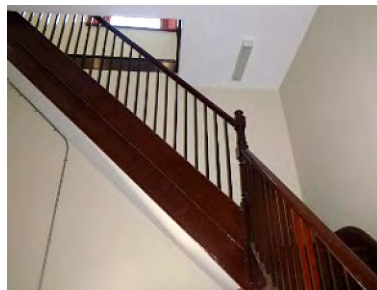
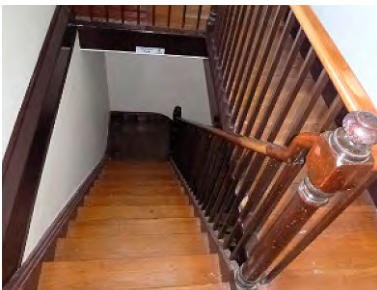
1. Door clear opening width, door circulation, door furniture height and type are not compliant with AS 1428.1. Passage width are also non-compliant for wheelchair access.
2. Note: Lift would be required under the current NCC is the 1st Floor area is greater than 200m<sup>2</sup>.



## High risk

### Item 7: North Stair (10 The Terrace)

1. Only one handrail provided. Handrail is not continuous throughout the flight.
2. Stair risers greater than max 190mm (220 - 240mm). **Safety Issue.**
3. Successive risers have a difference greater than 5mm.
4. Tread going is less than 250mm.
5. Stair width is less than the required minimum for an exit, adding additional handrails would reduce the width further.
6. No non-slip nosings with a minimum luminance contrast of 30% provided to the tread nosings.
7. Bulkhead height is required to be not less than 2m (1.612m measured).



## Low risk

### Item 8:

1. Changes in the floor levels between rooms are highlighted with chevron tape and signage to warn people of the level changes. Wheelchairs can transit but may be difficult to a person with weak upper body strength.



## High risk

### Item 9: Ground Floor UAT and Accessible Shower and Store Props for Tours.

1. Sliding door has a clear opening width of 800mm (850mm required)
2. Door furniture is non-compliant for a person with a disability.
3. WHB is located in the toilet pan free circulation space.
4. Grabrails are non-compliant to allow a person to transfer effectively.
5. WHB height is 765mm (800mm minimum required)
6. Mirror is fixed 100mm above compliant height 900mm.
7. Shower does not have a fixed drop-down seat for a person with a disability.
8. Passage width to enter UAT is only 1.050mm (1280mm required)





## High risk

### Item 10

1. Door threshold into 10 The Terrace from 12 The Terrace, is non-compliant for wheelchair transition.
2. Door clear opening width is only 750mm, being non-compliant for wheelchair passage.
3. Door furniture height being higher than 1100mm (1350mm measured).
4. Internal door clear opening widths are approx. 740mm, being non-compliant for wheelchair access.
5. Knob type door furniture is non-compliant for a person with a disability to grasp and operate.



## High risk

### Item 11: Toilet

6. No UAT or Ambulant Toilet provided for people with a disability and ambulant disability.



## High risk

### Item 12: Stairs to 1st Floor - 10 The Terrace.

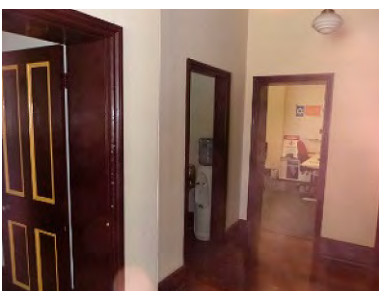
1. Only one handrail provided. Handrail is not continuous throughout the flight.
2. Handrail does not serve the full stair flight and not continuous.
3. Tread going is less than 250mm.
4. Stair width is less than the required minimum for an exit, adding additional handrails would reduce the width further.
5. No non-slip nosings with a minimum luminance contrast of 30% provided to the tread nosings.
6. Balustrade height is non-compliant to stair, being less than 865mm. JMG recommend that balustrade be made compliant for safety reasons. **Safety Issue.**
7. Balustrade allows a sphere of 125mm to pass through being non-compliant and should be made compliant for safety. **Safety Issue.**



## Medium risk

### Item 13: 1st Floor

1. Door clear opening width, door circulation, door furniture height and type are not compliant with AS 1428.1. Passage width are also non-compliant for wheelchair access.
2. Note: Lift would be required under the current NCC is the 1st Floor area is greater than 200m<sup>2</sup>.



## Gatehouse Buildings – Managed and used as part of the Fremantle Prison.

1. Multiple heritage single storey buildings with different uses being Class 6 Café, Class 6 Shop, Class 9b Museum (x2) and Prisoner Reception and Search Tour, Class 5 First Aid, Class 10a Plant Room.
2. Each Class 6, 9b and 5 Building is required to be accessible for people with a disability. Class 10a Plant Room can be exempted due to the health and safety implications.

### Access Synopsis

#### External Access

1. Wheelchair access restrictions apply to several of the buildings.

#### Internal Circulation

1. Internal circulation is restricted to all areas in the Shop, Prisoners Reception and Search, First Aid.

### First Aid Room

#### High risk

#### Item 1

1. Door clear opening width is 810mm and acceptable for a person in a wheelchair being managed.
2. Door stepped threshold provides a barrier for the wheelchair to cross.
3. External mat is loose and forming a potential tripping hazard.
4. Internal door circulation is non-compliant with AS 1428.1.
5. Doors do not provide a minimum luminance contrast of 30% with frame or wall for a person with a vision impairment.
6. Door furniture is non-compliant for a person with a disability.
7. Internal light switches are located greater than 1100mm.
8. Signage is not provided to allow a person with a visual impairment to identify the First Aid Room.
9. Hearing Augmentation was not identified to assist people with a hearing impairment.



## Plant Room – Pump

### Low risk

#### Item 1

1. Access is not required to Plant Room due to the risk of injury to a person with a disability.



## Café

### High risk

#### Item 1

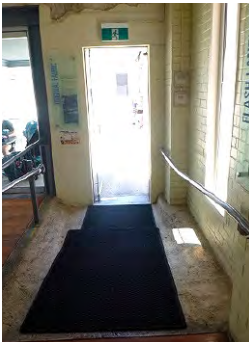
1. Principal Entrance into the Café is 790mm clear opening width and required to be not less than 850mm to be compliant with current AS 1428.1.
2. Signage is not provided to allow a person with a visual impairment to identify the Cafe.



## High risk

### Item 2

1. Internal ramp grade is approx. 1:9 being non-compliant with AS1428.1 for a step ramp.
2. Handrails are located approx. 100mm outside the ramp free circulation space, restricting the use of the handrail in some instances.
3. Decals on the entry glass door do not provide a solid transparent contrasting line, being not less than 75mm wide for the full width of the door.
4. Loose mats to the ramp are non-compliant being a material that can cause a tripping hazard.



## Gift Shop

## High risk

### Item 1

1. Principle Entrance into the Shop is 800mm clear opening width.
2. Door threshold has a 40mm vertical upstand restricting access to within the shop for a person with a disability in a wheelchair.
3. External mat is loose and forming a potential tripping hazard.
4. Internally there is a threshold ramp providing ramped access of the threshold to the finished floor of the shop. Lip from within to traverse the ramp is severe and should be reduced to not more than 5mm with a rounded or bevelled edge.
5. Internal carpet mat is loose and forming a tripping hazard.
6. Signage is not provided to allow a person with a visual impairment to identify the Shop.



## Low risk

### Item 2

1. Switches, telephone, Fremantle Feedback Portal etc. are located above 1100mm (1300mm - 1400+mm measured).



## Medium risk

### Item 3

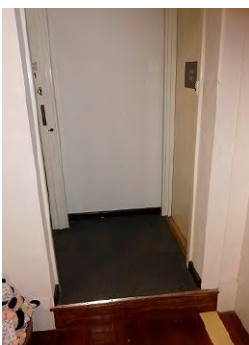
1. Internally there are is a part of the floor that there is exposed concrete where a wheelchair would find it difficult to traverse and forms a tripping hazard.



## High risk

### Item 4

1. Access to the office and toilet is not compliant for wheelchair access.
2. No ramp and door width and circulation on the latched side of the door is non-compliant.
3. No UAT provided for staff other than sharing the public use UAT.
4. Width of access to area behind counter is 690mm being non-compliant for wheelchair access. Transition between timber floor use and carpet is also a potential barrier for wheelchair access.



## Visitor Centre

### High risk

#### Item 1

1. Principal Entrance into the Visitor Centre is 840mm clear opening width and fit for purpose.
2. Door threshold has a 60mm vertical upstand restricting access to within the centre for a person with a disability in a wheelchair.
3. External mat is loose and forming a potential tripping hazard.
4. Internally there is not a threshold ramp allowing ramped access over the threshold to the finished floor within.
5. Internal carpet mat is loose and forming a tripping hazard.
6. Signage is not provided to allow a person with a visual impairment to identify the Visitor Centre.
7. Hearing Augmentation was not identified to assist people with a hearing impairment.



### Medium risk

#### Item 2

1. Second Entrance into the Visitor Centre is 740mm clear opening width and non-compliant for wheelchair access. Only one of the entrances is to be compliant for access.
2. Door threshold has a 60mm vertical upstand restricting access to within the museum for a person with a disability in a wheelchair.
3. External mat is loose and forming a potential tripping hazard.
4. Internal carpet mat is loose and forming a tripping hazard.
5. Door circulation between doorways in the porch area do not provide compliant circulation for a wheelchair and the width of the internal door is only 745mm.



## Convict Depot

### Medium risk

#### Item 1

1. Ramp providing access to the Convict Depot entry door does not have a compliant landing and grade of approx. 1:6 and also non-compliant as an exit path.
2. External mat is loose and forming a potential tripping hazard.
3. Internal carpet mat is loose and forming a tripping hazard.
4. Signage is not provided to allow a person with a visual impairment to identify the Convict Depot.
5. Hearing Augmentation was not identified to assist people with a hearing impairment.



### High risk

#### Item 2

1. Balustrade within the viewing area is less than 1m in height. JMG recommend that the height be made compliant.





## New Prisoner Arrival/Search Tour

### High risk

#### Item 1

1. Principal Entrance door to Administration is 790mm clear opening width being non-compliant with AS 1428.1.
2. Door threshold has two separate vertical upstands greater than 5mm restricting access to within the part of the building for a person with a disability in a wheelchair.
3. External mat is loose and forming a potential tripping hazard.
4. Internally there is not a threshold ramp allowing ramped access over the threshold to the finished floor within.
5. Internal carpet mat is loose and forming a tripping hazard.
6. Signage is not provided to allow a person with a visual impairment to identify the Prison Tour.
7. Hearing Augmentation was not identified to assist people with a hearing impairment. Compliant signage to be provided if available.



### High risk

#### Item 2

8. Internal circulation for wheelchair is non-compliant as there is a step at the door threshold between the reception part and the showers, the path of the tour. Door clear opening width is 800mm and can be managed if a landing and ramp provided.



## High risk

### Item 3

1. Rear door from showers to the inner courtyard, has a compliant clear opening width greater than 850mm. Door circulation on the latched side is non-compliant but door is managed by the Tour Guide.
2. Door threshold drops off approx. 120mm, a landing and ramp is required to ensure compliant access is available to the early part of the tour.



## Public Toilets

### Medium risk

#### Item 1: Male and Female Toilets

1. Braille and Tactile Signage to be provided identifying the sex of each facility.
2. No Ambulant Toilet provided in each facility.
3. External loose mats can be a tripping hazard.



## High risk

### Item 2: UAT

1. Entry door to the airlock has a threshold that restricts wheelchair access and should not have a vertical upstand greater than 5mm is rounded or bevelled.
2. External loose mats can be a tripping hazard.
3. UAT Sliding door allows 840mm clear opening width, but has non-compliant door circulation on the latched side of the door from both sides.
4. Door handle and latching device are located above the required 1100mm.
5. Centre line of UAT pan is required to be fitted no greater than 460mm from the side wall to allow a person in a wheelchair to reach and grab the grabrail. Existing pan centreline is 510mm from the side wall.
6. No back-rest provided to the toilet pan.
7. Toilet paper dispenser is located in a non-compliant location.
8. Grabrails should have no objects located with 600mm above the grabrail.
9. Toilet Cistern control buttons to project above the cistern.
10. Toilet seat to be capable of withstanding 150kgs.
11. WHB is less than 800mm but fit for purpose.
12. Mirror height is non-compliant but fit for purpose being angled.
13. No shelf provided adjacent to the WHB.



## High risk

### Item 3: Baby Changing Facility

14. Door serving access into the Baby Changing Facility is only 780mm clear opening width with no door circulation on the latched side of the door, being non-compliant.



## New Division – Fremantle Prison Tour

1. Three storey heritage building used as part of prison tours and functions.
2. The building is classified as a Class 9b building, requiring access for people with a disability to all areas able bodied people have access.
3. Class 9b building falls under the Health (Public Buildings) Regulations 1992, where the Health Reg's over-ride the NCC, being a public building.
4. No way-finding signage provided.

### Access Synopsis

#### External Access

1. Prison Tours access the whole perimeter of this building and approach from the Main Gate and from upper levels, where there are restrictions on access for people with a disability.
2. Tour access would need to be managed when the tour includes access to the New Division from the East Bank, Hospital, Tunnel Tour and East Workshops. Discrimination is to be considered.

#### Internal Circulation

1. Ground floor areas outside cells are generally compliant for access.
2. No lift access to upper levels and all stairs have restrictions for people with a disability and safety aspects as noted.
3. UAT located in a separate building.

### External Areas

#### High risk

##### Item 1

1. Principal entrance ground surface where there are a mixture of materials, provide uneven surfaces and tripping hazards. Wheelchair transition will be affected.
2. Ramped access into the building has a grade of 1:6 and non-compliant as an accessible ramp and an exit path.
3. Ramp does not have any kerb rails or sides to prevent a wheelchair from running off the ramp.
4. Upstands where the metal ramp sheeting abuts the floor finish provide upstands greater than 5mm if rounded or bevelled. Ramp upstands cause tripping hazards as do the gate stop/bolt receiver in the floor.



## Low risk

### Item 2

1. Stair going has a difference between steps of 35mm where 5mm is the maximum allowed as a tolerance in the NCC.
2. No luminance contrasting nosing strips provided to the stair treads.
3. Only one handrail provided – Health Reg’s require two.
4. Gap between concrete and chequer plate part of ramp has a hazard that could allow a high heel to be trapped, causing an injury and preventing the exit ramp from being effective in an emergency.



## Medium risk

### Item 3

1. Pathway from rear steps includes service covers that do not fit correctly and protrude above the finished surface causing wheelchair restriction and pedestrian tripping hazards.
2. Chained off part should be provided with a luminance contrast of not less than 30%, to prevent people walking into them.



## High risk

### Item 4

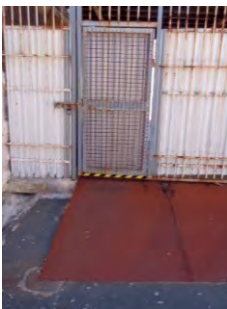
1. External Stairs leading up to East Bank, Hospital, Tunnel Tour and East Workshops
2. First riser ascending, is approx. 100mm, and the next riser is approx. 140mm being significantly greater than acceptable 5mm between successive stair treads.
3. Stair nosings do not have non-slip luminance contrasting nosings of not less than 30%.
4. No TGSIs are provided.
5. Handrails are not in line with the stair minimum width where a person requiring to use the handrail has to reach/stretch, losing support and confidence in some respects.
6. Timber handrails have not been maintained, where splinters can cause injury and harm.
7. Gate at the top of the steps does not have a compliant landing.
8. Surface water drain cover has openings that will cause a tripping hazard for people with high heels (approx. 18mm wide).



## High risk

### Item 5

1. Rear Gate forming part of the New Division Tour has a padlocked gate that is managed by the Tour Guide.
2. No landing provided at the door.
3. Ramped access through the gate is provided, but the ramp is narrow on the latched side of the gate and a wheelchair could run off the edge easily.
4. Ramp has metal fatigue and should be replaced with a compliant ramp.
5. No signage provided for wayfinding.
6. Door circulation on the other side of the gate is non-compliant, but acceptable if the gate is managed. Discrimination is to be considered.



## High risk

### Item 6

1. Access through the door is not available for a person with a disability in a wheelchair as there is a step down. It is assumed that this door is not part of the tours. Discrimination is to be considered.



## High risk

### Item 7

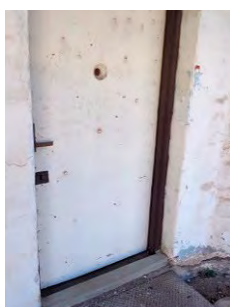
1. Rear Exercise Yard includes service covers that do not fit correctly and protrude above the finished surface, some grids have openings causing wheelchair restriction and pedestrian tripping hazards.
2. Access under the covered area has wheelchair upstand greater than 5mm rounded or bevelled.



## High risk

### Item 8

1. Wheelchair access through the central access door from the exercise yard has a threshold with no ramp. Access for people with a disability may be managed. Discrimination is to be considered.

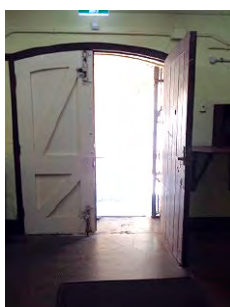


## Internal Circulation

## Low risk

### Item 1

1. Principal Entrance door clear opening width is 800mm, but Tour Guide can open the second door to ensure compliant access is provided as a managed situation.

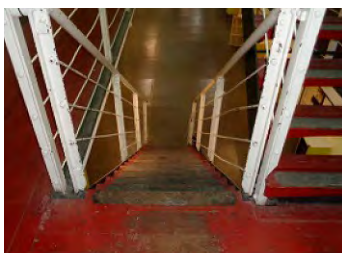




## High risk

### Item 2: Multiple Stairs serving each level of the building.

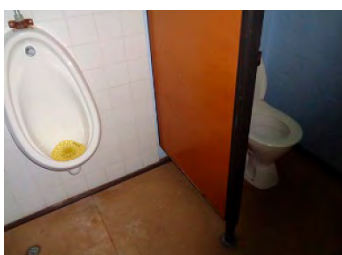
2. No lift access provided for people with a disability to Level 2 and 3, NCC requires access to all areas normally used by the occupants.
3. Stair risers are required to be opaque for vision impaired people.
4. Stair riser greater than 190mm (215mm measured) at the upper landing.
5. Risers are greater than 5mm difference between successive risers being non-compliant.
6. Stair treads are less than 250mm going in several locations.
7. Stair handrails are greater than the max require of 1m, and do not extend in compliance with AS 1428.1.
8. Stair is nominated as an exit and is less than 1m clear opening width, being non-compliant with current NCC.
9. Balustrades to stairs and balconies have openings that allow a sphere of 125mm to pass through being non-compliant with current NCC. **Safety Issue.**
10. Balustrades have horizontal climbable rails on upper level allowing a child to climb the balustrade and fall more than 4m. **Safety Issue.**
11. Balustrade height on stair is less than 865mm. **Safety Issue.**
12. TGSIs not provided.



## High risk

### Item 3: Sanitary Facilities

1. There is no UAT located within the building for people with a disability. A UAT is located in a nearby building, but it is discriminative to not have a facility within the building as able bodied people. Discrimination is to be considered.
2. No Ambulant Toilet provided for a person with an ambulant disability.
3. Compliant Braille and Tactile Signage is not provided to the sanitary facilities.
4. Way finding signage to be provided from within to the UAT in a separate building.



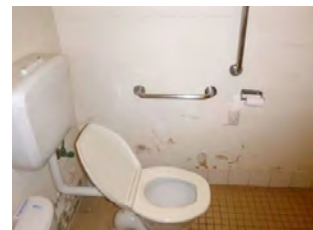
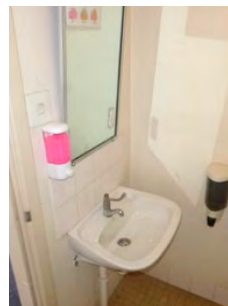
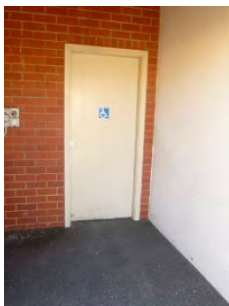
## Canteen

1. Single storey buildings used for the temporary contractors undertaking building repairs within the Fremantle Site. Building has a UAT that is used from other buildings in the area.
2. Principally the building Classification is Class 5 offices, but part is being used as a store for the builders when on site.
3. Access into the building is not available for people with a disability as there are no ramps serving the entrance doorways.

## High risk

### Item 1: Universal Accessible Toilet (UAT)

1. Door clear opening width is 780mm, being difficult to allow a wheelchair to access the room.
2. WHB is located within 300mm of the door leaf, but fit for purpose.
3. Top of WHB less than 800mm off the finished floor, but fit for purpose.
4. Mirror height is non-compliant, but the provision of a separate mirror and the bottom of the mirror to be not higher than 900mm off the finished floor.
5. Centre of the toilet pan is 500mm from the side wall, an offset wast may set the pan back to 450-460mm.
6. Front of the toilet pan is greater than 800mm from the back wall, but is fit for purpose.
7. Grabrails are non-compliant where a single continuous grabrail should be provided.
8. No back rest provided to the pan.
9. Door does not have luminance contrast to the frame/architrave or the wall for a person with a visual impairment.
10. Office internal door width and door circulation for wheelchair access is non-compliant with the current standard AS 1428.1. Door opening widths are 750mm only.



## Main Cell Block – Fremantle Prison Tour

1. Four storey heritage building used as part of the prison tours.
2. A publicly used building being a Class 9b building, requiring access to all areas used by the occupants.
3. Class 9b Buildings also fall under the Health (Public Buildings) Regulations 1992, where the Health Reg's over-ride the NCC, being a public building.
4. No way-finding signage provided.
5. No lifts provided to upper levels, if a lift were to be provided wheelchair circulation on upper levels is restricted and circulation would be non-compliant and therefore the benefits to provide a lift would be low.

### Access Synopsis

#### External Access

- Prison Tours access Main Cell Block from the Main Gate and access for people with a disability has restrictions as mentioned previously, in relation to services and finished surfaces on accessways, but also to within the building at different parts.
- Wheelchair access would need to be managed to the Main Cell Block Exercise Yards and Gallows. Discrimination is to be considered.
- Access to within the Gallows Building is not compliant for a wheelchair.

#### Internal Circulation

- Circulation throughout the ground floor between each Division is generally acceptable, but access to and from the rear yards is restricted and should be considered for people with a disability.
- There is no lift access to upper levels of each Division, where there are different use rooms that are not provided on ground floor such are Crown Theatre, Chapels (1st and 2nd floor), Library Office and Workroom. This could be seen as discriminative and should be considered further to reduce the risk of litigation, as the person with a disability does not get the same experience as others.
- Stairs leading to all levels of the building do not meet the requirements for a person with a disability and compliance with the NCC for safety, having balustrades lower than the minimum measure of the NCC.

## High risk

### Item 1: Stair to Commissariat

1. Tripping hazard at the top landing. **Safety Issue.**
2. Isolate stair riser greater than 190mm (205mm measured) at the upper landing.
3. Risers are greater than 5mm difference between successive risers being non-compliant.
4. Stair treads are less than 250mm going in several locations.
5. Handrail required to both sides of stairs in accordance with AS 1428.1.
6. Stair nosings to have non-slip luminance contrasting strips.
7. No TGSIs provided at the top and bottom.
8. Door threshold into the Commissariat have upstands that restrict wheelchair access, but it is to be noted that there is no lift provided to allow a person with a disability in a wheelchair access to this lower level.



### External Areas around Main Cell Block

## High risk

### Item 1

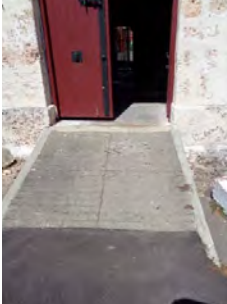
1. Surface areas of the bitumen is in poor condition in isolated areas throughout, especially so where service trenches have been excavated, backfilled and patched with bitumen or other materials.



## High risk

### Item 2

1. Ramp serving one western entrance (north) into the building, used for tours, has a non-compliant grade and no landing at the door. Access is available when assisted, but the person assisting could be injured where a larger person is being assisted.



## Medium risk

### Item 3

1. Ramp serving access to the GF Office part of the Main Cell Block does not have a landing at the top of the ramp.
2. Door threshold approx. 100mm upstand, restricts wheelchair access through the door.



## Medium risk

### Item 4

1. Additional western entrance (south) into the gf part of the building, has a large raised inspection chamber cover restricting access for a person with a disability and also forming a tripping hazard.
2. Door has a threshold ramp that does not meet the current AS1428.1 requirements.



## Medium risk

### Item 5

1. South Elevation Kitchen accessway has a door clear opening width of 825mm.
2. Approx. grade of 1:5, non-compliant for access and as a required exit.



## Low risk

### Item 6

1. Surface water grating, has excessive openings that will be a hazard for any person throughout this area.



## Main Entry to Main Cell Block and Division Exercise Yards

## Medium risk

### Item 1: 3 Division Main Entry (North)

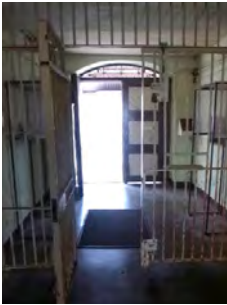
2. Loose mats form wheelchair transition barriers and tripping hazards for able bodied.



## Medium risk

### Item 2

1. Internal gate width is less than 850mm, but second gate can be managed to allow wheelchairs to pass through.
2. Passage through the rear door to the Exercise Yard has a raised threshold, restricting access over the threshold.



## Low risk

### Item 3

1. Access between 4 Division Yard and 3 Division Yard is restricted to a 670mm clear opening width doorway and a raised step.



## High risk

### Item 4: Special Handling Unit Yard and 4 Division Yard

1. Multiple areas throughout Exercise Yards have a number of Inspection Chamber covers, surface water drainage channels and a mixture of finishing materials that have differing levels of finish and projection when abutting each other, causing tripping hazards and restrictions
2. Threshold access into Division has tripping hazards and wheelchair transition restrictions. No door circulation on the latched side of the door. Cage opening less than 850mm. Assumed managed and discrimination to be considered.



## High risk

### Item 5: 3 Division Yard

1. Chequered plate ramp only 810mm wide and having no sides allowing a wheelchair to run off the side. Assumed managed access.



## Low risk

### Item 6: Door between 3 Division Yard and Arts Centre Yard

1. Clear opening width when the door is fully opened is 830mm and manageable. Also a nominated exit path.



## High risk

### Item 7: Access between Art Centre and Gallows Refractory

1. Gate clear opening width is less than 850mm for wheelchair access.
2. Door circulation on the latched side is less than 530mm.
3. Grade of ramps down to the gate and at threshold on the Gallows side allow access, but only managed access.
4. Metal Stormwater cover has horizontal openings of 34mm, where AS 1428.1 restrict this to only 13mm where the gratings are orientated so that the long dimension is transverse to the dominant direction of travel. Grating is also a Safety in Design issue for people with heels.





## Low risk

### Item 8: Door from Arts Centre Yard to Rear of 2 Division Yard

1. Door clear opening width only 780mm.
2. Threshold step at the door restricting wheelchair access.



## Low risk

### Item 9: Main Entry to Art Centre

1. Door clear opening width is 840mm and fit for purpose.
2. Paving does not extend past the door on the latched side to allow wheelchair access to the door handle.

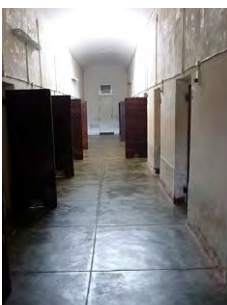
**Note:** It is assumed that the door is managed by the Tour Guide and all Tour Guides have to be able bodied to undertake their duties. Fremantle Prison Management to assess for discrimination against staff.



## High risk

### Item 10

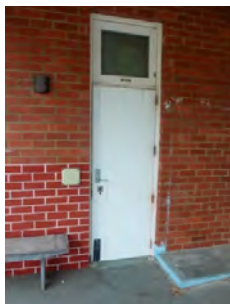
1. Wheelchair access to within the rooms is not available due to the restrictive door widths.
2. Access through to Cells is part of the tour and the doorway through although not accessed has a step restricting wheelchair passage.



## High risk

### Item 11

1. Rear entry and tour exit door is only 760mm door leaf restricting wheelchair access.



## Low risk

### Item 12: Door between Arts Centre Yard and 2 Division Yard

1. Clear opening width of the door when in the fully openable position is 820mm and manageable. Also a nominated exit path.



## High risk

### Item 13: Gallows Entry (East)

1. No landing at the bottom of the door when the door is closed. Note: Door is managed. Room is not accessed until the door is open.
2. When the door is open the bottom landing width does not meet the requirements of the NCC and required to be not less than 750mm. External area can be raised to help resolve all ramp, stair level changes and resolve the open grating.
3. Stair risers are greater than 5m tolerance in successive steps being 15mm approx.
4. Stair goings are greater than 5m tolerance in successive treads being 20mm approx.
5. No handrails provided and required to each side.
6. No TGSIs provided.
7. Non-slip luminance contrasting strip at the landing is confusing to a person with visual impairment.



## High risk

### Item 14: Gallows Entry (West)

1. Loose mat internally provides a tripping hazard.



## Medium risk

### Item 15: Door from Gallows to 3 Division (Tour path)

1. Door circulation on the latched side of the door does not meet the requirements of AS1428.1. It is assumed that the door is managed by the Tour Guide.
2. Door threshold has a change in level that is restrictive to a person with a disability.



## Low risk

### Item 16: Access to 3 Division and 2 Division (High Security) Yards

1. Most door width do not meet the requirements of AS 1428.1 and restrict wheelchair access. Door from Gallows walkway provides 840mm clear opening width that is fit for purpose, but stepped landing provides restrictive access, but can be resolved to allow access to provide the experience if part of a tour.
2. Stepped thresholds restrict access between yards in some instances.



## Medium/High risk

### Item 17: 2 Division Main Entry (South)

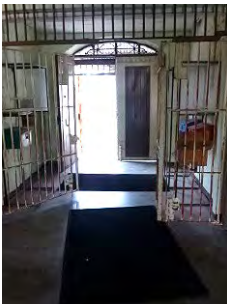
1. Inspection Chamber cover and differing material finished, provide tripping hazards and wheelchair restricted transition into the building.
2. Threshold ramp grade does not meet the requirements of AS1428.1. Max grade 1:8, actual 1:5.7 approx.
3. It is assumed that the doors are managed.



## High risk

### Item 18: Access from 2 Division to 2 Division Yard

1. Access for people with a disability is not available through this doorway is non-compliant. Stepped threshold being restrictive and gate width is significantly less than 850mm, door circulation between doorways is restricted and latched side clearance is less than 530mm.



## High risk

### Item 19: 2 Division Yard

1. Open channels run throughout the 2 Division Yard and are restrictive and dangerous for a person with a disability including able bodied people. Severe drop off zones from Inspection Chamber covers.
2. Bitumen has deteriorated in isolated areas providing restrictive access and tripping hazards.



## High risk

### Item 20: Openings in the security wall between 2 Division Yard and 1 Division Yard – Division 1 Yard 1 and 1a

1. Openings have restrictive access less than 850mm being only 680mm.
2. Non-compliant ramps provided between each area and non-compliant landings.
3. No handrails or upstands to prevent a wheelchair from running off the sides.
4. Grades are 1:6 and not acceptable as an accessible pathway.



## Medium risk

### Item 21: Division Yard Ablutions

1. Access to the external Ablutions Facility is not compliant for a person with a disability. Gate opening width is less than 800mm, and no turning space within.



## Low risk

### Item 22: Kitchen Access to 1 Division Yard

1. Kitchen has a restrictive width of 760mm through the single door, but second door can be opened as a managed process.
2. Door furniture is non-compliant and at the incorrect height.



## Medium risk

### Item 23

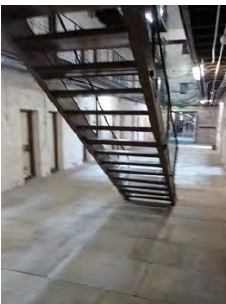
1. Access to Office is restrictive being only 760mm clear opening width. Office opposite has a lesser opening of only 680mm.



## High risk

### Item 24: 1 Division

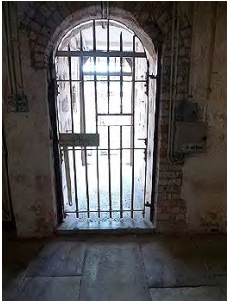
1. No protection or indication (TGSIs) to identify the hazard of the stair for a person with a disability.
2. Original stone pavers are uneven but acceptable for wheelchair access, frail person would likely require assistance.



## High risk

### Item 25

1. Stepped threshold restriction for wheelchair access to the 1 Division Yard from 1 Division.



## High risk

### Item 26

1. Stair handrails do not meet the requirements of AS 1428.1 and NCC D2.17 as noted below.
2. Handrail profile is not circular or elliptical to allow a person with a disability to grab.
3. Handrails do not extend and provide support and protection for an able bodied person using the stairs.
4. Handrails do not extend past the last tread as required in AS1428.1 to provide support and guidance for a person with a disability.
5. Handrail is also the balustrade and both do not meet the minimum requirements of 865mm off the stair nosing to the top of the handrail/balustrade. **Safety Issue.**
6. Stair risers are not opaque allowing a person to become disorientated.
7. Stair and landing treads are required to be non-slip luminance contrasting of not less than 30%.
8. TGSIs are required at the top and bottom of the stair flight.
9. Stair width should be not less than 1m as an exit and for people to pass.

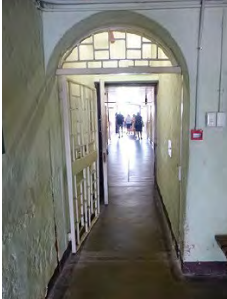




## Low risk

### Item 27: Internal Access to Ground Floor Offices

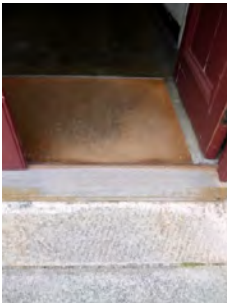
1. Door serving access from 3 Division to Offices does not have door circulation on the latched side of the door for wheelchair access to open the door. It is assumed that the door is managed by the Tour Guide and therefore acceptable.



## High risk

### Item 28: External Access to Ground Floor Offices

1. Threshold has an upstand of 200mm restricting wheelchair access through the door. 200mm threshold rise is excessive and non-compliant with the NCC D2.15.
2. Internal mat has tripping hazards and restrict wheelchair transition over differing floor finishes.



## High risk

### Item 29: Ground Floor (part) stairs between 1st Floor Chapel

1. Handrail and side wall should not have a space between less than 50mm to prevent injuries.
2. Only one handrail is provided, two are required for circulation.
3. Handrail do not extend past the last tread as required in AS1428.1 to provide support and guidance for a person with a disability.
4. Stair and landing treads are required to be non-slip luminance contrasting of not less than 30%.
5. TGSIs are required at the top and bottom of the stair flight.
6. Stair width should be not less than 1m as an exit and for people to pass.
7. Door into the stair from ground floor is only 740mm wide.
8. Note: To be read in conjunction with following comments for 1st Floor Chapel.



## High risk

### Item 30: Crown Theatre

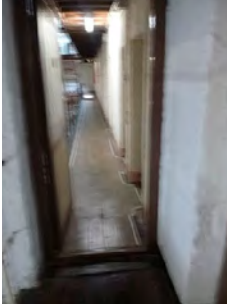
1. Stairs providing access to either side of the stage non-compliant risers greater than 190mm and successive riser's difference greater than 5mm.
2. Thread measured at 190mm where the minimum requirement for DtS is 260mm (280mm for a Public Building under the Health Regulations). Difference of successive treads is significantly greater than 5mm.
3. No Handrails provided to the stairs.
4. Stair and landing treads are required to be non-slip luminance contrasting of not less than 30%.
5. Stair risers are not opaque allowing a person to become disorientated.



## High risk

### Item 31: 1st Floor 1,2 and 3 Division

1. Doorways separating Divisions would not allow a wheelchair to pass through if a lift were provided. Landings do not have compliant turning spaces for a wheelchair. Access into the cells is not available for a person in a wheelchair on any level.



## High risk

### Item 32: 1st Floor Access to Anglican Chapel

1. Door opening entry to the Anglican Chapel is only 580mm clear opening width and served with stairs directly at the door without landings. Wheelchair access is not available to within the Anglican Chapel.
2. Door furniture to the door is non-compliant for a person with a disability.
3. Stair treads are required to have 30% luminance contrast non-slip nosing's fitted. Stair treads have a significant amount of wear evident.
4. Stair risers are non-compliant and have a difference in successive risers of 35mm. Top riser is 235mm high. NCC allows 190mm max and public buildings 180mm max.
5. Stair treads also have a significant difference in successive treads greater than 5mm.
6. Handrails should be provided to assist a person down the stair flight.
7. Steps are not to be provide within the width of the door leaf.



## Low risk

### Item 33

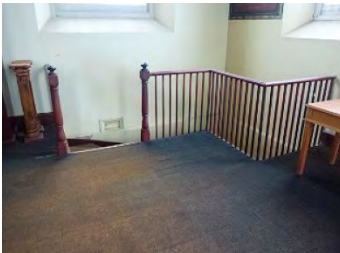
1. Access to side rooms in the Chapel have restricted wheelchair access being reduced door widths and no door circulation on the latched side of the doors.
2. Door furniture height is not to be higher than 1100mm.



## High risk

### Item 34

1. Balustrade height is required to be not less than 1m off the finished floor. Balustrade measured 910mm, JMG recommend that the balustrade height be made compliant for public safety or restrict access.



## High risk

### Item 35: Chapel Stairs to Ground Floor Offices - non-compliant for people with a disability.

1. No handrail provided part of the upper stair flight between winders. Only one handrail provided on the lower section to ground level.
2. Stair width is less than the required minimum for an exit, adding additional handrails would reduce the width further.
3. No non-slip nosings with a minimum luminance contrast of 30% provided to the tread nosings.
4. A 'required' exit stair should not have winders within the design. A 'non-required' stair can have 3 winders in each quarter landing.



## High risk

### Item 36: Access to Library - 2nd Floor

1. Reduced door width of 710mm restricting wheelchair access.
2. Doorway has a ramp within the width of the door leaf and the grade of the ramp is non-compliant for wheelchair access.



## High risk

### Item 37

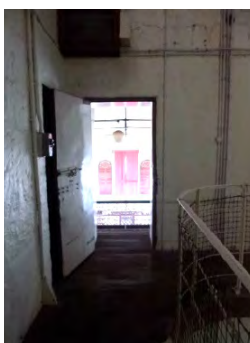
1. Stair to 3rd Floor has restricted access it is assumed due to the treads that are dangerous for the public to use. **Safety issue.**



## High risk

### Item 38: Level 3 Chapel Balcony access.

1. Door clear opening width is not 850mm for wheelchair access and no landings provided for a wheelchair to access gain experience and make a 180 degree turn to exit.
2. Tiered seating to the balcony does not require handrails but one may be good practice to assist people with an ambulant disability to reach the balustrade. If a handrail is to be considered, it would be good practice to provide 1m either side to allow a person with a weak hand to descend with strong hand and ascend back up with the strong hand.



## High risk

### Item 39: Smaller Chapel Access

1. Door has a raised threshold that would restrict wheelchair access.
2. Access through to altar will not allow a wheelchair to pass through.



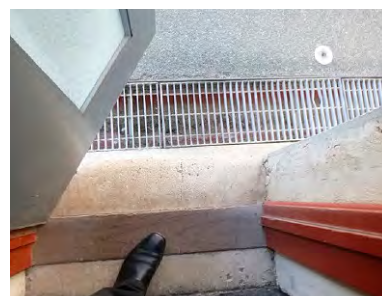
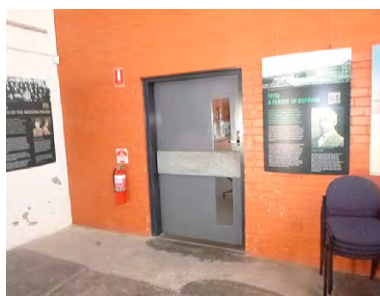
## Special Handling Unit

1. Single storey part of the Main Prison Cell Block that also connects down to the Commissariat Basement Level.
2. Part of the floor area has been cordoned off, as the floor has a structural issue and the area is deemed as dangerous.
3. This part of the building generally has compliant access for people with a disability apart from a couple of minor issues.

## Low risk

### Item 1

1. Entrance door furniture is non-compliant for a person with a disability. It is assumed that the door is managed and only the Tour Guide opens and closes the door.
2. There is an upstand at the threshold between Gallery and the Meeting Room that can restrict wheelchair transition.
3. Rear entrance to 1 Division Yard has a step down that is significantly greater than compliant 180mm and a person with high heels risks trapping the heel in the stormwater grate.



## Hospital (Non-residential part)

1. The building is single storey with a veranda to three sides protecting the building from the elements.
2. Wheelchair access onto the veranda is only available through the building.
3. The building initial use was a hospital, but at some point its use changed to a Literacy Centre teaching facility with what is believed to be Caretakers Accommodation being Class 4. The building also has other rooms with sleeping accommodation and it is assumed that they form part of the Class 4 Caretakers Use.
4. Classification of the original building as a health care facility would have been Class 9a, but for many years the building has been used as a teaching facility being a Class 9b Public Building as predominantly all buildings on the Prison site.
5. The building is single storey with a veranda to three sides protecting the building from the elements.
6. Wheelchair access onto the veranda is only available through the building.

## Access Synopsis

### External Access

- Access is provided to the building through the prison wall double gates on the north – eastern side of the Prison Site, access off the inclined road to a level pathway and then through the gates to an accessible ramp to the internal area. From here there is only one accessway that could allow a wheelchair into the building and that is the nominated entrance.

### Internal Access

- The residential side of the building were not inspected, but access is achievable through the nominated external door to within the class room and to the sanitary facilities.

## Low risk

### Item 1

1. Ramped access has a compliant grade of 1:14.
2. Kerbrail, is installed too low and the top of the rail should be not less than 150mm off the finished ramp.
3. Ramp should be slip resistant being not less than P4 or R11.
4. TGSIs are not provided at the top and bottom of ramp and steps.
5. Steps have open risers and required to be opaque.
6. Handrails to steps are above the max 1m. Handrail extends greater than 300mm at the bottom of the steps but fit for purpose.
7. 90 degree turn at the bottom of the ramp is tight to make the turn over the open gully. The gully cover plate does not have any sides to stop a wheelchair from running of the grid.
8. Bitumen finish abutting the gully cover is not flush and causes a barrier for a wheelchair to cross.



## Medium risk

### Item 2

1. Access onto the veranda for a wheelchair can be provided only by travelling through the nominated entrance door of the Literacy Centre and through the rear door onto the veranda. From there, no ramped access down to the garden areas.
2. Multiple steps around the building do not have handrails to assist people ascending and descending. Handrails should be compliant with AS 1428.1.
3. No non-slip nosings with a minimum luminance contrast of 30% provided.
4. Risers and goings have a difference greater than 5mm in succession.
5. TGSIs are not provided.
6. Open gulleys cross accessways causing hazards to pedestrians.

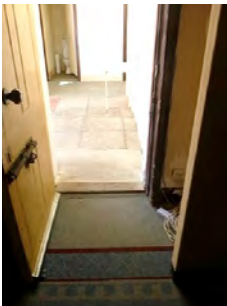




## Low risk

### Item 3: The Literacy Centre

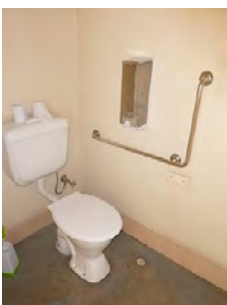
1. Door clear opening width is 800mm. It does not meet the current requirements but was compliant prior to the DDA changes in the NCC in 2011 under the old AS 1428.1-2001. The door width is acceptable and where a larger chair is required that person can be managed through the door. It is to be noted that a motorised chair may not fit.
2. The threshold has an upstand that would restrict wheelchair transition through the door.
3. Door furniture is not compliant for people with a disability, where lever handles are a better solution.
4. Other areas of the building were not accessed but circulation throughout was restricted due to level changes.



## Low risk

### Item 4: Universal Accessible Toilet (UAT)

1. Door clear opening width is compliant.
2. Door locking snib is fit for purpose, but should be 40mm long from the spindle, to assist with operation.
3. Grabrail on the side wall of the toilet pan is fixed approx. 150mm too far forward, making grabbing the upright difficult when a person is on the toilet pan.
4. Toilet paper dispenser is located in the incorrect position and restricts the use of the grabrails a clear space of 600mm is required above the grabrail.
5. Internal room dimensions do not meet the current requirements but are fit for purpose.
6. Wash hand basin does not meet the current requirements.



## 16 The Terrace

1. Two storey former residence building currently used as an Office building being Class 5 use. There is a basement that is accessed by a stair (not assessed for compliance).
2. NCC requires access to and throughout the ground floor and also the upper floor if the floor area is greater than 200m<sup>2</sup>.

### Access Synopsis

#### External Access

- There are access constraints to get to the building and enter through the principle entrance in a wheelchair as noted below.

#### Internal Access

- Internal circulation through doorways is not compliant and circulation is restricted as noted below.

### Medium risk

#### Item 1: External and Internal Access and Circulation

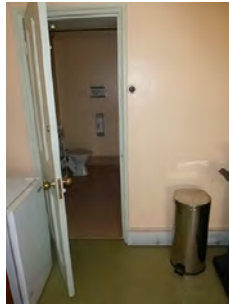
1. Threshold of the gate at the boundary is not flush and would cause difficulty for wheelchair transition.
2. Pathway up to the property has a grade of 4o (1:14) and classified as a ramp, that should have handrails, kerb-rails TGSIs. The pathway is less than 1m wide and the ground abutting the sides of the path should be a firm and level with the walkway extended horizontally for 600mm.
3. Accessway between 68 and 18 The Terrace is not suitable for a person in a wheelchair being part grass and part paver.
4. Principle entrance door way has two doors to operate, the flyscreen that opens outwards and then the main door that opens inwards, which is difficult for a person in a wheelchair to manage. Door has a raised threshold additional restriction to traverse in and out of the building.
5. Loose external mats can become tripping hazards.



## High risk

### Item 2: Internal Circulation

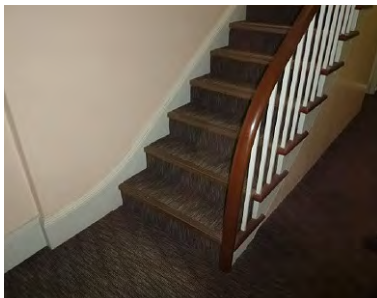
1. Internal doorway clear opening widths are only 730mm and not acceptable for wheelchair circulation.
2. No UAT provided for a person with a disability.



## High risk

### Item 3: Stairs to upper 1st Floor

3. Only one handrail provided.
4. Stair width less than 1m and difficult for people to pass.
5. Existing handrail does not extend past the last riser as required by AS1428.1.
6. Handrail profile is not as required by AS 1428.1, but is fit for purpose.
7. Height of the handrail and balustrade to the stair is less than 865mm and only 730mm. **Safety Issue.**
8. Handrail is not continuous throughout the flights.
9. Balustrade at the mid landing is loose and could become dangerous. **Safety Issue.**
10. Stair riser at the top of the flight is 210mm and should be not more than 190mm. The risers have a difference greater than 5mm tolerance in successive risers. **Safety Issue.**



## 18 The Terrace

1. Two storey former Surgeons residence currently used as an Office building being Class 5 use.
2. NCC requires access to and throughout the ground floor and also the upper floor if the floor area is greater than 200m<sup>2</sup>.

### Access Synopsis

#### External Access

- There are access constraints to get to the building and enter through the principle entrance in a wheelchair as noted below.

#### Internal Access

- Internal circulation through doorways is not compliant and circulation is restricted as noted below.

### High risk

#### Item 1: Principle access gate

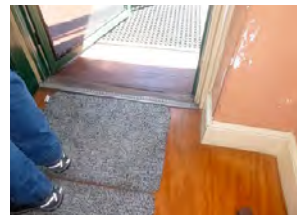
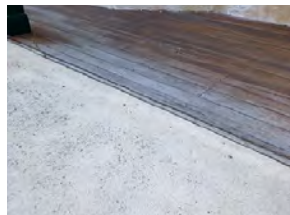
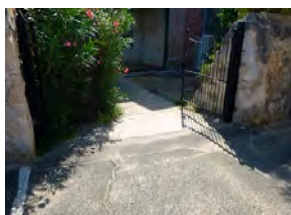
1. Joint between bitumen and concrete path at the boundary gate threshold is not flush and would cause difficulty for wheelchair transition.
2. Path leads to the principal entry of the building but step restricts access the veranda.

#### Item 2: Secondary access gate.

1. Joint between bitumen and concrete path at the boundary gate threshold is not flush and would cause difficulty for wheelchair transition.
2. Travel from the nominated Accessible Car bays to the gate is longer than for able bodied people where a complaint under the DDA could be made.
3. Transition across from the concrete path onto the timber veranda has an upstand that would cause a wheelchair difficulty to cross.
4. Access grades other than noted in 1 and 3 are compliant for wheelchair access.

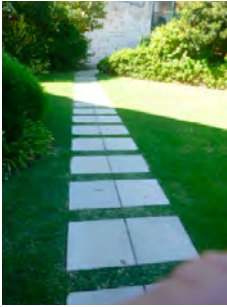
#### Item 3: Principal entrance

1. Principal entrance door way has two doors to operate, the flyscreen that opens outwards and then the main door that opens inwards, which is difficult for a person in a wheelchair to manage. Door has a slight raised threshold additional restriction to traverse in and out of the building.
2. Loose external mats can become tripping hazards.



#### Item 4: Accessway between 16 and 18 The Terrace

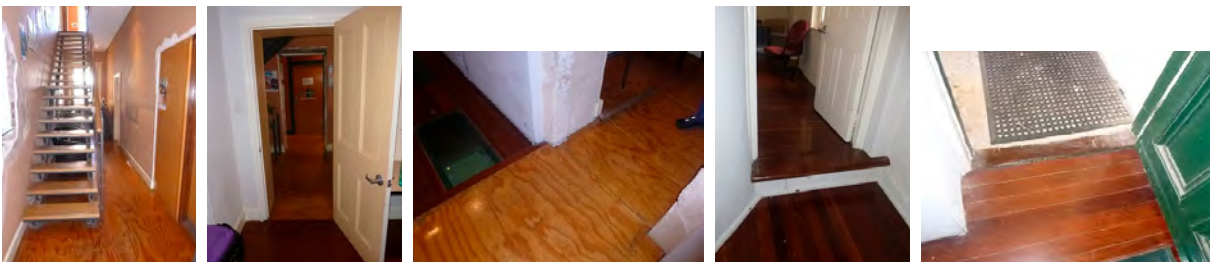
1. The accessway used by staff between both buildings not suitable for a person in a wheelchair being part grass and part paver.



**High risk**

#### Item 5: Internal Circulation

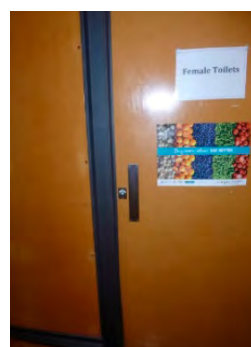
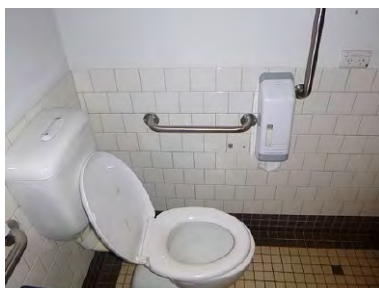
1. Internal doorway clear opening widths are only 750mm and not acceptable for wheelchair circulation.
2. Passage width between wall and stair is only 870mm and required to be 1m, but fit for purpose. Door circulation is non-compliant on the latched side of the doors in many situations.
3. Outside of the UAT there are two level changes that may affect a person in a wheelchair depending which way the person is travelling. The turning space does not meet the current requirements of AS 1428.1, but access is possible with difficult manoeuvring.
4. There are additional level changes on the ground floor that restrict access to those rooms.
5. Access externally to the rear yard and an additional office room has barriers, being reduced door width, turning circulation and threshold barriers to the outside and then there is a step up at the threshold into the office room.



## High risk

### Item 6: UAT

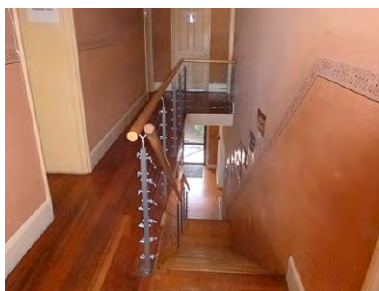
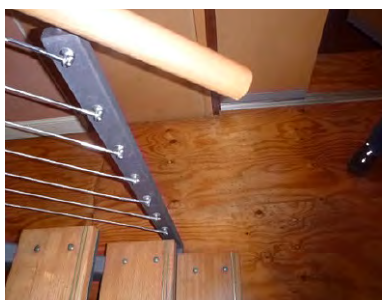
1. Toilet pan is 410mm from the side wall, being 40mm to close, but fit for purpose.
2. Not backrest provided to toilet pan.
3. Grabrails are non-compliant being two piece and should be one full piece grabrail.
4. Toilet paper dispenser is too large to accommodate compliant grabrails. Dispenser height and position is compliant.
5. WHB is located in the toilet pan circulation zone and should be 1.4m away.
6. Signage to the toilets is non-compliant, as the UAT is not identified and braille and tactile signage should be used.



## High risk

### Item 7: Stairs

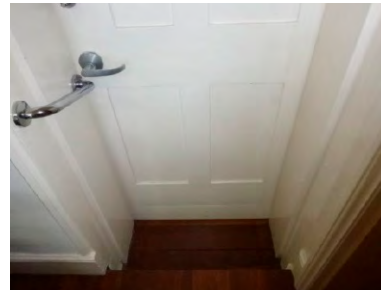
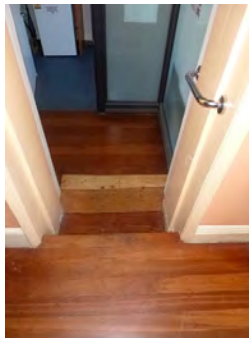
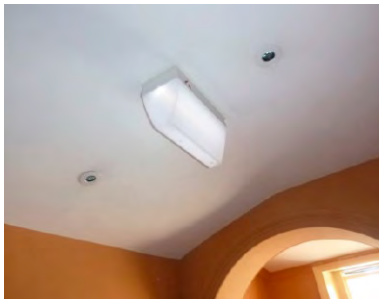
1. Handrail height is greater than 1m in height but for for purpose.
2. Handrail does not extend past the last riser as required by AS1428.1.
3. Handrail does not allow a hand to hold the handrail for the full length.
4. Only one handrail provided to the stairs and two are required to meet the DDA requirements and AS 1428.1.
5. Nosings do not provide compliant luminance contrast of 30%.
6. Balustrade to landing is out of level and at one point less than 1m in height.  
**Safety Issue.**
7. Wires forming balustrade are not tight and allow a sphere of 125mm to pass through. **Safety Issue.**



## High risk

### Item 8: 1st Floor

1. Exit sign has the 'running man' pictorial removed.
2. Step down to a small non-compliant size landing then step down again without handrail for the full transition between levels.
3. Non-slip nosings with min luminance contrast of 30%.
4. Steps provided within the door leaf is non-compliant with the NCC.
5. Step riser height being 200mm is non-compliant as 190mm is maximum height.
6. Grabrail assists but not compliant for the full length of travel when ascending and descending.



## Watch Tower 1

1. Watch Tower has recently been refurbished and in a good state of repair.
2. The classification of the Watch Tower would be Class 5 use being professional use.

### Access Synopsis

#### External Access

- Watch Tower is situated on top of Western Workshop building part and accessed through a dedicated door off the main central yard.

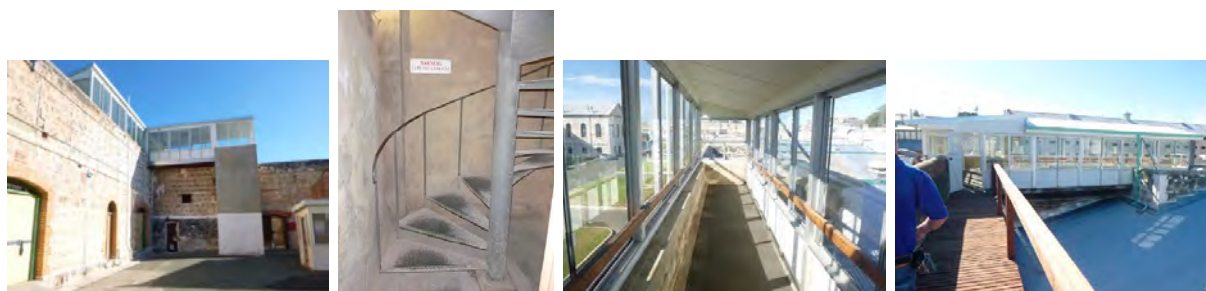
#### Internal Access

- Access is via a spiral stairway within the building not being compliant for a person with a disability.

### High risk

#### Item 1

1. Access to the Watch Tower for a person in a wheelchair is not available as there are no lifts provided and it could be possible to apply 'unjustifiable hardship' for not providing a lift.
2. Stair only has one handrail and the profile does not meet the requirements of AS 1428.1.
3. Stair treads do not have non-slip nosings with a luminance contrast of not less than 30%.
4. Internal stair balustrade at the landing has openings that allow a sphere of 125mm to pass through and a climbable rail between 150mm and 760mm of the floor. **Safety issue.**
5. External walkway balustrade is to have infill that does not allow a person to get a foothold between 150mm and 760mm and not allow a sphere of 125 to pass through for safety. **Safety issue.**





## Watch Tower 2

1. Watch Tower is in a poor state of repair and likely to have asbestos materials within.
2. The classification of the Watch Tower would be Class 5 use being professional use.

### Access Synopsis

#### External Access

- Watch Tower is situated on top of the perimeter wall and accessed through a dedicated door located near the Hospital Building.

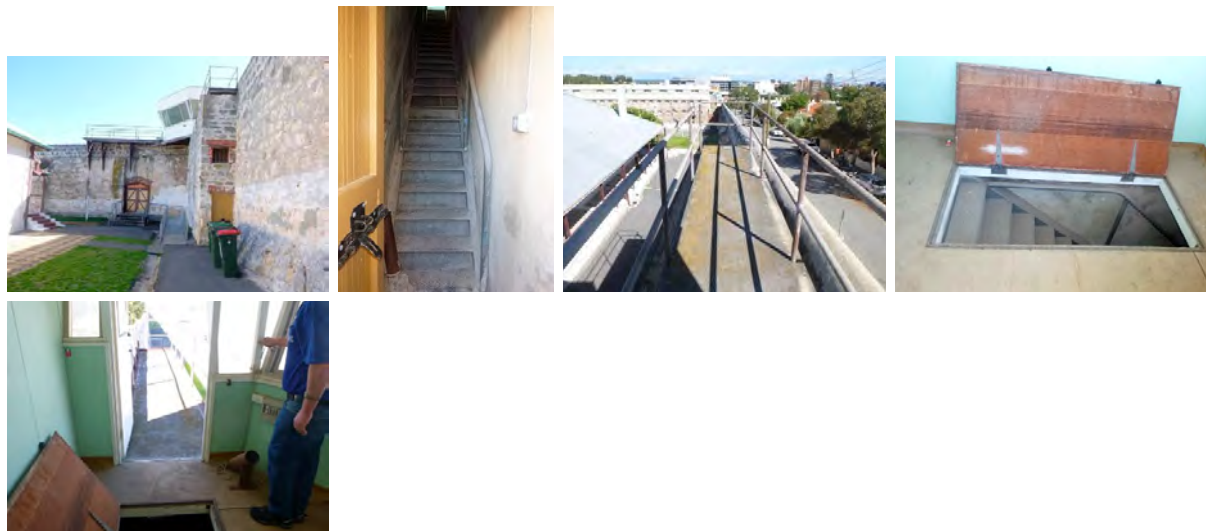
#### Internal Access

- Access is via straight stairway within the building.

### High risk

#### Item 1

1. Access to the Watch Tower for a person in a wheelchair is not available as there are no lifts provided and it could be possible to apply 'unjustifiable hardship' for not providing a lift.
2. Stair only has two handrails but does not extend as required by AS 1428.1 and being tight up to the wall less than 50mm.
3. Stair treads do not have non-slip nosings with a luminance contrast of not less than 30%.
4. Stair extends to the hatch in the Watch Tower floor, being hazard when entering the Watch Tower.
5. Height of floor to the stair is only 1.2m where it should be not less than 2m.
6. No handrails provided to ascend or descend the stair through the hatch part.
7. There is no protection of the opening (trap door) when the trap door is open. **Safety Issue.**
8. External walkway balustrade allows a person to get a foothold between 150mm and 760mm and allows a sphere of 125 to pass through. **Safety Issue.**



## Watch Tower 3

1. Watch Tower is in a poor state of repair and likely to have asbestos materials within. Access through the hatch to within the Watch Tower was not recommended due to the poor state of repair.
2. The classification of the Watch Tower would be Class 5 use being professional use.

### Access Synopsis

#### External Access

- Watch Tower is situated on top of the perimeter wall and accessed through a dedicated door located near the Eastern Workshops.

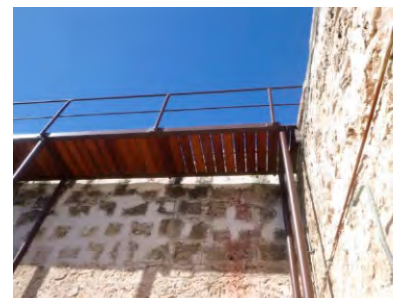
#### Internal Access

- Access is via a straight stairway within the building.

## High risk

### Item 1

1. Access to the Watch Tower for a person in a wheelchair is not available as there are no lifts provided and it could be possible to apply 'unjustifiable hardship' for not providing a lift.
2. Stair has one handrail only.
3. Stair treads do not have non-slip nosings with a luminance contrast of not less than 30%.
4. Stair extends to the hatch in the Watch Tower floor, being hazard when entering the Watch Tower.
5. Height of floor to the stair is less than 2m.
6. No handrails provided to ascend or descend the stair through the hatch part.
7. There is no protection of the opening (trap door) when the trap door is open.  
**Safety Issue.**
8. External walkway balustrade is not to be less than 1m and allows a person to get a foothold between 150mm and 760mm and allows a sphere of 125mm to pass through. Top of balustrade is required to be not less than 1m from the top of the balustrade to the finished floor. **Safety Issue.**



## Watch Tower 4

1. Watch Tower and walkway has recently been refurbished and in a good state of repair.
2. The classification of the Watch Tower would be Class 5 use being professional use.

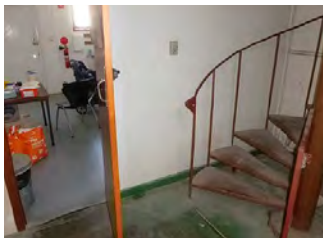
### Access Synopsis

- Watch Tower is situated on top of First Aid building part and access was provided through the First Aid Room and can be accessed through a dedicated door off the main central yard. The spiral stair terminates and then access through an external door onto a platform and then up a set of stairs to the Watch Tower Walkway.

### High risk

#### Item 1

1. Access to the Watch Tower for a person in a wheelchair is not available as there are no lifts provided and it could be possible to apply 'unjustifiable hardship' for not providing a lift.
2. Spiral stair only has one handrail and the profile does not meet the requirements of AS 1428.1.
3. Stair treads do not have non-slip nosings with a luminance contrast of not less than 30%.
4. Stair, landing and walkway balustrade allow a sphere of 125mm to pass through and a climbable rail between 150mm and 760mm of the finished floor.  
**Safety issue.**
5. Dangerous transition when descending where there is a quarter landing at the door threshold. **Safety Issue.**
6. No barrier to stop people climbing on the roof. **Safety Issue.**



## Watch Tower 5a, b and c

1. Watch Tower and Toilet and walkway has recently been refurbished and in a good state of repair.
2. The classification of the Watch Tower would be Class 5 Toilet Class 10a use being professional use.

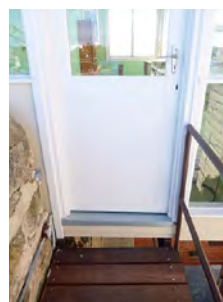
### Access Synopsis

- Watch Tower is situated on top of the boundary wall and access was provided through YHA (Women's Prison) grounds and can be accessed through a dedicated door.

## High risk

### Item 1

1. Access to the Watch Tower for a person in a wheelchair is not available as there are no lifts provided and it could be possible to apply 'unjustifiable hardship' for not providing a lift.
2. Spiral stair only has one handrail and the profile does not meet the requirements of AS 1428.1.
3. Stair treads do not have non-slip nosings with a luminance contrast of not less than 30%.
4. Bulkhead of floor is only 1730mm off the stair nosing and forms a hazard.  
**Safety Issue.**
5. Walkway balustrade is less than 1m in height and allows a sphere of 125mm to pass through and a climbable rail between 150mm and 760mm of the finished floor. **Safety issue.**
6. Ramped transition from steel plate to timber forms a tripping hazard and should be no steeper than 1:8.



## Watch Tower 6

1. Watch Tower is accessed by the general public as part of the tour. It was noted that the Watch Tower only forms part of the tour when all people are able bodied.
2. The classification of the Watch Tower would be Class 5 use being professional use, but as it is accessed by the public, the Watch Tower would have a Class 9b classification.

### Access Synopsis

- Watch Tower is situated on top of the boundary wall adjacent to the Tunnel Tour access.

## High risk

### Item 1

1. Access to the Watch Tower for a person in a wheelchair is not available as there are no lifts provided and it could be possible to apply 'unjustifiable hardship' for not providing a lift.
2. Spiral stair only has one handrail and the profile does not meet the requirements of AS 1428.1.
3. Stair treads do not have non-slip nosings with a luminance contrast of not less than 30%.
4. Walkway balustrade is less than 1m in height and allows a sphere of 125mm to pass through and a climbable rail between 150mm and 760mm of the finished floor. **Safety issue.**



## South Knoll - Vegetable Gardens, Games Area Maintenance Compound/ Shower Block

1. Garden and Maintenance Compound areas are restricted from public access currently. The area has been used for multiple of uses during prison occupancy
2. Based on JMG's assessment non-compliance elements are repetitive and general issues are referenced below. The area is not suitable for public access, and is in a poor state of repair where retaining walls appear to be failing, tripping hazards to walkways, steps and ramps and the lack of handrails to these parts and balustrades being less than 1m in height being a safety matter.

### High risk

#### Item 1

1. Widths are less than 1m restricting passing on the stairs ramps and pathways.
2. No balustrades where there is a difference in floor levels of more than 1m at accessway through the gate into the games nets. **Safety Issue.**
3. Transition to the landing is not compliant and a **safety issue.**
4. Ramps with the non-compliant grades, no handrails, no TGSIs and surfaces having restrictions for wheelchair transition.



## High risk

### Item 2: Maintenance Building Compound

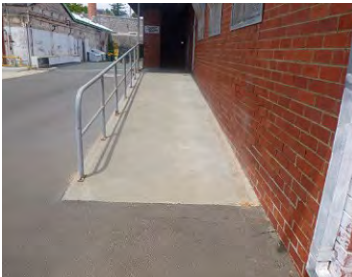
1. Access to the compound should only be available to authorised personnel that are able bodied and not people with a disability due to the nature of use and the health and safety risks.
2. Access between each building has non-compliant accessways, either horizontally or vertically. Similar issues apply as listed above, but there are some balustrades provided but essentially non-compliant, being less than 1m in height and openings greater than 450mm with no lower rail (required to be compliant with AS1657 as the area is restricted access). If the area is to be eventually accessible for other uses or the public then the balustrades are not to allow a sphere of 125mm to pass through the balustrade openings to landings or stairs.



## Low risk

### Item 3: Shower Block

1. Grade of ramp is fit for purpose/compliant for access to this building for the public.
2. Existing ramp handrail is 900mm high and compliant for height, but requires a kerb rail to prevent a wheelchair from hitting the posts.
3. Additional handrail is required on the opposite side and extend as per AS1428.1.
4. Leading opening door into the building is 740mm wide restricting wheelchair access, therefore it is acceptable and managed to open the second door when a person in a wheelchair is on a tour.
5. Door latching devices should be reviewed for compliance as a Barrell Bolt is fitted and should be locked in the open position.
6. Internal circulation is generally compliant, but access into the store has restricted door width, but acceptable.



## East Terrace/Reservoir

1. This area is an access area to the East Workshop, Tunnel Tours and interconnection between New Division Tour.
2. The roadway as noted earlier in the report has services protruding above the road finishes causing walking and wheelchair hazards. The grade and length also does not meet the requirements for a person with a disability. But the area could be accessible by other means if the area is an informative part of the tour.

## High risk

### Item 1: East Terrace Area

1. Accessway from lower areas being Eastern Workshop to the Tunnel Tour Entrance and Eastern Terrace/Reservoir is not suitable for a wheelchair access unless that person is assisted and then due to the length of travel that person could themselves become injured.
2. Generally on the top there are accessways to the Day Watch Towers, some restrictions of steps, grass growing onto the paths reducing their widths and the deterioration of the bitumen finish or changes of materials finishes not marrying up flush. Again there are some services that become hazards to the public.
3. Tripping hazard when accessing the steps down to the Lower sections of the site.



## Item 2: Reservoir Access

1. Step hazard onto stair landing, luminance contrasting non-slip nosing to be provided for identification.
2. No balustrades around walkway where the level changes are greater than 1m.
3. Non-slip nosings with a luminance contrast of not less than 30% should be fixed to the landing and treads.
4. Handrails to the sides of the stair are less than 865mm in height being non-compliant.
5. Risers are greater than 190mm being 210mm. Tour Guide to ensure that handrails are used when ascending and descending.
6. Bottom tread is 60mm less than the successive tread and should be made compliant as it is a hazard.
7. Handrails do not extend as per AS 1428.1 at the top or bottom of the stair.
8. No wheelchair access possible without a lift.
9. Door to the Reservoir has a barrel bolt fitted that should be locked in the open position when occupied as a Management Plan.



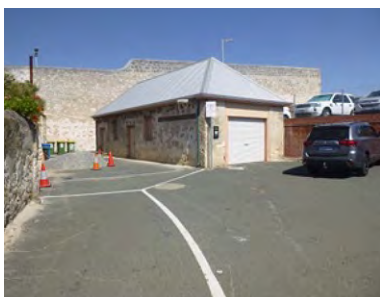
## Stables

1. Single storey building being used by a specialist Model Train Club.

**Access was not available within and could not determine the extent of access and facilities for people with a disability.**

## Low risk

1. Door entry width and threshold appears to be accessible.



# Appendix 2

## Historical Research For Accessibility and Inclusion Plan for Fremantle Prison Physical Disability

Fremantle Prison was built to house transported convicts between 1852 and 1859 using the convicts themselves for the arduous work of construction. By the time transportation ceased in 1868, over 10,000 convicts had passed through its walls.

In the 1880s, following the closing of Perth Gaol, Fremantle Prison became the colony of Western Australia's primary gaol, confining men, women and juveniles within its walls.

Prisoners in Fremantle Prison, like prisoners the world over, were vulnerable because they were out of sight and could, potentially, be treated with impunity. Their vulnerability also extended beyond their physical person to their character, 'because as soon as a sentence is passed, their credibility disappears, since dishonesty, the community believes, now infects everything they do or say. Finally, they are vulnerable because the public attitude tends to be that even if they are being ill-treated, they probably deserve it'.<sup>1</sup> Once locked inside the walls of a prison, those within can only be protected through the enforcement and good guidance of law or policy and the dedicated commitment of administrators in whose hands these rules and regulations are entrusted. Overall, a sense of humanity must prevail.

In this way, from the outset of the Convict Era in Western Australia, until the closing of Fremantle Prison in 1991, we can see how the most vulnerable of all prisoners; those suffering disability, disadvantage or disempowerment, have either fought to bring their needs to the fore or had the benefit of benevolence and good governance to define their experience of incarceration.

As Thomas and Stewart so eloquently put it, when people are locked up:

there must be a strong, intelligible, administrative framework designed to achieve certain ends. The first is to make clear to prisoners what their rights and obligations are. The next is to offer staff of all ranks, in all departments, clear unequivocal direction about their duties, how they are to be carried out, how failure or success is to be judged, and what is to be defined as unacceptable treatment of prisoners. Next, the whole must be subjected to incessant scrutiny by those senior prison administrators who do not work in the prison. And finally, the whole must be inspected by impartial observers representing the community, in whose name the organisation is being called into being.<sup>2</sup>

## Introduction

Research has so far revealed that during the time the prison operated from 1854 to 1991, there was no written policy or instructions on how to manage prisoners with disabilities. Likewise, there appears to be no legal obligation to provide access or services for inmates or staff with disabilities.

During the Convict Era, the Imperial Government held the financial responsibility for transported men until their death. Thus, Invalid Depots were established for prisoners who were disabled while under sentence or became invalids with no means of support. One Invalid Depot was established at North Fremantle which later was moved into the Knowle and later again, into the hospital in the grounds of Fremantle Prison. There was another at Freshwater Bay. Later, invalids were moved into the Old Men's Home in Fremantle.

Within the prison system, 'servile labour' was intended to foster 'industrious habits'.<sup>3</sup> And yet Prison life itself 'disabled' the prisoners in a physical sense; through solitary confinement, lack of substantial diet, and crippling corporal punishment. These same punishments and practices also impacted prisoners' mental health. Prison medical officers were in a difficult position of conflicting responsibilities. On the one hand, the prison required inmates to suffer as punishment for their crimes. Prison doctors, for example, were called on to determine the maximum physical stress a prisoner could be subject to as part of prison labour programs, which were intentionally punitive. However, physicians were also responsible for rehabilitating and healing their patients, which would benefit from improved conditions and prisoner wellbeing.<sup>4</sup>

In the first years of Fremantle Prison, Doctor George Attfield arrived from England in 1854 to take up the position of colonial surgeon to the Convict Establishment. Attfield's approach was, in policy if not in practice, to exempt unwell or disabled convicts from work and excuse the mentally or physically ill from solitary confinement and flogging. His recommendations were often, but not always, followed. Through the 1860s, up to 75% of convicts were located away from Fremantle at convict depots or work camps. The Prison was used for those not yet trusted for remote work or as punishment for reoffenders.

As early as 1858 it became obvious to the Prison's medical officers that the small prison hospital would need to be extended to provide another six wards; two three-bedded and four separate wards; *'the three bedded wards for patients under observation and the separate cells for cases of bad diarrhoea and scabies variola and for other contagious disorders and malingering etc'*.<sup>5</sup> Temporary disability due to illness was a constant presence in prison life. However, there was also an inclination to view prisoners' accounts of their ailments as attempts to avoid work duties or untruths due to an innate criminal disposition to lie. In Fremantle during the convict period, prisoners were debarred from getting redress for wrongs, however grievous, by a rule which stated that any complaint made to a visiting justice or other authority, 'if either frivolous or groundless', would lead to severe punishment. The prisoner could be 'assaulted, handcuffed, ironed, starved, and confined in dark dungeons without redress'.<sup>6</sup> The Prison's Medical Officer wielded considerable power over all matters to do with health. It was in the interest of the prison officials

to keep the men fit and well so that they could perform the tasks for which they had been sent to Western Australia and thus for ‘the smooth implementation of the ideology behind the establishment of Fremantle as a public works prison’.<sup>7</sup> If a prisoner was considered to have a mental disability, he or she was sent, in principle, to an Asylum. ‘Lunatics’ demanded special attention and separate accommodation as their ‘irrational’ tendency to escape and their despairing cries were unsettling for prison discipline. For a period, they were confined in the refractory cells behind the Main Cell Block until the Lunatic Asylum was completed for them in 1865.<sup>8</sup> However, a lack of written guidelines or policy meant that not all inmates who needed help for their condition, were sent where they could receive proper medical treatment. This is the most salient failing of the system.

Disability was considered a medical matter rather than a social policy concern until the 1970s. The medical model conceived of individuals with disabilities as abnormal, with pity, care and charitable handouts as appropriate responses. This ‘deficit model’ assumed people with disabilities needed to change to be included and, if they could not, they could legitimately be excluded. They were generally marginalised and ostracised from mainstream society. From the 1970s, it was increasingly accepted that all persons had a human right to enjoy the same opportunities for a full life regardless of their level of actual or perceived ability. Limitations on opportunities were understood to result from social constructs and assumptions rather than the actual impairment of any individual. Thus, existing environments, both physical and social, are seen to place barriers in the way of full participation by disabled individuals. The way forward, therefore, is through restructuring society to be inclusive of all abilities. The 1981 United Nations International Year of Disabled Persons was an important turning point in attitudes, policies and legislation relating to disability. It was followed by the Decade for Disabled Persons (1982-1993) which consolidated many of the initiatives sparked during 1981, including urging the development of legislation around the world to protect the rights of persons with disabilities.<sup>9</sup>

Legislation to prevent discrimination is a relatively recent development in Australia. South Australia passed the first anti-discrimination laws in 1966 (relating to racial discrimination). Commonwealth legislation, also relating to race, was introduced in 1975.

The first antidiscrimination legislation to include disability was in New South Wales, in 1981. Broad antidiscrimination provisions commenced in Western Australia with the *Equal Opportunities Act (1984)*. However, this legislation did not include disability as a ground for unlawful discrimination until it was amended in 1988 to include ‘impairment of body or brain’. Further protections against discrimination, including proactive requirements to prevent against indirect discrimination, were enacted with the Commonwealth *Disability Discrimination Act (1992)*.<sup>10</sup> This was followed in Western Australia by the Western Australian Disability Services Act (1993) which required that all Western Australian Government departments develop Disability Access and Inclusion Plans. However, by this time, Fremantle Prison had ceased operations.

Disability is defined in the *Disability Discrimination Act (1992)*<sup>11</sup> as:

- (a) total or partial loss of a person's bodily or mental functions; or
- (b) total or partial loss of a part of the body; or
- (c) the presence in the body of organisms causing disease or illness; or
- (d) the presence in the body of organisms capable of causing disease or illness; or
- (e) the malfunction, malformation or disfigurement of a part of the person's body; or
- (f) a disorder or malfunction that results in the person learning differently from a person without the disorder or malfunction; or
- (g) a disorder, illness or disease that affects a person's thought processes, perception of reality, emotions or judgement or that results in disturbed behaviour.

and includes a disability that

- (h) presently exists; or
- (i) previously existed but no longer exists or
- (j) may exist in the future; or
- (k) is imputed to a person.

Additionally, HIV/ AIDS has been legally found to be a disability in Western Australia, including assumptions (whether accurate or not) that someone may now or in the future be HIV positive due to factors such as homosexuality, intravenous drug use or sex work.<sup>12</sup>

Although fine-grained definitions distinguish between impairment and disability, in general usage the two terms are largely interchangeable.<sup>13</sup> Age and disability are often intertwined as sources of discrimination, as advancing age can reduce physical or mental abilities.<sup>14</sup>

The *Disability Discrimination Act (1992)* allows exemptions to the provision of fully accessible services where a premises was 'so designed or constructed as to be inaccessible to a person with a disability' and alterations to rectify this deficiency would 'impose unjustifiable hardship' on the agency responsible for access.<sup>15</sup> Fremantle Prison is clearly a physical space not designed for accessibility. The threshold for 'unjustifiable hardship' is undefined in the legislation, which in any case dates from soon after the prison closed.

For the purposes of this historical examination, and in the absence of almost any extent data relating to prisoners with physical disability, the notion of 'disability' will be broken into two segments; physical disability due to illness, or punishment and addiction. This report will also consider legislative change pertinent to the subject of physical disability and penological reform. As the subject is of such current significance, and is of such substantial historical import and due to the constraints of time and accessibility to historical documents, mental health and illness and juvenile prisoners is out of scope of this report. This report will recommend for further research that includes mental health and illness and juvenile prisoners.

## Physical Disability Due to Illness or Punishment

### Illness, General Health and Diet

Analysis of convict deaths from 1850 to 1877 found 802 convict deaths, including 164 at Fremantle Prison. The leading cause of death was respiratory tuberculosis (29%). Other fatal ailments of significant number were non-tubercular respiratory conditions (14%), digestive system diseases (9%) diarrhoea and dysentery (9%), circulatory system conditions (8%) and fevers (7%). While rates of most of these declined across the period, particularly after the prison opened in 1855, deaths from diarrhoea, dysentery and digestive diseases all increased between 1857 and 1877. This likely resulted from contaminated water or the proximity of privies to the cookhouse at the prison. Respiratory causes of death, including tuberculosis, increased in the initial years at the prison, probably due to overcrowding in the unfinished complex coupled with dietary changes that significantly reduced calorie intake. However, with the exception of a spike in the mid-1860s, fatal respiratory illness mostly declined through the 1860s and 1870s as sanitary conditions improved and ward accommodation ceased. In the 1870s, liver disease emerged as a factor in prisoner deaths, particularly reconvicted prisoners who had spent time outside the prison, probably due to the prevalence of alcohol in the community and particularly its use as a work incentive for labourers.<sup>16</sup> More inmates of Fremantle Prison died of infectious diseases inside it than ticket-of-leave men did, outside of it. Gregory and Marshall suggest that the ‘disparity in mortality rates between ticketers and Fremantle inmates was most pronounced for infectious diseases such as tuberculosis and other respiratory illnesses, enteric fevers, diarrhoea and dysentery, and stemmed from their lesser exposure to crowded living conditions, unhygienic toilet facilities and monotonous diets’.<sup>17</sup> Indeed, they refer to tuberculosis as ‘the most significant killer of convicts in Western Australia’.<sup>18</sup>

Convicts received different rations depending on their status within the prison system. In some periods there were more than 1000 calories per day difference between the most meagre diets (reconvicted prisoners) and the most generous (workers in heavy labour). Sick prisoners were punished with half rations in the 1850s and 1860s and continued receiving less than full rations even after the half measure sentence ceased. Convicts able to obtain their ticket-of-leave had access to a more varied diet, although not always at greater quantities than those within the prison. In 1898, following a series of serious complaints by prisoners, a Royal Commission of Inquiry into the Penal System of the Colony was appointed by Premier John Forrest. Megahey writes that the Commission “took the unusual step of inviting any prisoner who so wished to give evidence”, whether they wished to give evidence on personal grounds of complaint or to make suggestions for the general welfare of all prisoners. 171 prisoners gave evidence.<sup>19</sup> The Commission closely examined the diet of the prisoners, as evidence about food came from “almost every witness”. And although the Commissioners noted that many long-sentence men had developed dyspepsia “in various aggravated forms”, the Commissioners reported that there was “no ground for complaint”.<sup>20</sup> They did, however, concede that there was a need for a greater variety of food, but stated: “In our opinion the dietary scale is altogether too generous, both in quantity and quality, for the requirements of any but long sentence prisoners”. They thereupon set out precisely the amounts of food for each category of prisoner, but such was

the emotion generated by the question, that in a report which is in many respects notably humane, they ignored the simple plea of the Asian prisoners for a diet which was consonant with their religious requirements. This was a need which was recognised even by the Superintendent and supported by him.<sup>21</sup>

On the subject of food Doctor Hope 'expressed the view that the cooking was the source of complaint not the ingredients. When prisoners lost weight in prison, Hope believed that the explanation was not that the food was short or unsatisfactory, but because they no longer had access to beer'.<sup>22</sup> Prisoners employed on public works had higher rates of respiratory disease than those employed indoors or within the prison. This may have been because their rigidly maintained prison rations provided insufficient calories for the additional energy that manual labour required.<sup>23</sup> After transportation ended in 1868, depots and camps were gradually closed, bringing almost all remaining convicts back to Fremantle by the mid-1870s.<sup>24</sup> After this time, accusations of 'malingering' populate prison medical records. Megahey writes that during Doctor Hope's long tenure as Medical Officer, he could not 'accept off-hand the prisoners' own statement as to his alleged malady'. If there were no obvious symptoms and the prisoner's complaint could not be verified by warders, then a report of malingering was likely to be made. For one prisoner, this was fatal. According to the evidence of two inmates, prisoner McColl had complained to Doctor Hope of feeling unwell, was reported for malingering and died shortly afterwards. Doctor Hope, in his evidence, 'did not deny this account'.<sup>25</sup>

Non-fatal illness was common; dysentery and scurvy were a constant presence. Eye diseases such as ophthalmia and nyctalopia were so common among convicts that an ophthalmia ward was added to the prison hospital.<sup>26</sup> Ophthalmia was used generically in the nineteenth century to refer to a wide range of conditions causing eye inflammation. Dry winds and exposure to sun glare were believed to contribute, but an analysis of hospital records indicates eye complaints were most common in winter, suggesting vitamin A deficiency may have been a more significant cause, which is certainly attributed to diet and most likely due to the inadequacy of winter crops.<sup>27</sup> Exposure to the sun also caused skin ailments. In 1857, Doctor Atfield wrote in the Medical Journal that he had 'inspected the men on parade this morning, several of them affected with desquamation of the cuticle on the face evidently from the effects of the sun as it was limited to the parts exposed to its influence. There were also many prisoners with eyes, nose or lips affected by the glare of sand'.<sup>28</sup> Where they could, prison doctors tended to protect the more severe cases by keeping them from the outdoor labour, giving them work within the prison instead. Prisoners were recommended to be placed in the Tailor's shop or on other light work, when 'suffering from an affliction of the skin of the face which invariably becomes worse when exposed to the sun'.<sup>29</sup>

Through the 1870s, after convict transportation ceased, the average age of the convict population increased, as there were no new younger convicts arriving. Where in 1870, convicts aged 15 to 29 made up 20% of the Fremantle inmate population, by 1877 this had reduced to 1%. Although the 30 to 44 age group stayed relatively stable, the over 45 group increased from 15% in 1870 to 41% in 1877. Older prisoners were likely to experience reduced immune function, therefore making them vulnerable to illness. However, mortality rates declined across the period, suggesting prison conditions had improved. Tuberculosis cases



plummeted and there was a 68% reduction in musculoskeletal disease between the periods 1868-1872 and 1873-1877. Ending the use of leg irons, easing the physical workload of convicts and reducing overall convict numbers (and therefore the likelihood of transmission in close quarters) likely all contributed.<sup>30</sup> Presumably older prisoners were also more likely to live with acquired disability, having had more years of potential accidents and infections. Thomas and Stewart suggest that ‘the prevalence of disease and illness was hardly a matter for surprise, since prisoners were not given a routine medical examination upon arrival at the prison and at all times it was incumbent upon them to draw the attention of the doctor to any illness’.<sup>31</sup> It took the insistence of a Royal Commission in 1899 to require the Medical Officer, Doctor Hope, to separate, ‘the venereal from the syphilitic when bathing’.<sup>32</sup>

### **Servile Labour and Hard Labour**

Labour shortages had been a main driver in colonists calling for the introduction of convict transportation. The Imperial authorities had been requested to send convicts suitable for labouring works, to support the needs of the colony. However, although many met this criteria, Sir Joshua Jebb admitted that convicts selected for transportation were not always as fit in mind and body as they should have been, but argued he had little other choice.<sup>33</sup> Convicts arriving in Western Australia had already served at least nine months in separate confinement in England, mostly at Pentonville, the 1842 London prison designed as the model separate imprisonment. After serving the ‘separate’ term, prisoners moved to a public works prison before being selected for transportation.<sup>34</sup>

The Comptroller-General of Convicts, E.Y.W. Henderson, acknowledged in 1861 that convicts frequently arrived in ‘a very deteriorated condition’, particularly those from Ireland. He claimed the diet and Western Australian air soon restored them to being vigorous workers.<sup>35</sup>

During the 1850s, probation prisoners at Fremantle Prison were housed in ‘association wards’, where up to one hundred men were accommodated in two tiers of hammocks. These hammocks were brutally cramped, hung only ‘with an interval of one foot and six inches between each hammock, and three feet between the tiers’.<sup>36</sup>

From the 1860s, after the prison was completed, all prisoners had cells. The tiny, poorly-ventilated cells were designed based on prisons where inmates worked during the day and were only in their cells at night. However, many Fremantle prisoners from the outset spent the majority of their time in their cells.<sup>37</sup> An 1860s surgeon of Fremantle Prison described the inmates as ‘by no means robust-looking’ but relatively free of disease. Given this surgeon’s reports were inclined to give a rosy depiction of prison life (‘never any damp’, ‘always free ventilation’, ‘never any overcrowding’) and also claimed the prison did not cause mental ill-health, ‘not robust-looking’ likely refers to convicts of very poor physical health and stamina.<sup>38</sup> Private employers were able to secure more of the able-bodied convicts, leaving the Convict Establishment to house and occupy those ‘unfitting instruments’ with ‘physical or other incapacity for anything like constant or laborious work’, largely ‘small boys and sickly or infirm men’. This included men with their ticket-of-leave who, unable to secure employment, remained as prisoners.<sup>39</sup>

As the labour of convicts was a major reason for the entire Convict Establishment, it might be expected that overseers would prioritise maintaining a physically able workforce and as such aim to uphold convict health. However, the parallel agenda of punishing convicts for their crimes undermined this consideration, leading to coercive labour systems and ‘deliberately gruelling’ work that reduced health outcomes for prisoners.<sup>40</sup>

During the nineteenth century, Victorian ethics placed a high moral value on productivity.

Occupations within the prison included tailor, shoemaker, harness maker, hammock maker, mat maker, printer, bookbinder, washer, cleaner, hospital orderly, messenger, clerk/ writer, storeman, boatman, gardener, cook, baker, barber, lamplighter and butcher. Men in these jobs were admitted to the prison hospital a quarter as often as men in ‘unskilled’ physical work (e.g. labourers, quarrymen) and less than half as often as ‘skilled’ workers on public works (e.g. carpenters, blacksmiths). When public works increased under Governor Hampton in the 1860s, the percentage of prisoners assigned to physical labour almost doubled.<sup>41</sup> Prisoners could earn ‘marks’ for industrious labour. While unskilled labourers could earn only four marks a day, those with skilled jobs could be awarded with five, reducing the time taken to achieve remission of their sentence.<sup>42</sup> On this basis, being exempt from physical work duties may have improved health outcomes for those with disability. The lighter work of jobs within the prison is likely to have seen more men with disability assigned there. Favoured convicts within the system were selected for less physically arduous work, based on their behaviour, perceived trustworthiness and efficiency. Particularly sought-after positions were as prison clerks or messengers, or jobs with access to the prison stores.<sup>43</sup> Later, when Superintendent George, took up his position in 1898, he recommended that all employment outside the prison should cease. Yet Fremantle Prison had been designed merely to house prisoners who worked outside the walls on public works, the cells were much too small for men to spend long periods inside them. Under Superintendent George’s instruction, workshops were added within the Prison to enable prisoners to be kept inside during the day.

Convicts were often set to dangerous work, resulting in injuries. Quarrying, blasting and timber-felling were particularly prone to accidents.

The years prior to the prison opening had the highest rates of accidents and injuries for convicts. This period included extensive use of convict labour in blasting and quarrying stone, acknowledged at the time as particularly dangerous work. It was made more dangerous for men whose movement was inhibited by wearing leg irons. Cullity writes that leg irons, apart from their use outside the prison to prevent escapes, ‘were worn by convicts undergoing punishment for 24 hours a day, sometimes for months on end, causing great pain and discomfort for the prisoner’.<sup>44</sup> Additionally, punishment weights were used, weighing 25 pounds or about 7.5 kilograms, these, writes Cullity, ‘would have been secured to a convict using a leather belt’.<sup>45</sup>

The use of shackles as punishment was a source of disagreement amongst the management of the Establishment'.<sup>46</sup> Cullity cites Lieutenant Wray "I am of the opinion that the punishment of irons is in no way beneficial on its effects on the prisoners".<sup>47</sup> She continues that 'The [negative] effect of leg irons on prisoners' health and well-being was acknowledged by the supervisors and doctors alike'. She cites, for example, of the medical doctor's description of one prisoner; 'the skin over both hipbones and in the groins is black and blue in consequence of the weight of the irons bearing on the strap around his loins, it appears to me (medically) that he cannot carry 28lbs irons and be employed at the pump without physical injury'.<sup>48</sup> Cullity also writes that 'the number of objections to the consequence of using heavy irons prompted the authorities to fit the convicts with ankle protectors, used as a buffer between the men's ankle and the leg-irons to minimise damage'.<sup>49</sup>

### Solitary Confinement

The first major legislation relating to prison administration in Western Australia passed in 1848 and was in force for over fifty years. It included provision for silent, separate and solitary imprisonment. The first allowed prisoners to work together but in silence. The second kept them separated from each other but with continued interaction with prison warders and officials. Solitary, the most severe, did not permit interaction even with staff and was often accompanied by a bread-and-water diet and, at Fremantle, frequently a dark cell. It was generally used as a punishment for offences within the prison, where silent or (more commonly) separate imprisonment was normative for many sentences.<sup>50</sup>

A prevailing attitude in British prisons and those in Australia's eastern colonies was that imprisonment was intended to cause suffering, as suffering was believed to reform character. Suffering was not simply code for inflicting physical pain, such as through corporal punishment. It had a more wide-ranging sense of physical and psychological suffering that would, it was thought, lead prisoners to reflect on and modify their criminal behaviour.<sup>51</sup>

Punishment such as solitary confinement also had a significant impact on prisoners' physical health. Marshall writes that 'the bread and water ration enforced in the cells may also have increased susceptibility to disease'.<sup>52</sup> An 1858 Prison Medical Journal supports this view, exemplified in just one of Doctor Attfield's many notations on this subject:

I this day inspected all the probation and hard labour prisoners on parade, their appearance and general state of health was highly satisfactory. I then visited the solitary cells, these prisoners (the solitary) are decidedly more pale and have a very dejected air and this, I think, depends more on the deprivation of light and air coupled with the great uncertainty about the duration of their sentence than upon the scale of diet which is 4 oz of uncooked meat, 6 oz bread and 4 oz of potatoes less than for the probation prisoner.<sup>53</sup>

Marshall quotes convict James Roe as describing those emerging from the Fremantle refractory block as 'famine-stricken'.<sup>54</sup>

Prison discipline in the mid-nineteenth century moved away from physical punishments to psychological, resulting in less flogging and more solitary confinement. Viewed as a humane reform, the transition to punishment by isolation at Fremantle Prison was arguably more damaging to overall well-being. The 1850s prison buildings were designed to allow for separate housing of prisoners. Reconvicted men were issued a mandatory one quarter of their sentence as separate confinement, to a maximum of a year, with sentences under three months served entirely in isolation from other prisoners. Those separated were supposed to be in strict silence, although prison officials found it difficult to enforce this measure. Marshall; 'While official regulations for separate confinement prisoners depicted a regime of oppressive control and surveillance – one particularly draconian rule ordered that 'no prisoner is upon any account to look out of his cell window'.<sup>55</sup>

The principle of separating prisoners into small cells continued to dominate prison design and administration, but practical considerations such as overcrowding led to strict application of separate confinement becoming less common, except as a deterrent or additional punishment for prison misdemeanours.<sup>56</sup> At the time Fremantle Prison was established, in the 1850s, the 'separate system' was the dominant and largely undisputed model of imprisonment in Britain and the colonies.<sup>57</sup>

Governor Hampton's period (1862-1867) oversaw extreme punishments including separate confinement for longer than the legally permitted nine months and the use of dark cells.

In a petition written by the convicts themselves, the prisoners noted that under Hampton's Governorship, although 'an act of parliament restricted imprisonment in dark cells, on bread and water, to seven consecutive or twenty-eight alternate days, during which time there is at least one hour per diem allowed for exercise, the usual custom at Fremantle is twenty-eight consecutive days and has been carried as far as 30, 40 and 50, without light, air or exercise'.<sup>58</sup>

Cullity writes that according to Henderson's 'General Rules for Prisoners', Rule Seven identified that punishments would be established by the Superintendent and might include being confined to a 'dark or light cell' while being fed on bread and water (only or both) for a maximum of seven days. Separate confinement of up to 28 days could be ordered by the Superintendent, and a longer sentence determined by the Magistrate.

Prisoner rights included 'every prisoner in separate confinement shall be furnished with the means of employment and moral and religious instruction' (Rule 8) and 'Prisoners will have the privilege, if well conducted, of having the perusal of any of the Books in the Establishment library...will also enjoy the advantage of one half-day per week, for instruction in the schools' (Rule 12).<sup>59</sup>

Marshall writes that hospitalisation rates suggest that separate confinement had a detrimental impact on convict health. ‘During 1858-61, morbidity rates among separate treatment convicts were twenty per cent higher than the remainder of the Fremantle Prison population. They also exceeded the elevated disease rates of the prison’s unskilled labour gangs’.<sup>60</sup> He concludes that time spent in the refractory cells was the most important predictor of mortality for convicts under sentence (probation and reconvicted men). Every day spent in the refractory cells increased the odds of death under sentence by a remarkable 4.1 per cent. It is possible that the deficient living conditions in the cells contributed to this. A board of justices visiting the refractory cell block shortly after its completion commented on the “extreme want of ventilation and consequent most offensive effluvia” emanating from within. The cells were also so damp “as to render it necessary to have the bedding exposed to the open air every morning to dry”. The latter problem likely persisted until 1863 when Superintendent Lefroy finally ordered that the floors be raised in order to prevent the usual flooding after heavy rains. Refractory prisoners also used waste buckets at night, which may have increased their chances of contracting diseases such as dysentery and enteric fevers.<sup>61</sup>

Doctor Attfield repeatedly drew attention to the physical effects of solitary confinement on the prisoners. For example, on 2 March 1857 he made the following note in the Medical Journal:

Today I inspected on parade the probation prisoners and the hard labour men, their general appearance and condition was satisfactory. On visiting the prisoners in solitary confinement I was particularly struck with the pallor and want of energy in the aspect of 4276 James Crix. I consider that much of this state depends on the solitary confinement and therefore recommend that he be at once released from this discipline.<sup>62</sup>

Prisoners were so described by the doctor in his Medical Journals with monotonous reiteration. Due to their weakened state these prisoners had to be placed on alternative labour plans. The prison doctors carried out this policy, even for the prisoners they considered malevolent. For example, in April 1858 Doctor Attfield wrote:

with reference to 3867 Michael McShane, to whose insubordinate conduct my attention was again directed yesterday by the Superintendent, I should recommend that he be again transferred to one of the Refractory cells and kept under strict observation. I do not screen this prisoner from the punishment he deserves on account of any doubts as to the state of his mind, but because I know him to be suffering from an incurable pulmonary complaint which would be much aggravated by deprivation of diet.<sup>63</sup>

And again in May:

It was yesterday recommended that prisoner Michael McShane who is now located in one of the refractory cells should be employed in breaking stones in the adjoining yard. This prisoner's weak state of health precludes him from doing the work required from an ordinary probation prisoner and his peculiarly vicious disposition and insubordinate conduct prevent his being kept at any Invalid Depot.<sup>64</sup>

Solitary confinement continued as long as the Prison was operating. Marshall writes that 'scholars have found that the mental and physiological impacts of solitary confinement on prisoners have remained relatively consistent over the last 200 years. It increases the likelihood of suicidal impulses and can induce a 'panic state' in prisoners. Social segregation, sensory deprivation and physical restrictions can lead to "a feeling of abandonment, a back to the wall, dead-end desperation, an intolerable emptiness, helplessness and psychological distress".<sup>65</sup> This important topic is out of scope of this report, and it is recommended that further research is undertaken on mental health.

### Corporal Punishment

Olimpia Cullity describes an item, 129 pages long, of the *1862 Rules and Regulations for the Convict Establishment* signed by Henderson and dated between 1859 and 1862. The document sets out rules on all aspects of penal life, including the quantity of food to be served to prisoners (scales of rations), how punishment should be administered, how both staff and prisoners should behave within the Establishment and towards one another.

Henderson's rules reveal that officers were expected to treat prisoners fairly and to act as role models. Rule Two, for instance, declared that 'it is the duty of all Officers to treat the prisoners with kindness and humanity'. And yet corporal punishment issued at the Prison defies that notion.

A 'return of corporal punishments' was prepared in 1862 in response to the prisoners' complaints about their treatment. The return records the frequency and extent of flogging as a punishment. One example shows Prisoner '2354 Thomas Maughan given 36 lashes for attempting to abscond from the Convict Establishment on 16 February, 1859; 100 lashes for Absconding from Public Works on 18 August, 1859 and again 50 lashes on 10 October, 1864 for Absconding from North Fremantle'.<sup>66</sup>

Certainly, flogging was unpopular among Fremantle local residents, which found voice in the local papers of the day. In 1897 one newspaper reported that a prisoner had been awarded 'thirty-six lashes and a month's confinement in irons for escaping' yet for the people in the vicinity when the flogging was being carried out, described 'the screams which emanated from inside the prison walls as the most fearful and unearthly they ever heard during their lives'.<sup>67</sup> The same paper, had, years earlier called for the brutal corporal punishment to cease; 'the present 'system' if it can be dignified by such a name, is purely punitive and nothing more and must be fraught with evil effect to many. This is unworthy of a progressive and enlightened community and it is to be trusted that reform is near at hand'.<sup>68</sup>

Physical injury resulting from flogging could render a man useless for physical work. Cullity describes the 'leather belt with broad arrows stamped on, [which] may have been a kidney belt used to protect vital organs during the damaging process of being flogged with the cat'o'nine tails'. She asks whether this protection was to protect the 'resource' of the working convict or for more humanitarian concerns.<sup>69</sup> Similarly, Marshall suggests that 'as convict labour was a prime function of the prison, it is possible economic rather than humane motivations led away from flogging as a regular punishment.'<sup>70</sup>

The Western Australian Commission into the Penal System in 1899 recommended the abolition of flogging 'for all prison offences'. The approach of the Commission was a mixture of humanity and pragmatism, as the following excerpt regarding the treatment of one particular prisoner shows:

"A recent case in this colony forced this point upon my attention. On the trial it was proved that no less than five previous convictions for a like offence had been recorded against the offender. Long terms of imprisonment had been imposed. On every previous occasion the lash had been awarded, the total stripes on the live convicts amounting to 70, 50 of which he had actually undergone, the remaining being countermanded solely because of the danger to his life their infliction would have entailed. Up to this time his only plea had been one of "not guilty." On this being determined against him his punishment followed as a matter of course. To an ordinary observer there was nothing in his appearance or manner to indicate insanity of any kind; but of the fact of the commission of the offence in each case there could be no doubt whatever. At the last trial his friends raised the plea of insanity. The Crown Law officers very properly had him examined by the medical men who preside over the asylums here, and independent medical testimony was also called, and his insanity upon this particular point was established to the jury's satisfaction; the most startling feature of the medical evidence being that men afflicted with this particular kind of insanity are almost invariably among the purest-minded and purest-living during their lucid intervals, and they suffer intense mental torture for what they have done when their mental balance is restored. If this afflicted man was insane on the last it is fair to infer that he was on the previous occasions. Had the prisoner in the case mentioned been so treated from the first, much suffering on his part, much annoyance to his fellow men, and much expense to the country would have been spared."<sup>71</sup>

However, it offered no objection to retaining the 'birch' for juvenile offenders citing the acceptance of the practice across Europe; 'the birch or whipping of children is permitted by the criminal laws of England, Ireland, Scotland, Norway and Denmark'.<sup>72</sup>

However, as Thomas and Stewart write, 'the Royal Commission was valuable apart from anything else because it initiated discussion, above all they suggested the elimination of much that was vicious and cruel in the existing system. They recommended the abolition of flogging for all prison offences, the abolition of the dark cells, a 'relic of barbarism', the use of irons and the use of the crank'.<sup>73</sup>

Cullity writes that 'the experience of incarceration at Fremantle was shaped successively by the often, competing agendas of reform and punishment'.<sup>74</sup> '1863, saw the re-emphasis on deterrence as a penal principle, it nevertheless saw also the compulsory introduction of a surgeon and chaplain into every prison'.<sup>75</sup>

A real step in the direction of showing kindness to prisoners and in improving the quality of their life in prison, came with the Royal Commission of Inquiry in 1911, under the Chairmanship of Captain Robert Pennefather. As a result of that inquiry, the Commissioners made the following recommendation:

In Queensland, prisoners are allowed to play chess and draughts in their leisure hours and are provided with the necessary boards and men. This has been found to have a very good effect and I would recommend they be allowed the same privileges here.<sup>76</sup>

The Comptroller General of Prisons ensured that the games were allowed, writing to the Acting Superintendent, 'in future, well conducted prisoners are to be allowed to play Chess and draughts. The Storekeeper should, therefore, obtain a supply of the necessary boards and men. We could later on, perhaps, make some boards and men in the Prison'.<sup>77</sup>

He also reached out to the Superintendent regarding the female inmates, housed in their own section of the Prison; 'I shall be glad if you will let me know what recreation is afforded the female inmates of the prison and what proposals, if any, you have for their amusement etc., during recreation hours'.<sup>78</sup> The new Superintendent replied, 'I am glad this has come up, it is one of those things which an intelligent matron should have brought to notice'.<sup>79</sup> He later confirmed, with the Comptroller General that there were no forms of recreation for female prisoners. Books were changed once a week and that seemed to be all the amusement the prisoners were allowed. He therefore introduced the following; 'they dine together under the supervision of an Officer; Books to be changed as often as may be necessary; Educational books are now issued; drafts and Solitaire are now provided and can be played during recreation hours and they can exercise in the grounds' and finally 'I will get a box of dominoes, this I think should be sufficient, in any case it is an improvement'.<sup>80</sup> The Comptroller General replied to the Superintendent rather ominously for the Matron; 'I trust the Matron will not be off duty again on my next visit – I am particularly curious to have a lengthy interview with her, next Friday morning'.<sup>81</sup>

In April the following year, the Comptroller General was pleased to be able to pass on the following comment from a Visiting Magistrate, 'it is pleasing to note the pleasure that some of the men derive from the simple games that are provided for their recreation'.<sup>82</sup>

Following the Pennefather Commission, the new Superintendent Hugh Hann, 'inherited a fairly traditional system which had just been examined by a royal commissioner and it seemed to him that the system could be improved'. Thomas and Stewart write that 'he emerged as a committed reformer who, to judge from his comments in Annual Reports, was not much given to restraint'.<sup>83</sup> 'It was up to Hann and the new Comptroller-General to see which of the recommendations of the Royal Commission should be accepted. Their views on the report are not recorded, but Drew, the Colonial Secretary, regarded the report as 'the finding of a disciplinarian rather than a prison reformer'.<sup>84</sup>



Other developments during the tenure of Hann, with the support of the new Comptroller-General, F. D. North, included the establishment of a preventative detention committee, aimed at habitual offenders and a strong Prison Gate Committee.

Thomas and Stewart write that Hann's first Annual report of 1912 shows the direction in which he intended that Fremantle should go. A vegetable garden was established, to combine therapy with profit and another garden was created where the prisoners could sit, and talk and read'.<sup>85</sup> He had very definite views about such ordinary matters as prison clothing, insisting on the 'total abolition of any outward and visible sign of prison marking on clothes'. He introduced collars, ties and a smarter jacket. They continue, 'it is worth noting that these simple but effective reforms were not introduced into England until some ten years after Hann had insisted upon them in Fremantle'.<sup>86</sup> 'During his period as Superintendent, Hann never lost his impetus, nor did North fail to support him. "Fremantle Prison" the new Comptroller-General noted in 1913, "is our criminological centre and it is here the main activities of prison reform find vent".<sup>87</sup> The authors argue that 'Hann was probably the most important figure in the history of Western Australian prisons since the convict period'.<sup>88</sup>

## Addiction

### Inebriates (Female)

In March, 1905, when William George, Superintendent of Fremantle Prison, was asked to provide comment on the classification of prisoners and the possible 'contamination' of the younger or more innocent female prisoners, he responded with dispassionate candour:

I am afraid that there is no classification required among the female prisoners, as it is quite an exception that any other than prostitutes and habitual drunkards, who are also nearly all prostitutes, are received.<sup>89</sup>

He did then further elaborate that on the rare occasions it was necessary to keep a girl or woman separate from the other women, it could be done and he further suggested that if:

'any one of the younger prisoners expresses any desire to reform she could be separated from the others'. On the day of writing, there were twenty-four female prisoners in Fremantle Prison, and of those, he wrote, 'only 2 or at the most 3 are not reputed prostitutes'.

Leigh Straw writes that the majority of women charged and convicted in the Western Australian courts at this time, 'were arrested for offences against good order. The police and the courts had little tolerance for offences against good order' [which] had a 95% conviction rate, thus women charged with offences against public order were almost guaranteed' to end up in Gaol. In general, they were sentenced to between three and six months gaol with hard labour.<sup>90</sup> Since the opening of Fremantle Prison, female prisoners had been a subject of criticism. In 1881 it was recounted how the female prisoners were 'of the most abandoned class and utterly depraved'.<sup>91</sup> Throughout the nineteenth century the women were generally confined in the same prisons as the men, although they were kept separate from them.

This was necessary because of the problem of transporting them to a central institution, because their sentences were short and because they were, as they always have been, a relatively small proportion of the prison population. In 1875 for instance, 1153 men and 194 women were committed to prison. The respective figures in 1895 were 1464 and 153.<sup>92</sup> The female inebriate posed a particular dilemma for society. Degenerate theories of the late nineteenth century identified heavy drinking as ‘part vice, part disease’.<sup>93</sup> However there was as yet still no inebriate’s home or institution to which to send female inebriates. Thus, they were locked inside Female Prison and branded criminals.

Commenting on the same problem he was experiencing in his own gaol, Superintendent George’s counter-part in New South Wales declared in 1904 that habitual drunkards constantly passed ‘from the street to the prisons and back again under a system as incomprehensible as it is useless’.<sup>94</sup>

In 1908 the Superintendent George put the average number of females in Prison at 47, although a small bump at that time put the number up to 57. Due to there being only 38 cells, ‘19 of the women have to sleep on the floor of the day room, less a few occupying beds in the infirmary’.<sup>95</sup> Considering the increase in female prisoners, he wrote ‘I feel compelled to ask for additional accommodation’.<sup>96</sup>

By 1914, the Superintendent of Fremantle Prison, Hugh Hann had been working for some time with the Preventative Detention Committee and the Prison Gate Committee, pressing for this reform for female prisoners, and most especially for the establishment of a Female Inebriates Home. The authorities almost opened a home for this purpose at Guildford, but the commencement of the Great War put that on hold. In October, hearing that a Female Inebriates Home was not going to be opened, Hann decided to tackle the issue from another angle. Hann undertook a comprehensive review of the female prisoners under his charge, the report of which he sent to his superior, the Comptroller General of Prisons, Frederic North. The report reviewed the incarceration of 25 women from Fremantle Prison going back for the previous 18 years. Hann used alphabetical letters to refer to each of the prisoners, instead of using numbers or names, ‘to prevent publicity being called to any particular individual’.<sup>97</sup> He kept the corresponding names in his possession but thought it best to keep them confidential. He wrote to the Comptroller General:

I began enquiring into matters and felt so impressed with the results, that I determined to go through the Fremantle Prison Records, of all women who we know to be regular habitues of this prison.

With one exception, all these sentences have been given in the Minor Courts, and range from 24 hours to 6 months, with or without fines.

It proves the inefficiency of the short sentence, repeated year after year.

It proves that drunkenness is at the bottom of the degradation, assisted, in a great many cases, by domestic unhappiness and not as a result of crime, which hardly exists amongst the Females.

It shows the direction in which the Police Act and the Inebriates Act should be amended.

These women, without exception, are women of weak will, and what they require is something that will strengthen their weakness.

How is it to be done? I do not believe in drugs for these people; but I do know they absolutely dread the thought of being deprived of their liberty for a lengthened period; that is, I believe, their only chance.

The percentages of the offences and their bearing on the position are as follows:

- 'Assumed to be result of drink 93%'
- Drunkenness is responsible for 45% of Imprisonment
- Disorderly conduct 22%
- Vagrancy 18%
- Prostitution 6%
- Obscene Language 2%
- 'Crimes which may or may not be due to drink 7%
- Stealing 2%
- Damaging Property 1%
- All other offences 4%

Having now completed the statistical part of my investigations, I think the matter can well be left to abler pens than mine, to draw conclusions from the facts disclosed.<sup>98</sup>

However, he did add some further analysis of the return and his interpretations:

The average number of women in Fremantle prison is 30, this keeps fairly constant; so the 25 women can be taken as fairly representative of the lot, more especially so, as it covers a long period, viz. 19 years; and the individuals are, to this day, still going the monotonous round of in and out.

It should not be supposed that prison treatment is absolutely futile; it has some effect on first offenders. For instance, during the four years 1910-1913, we received in Fremantle Prison, 102 females as first offenders, of these, 97 have been on discharged expiry of sentence, 37 of these women have since been reconvicted; 'these are failures' and represent 38.14% of the whole, leaving 60 or 61.38/% who so far as we know, have profited by their lesson.

This shows the majority can look after themselves and it is the minority that requires attention; very few of these women have any other home (except prison) than the streets, public places and brothels. They often make real hard attempts to keep off the drink, but their wills are too weak to withstand their temptations and environment.

Many women beg to remain in prison after their time is expired, in hopes of the Committee being able to get them work. For very obvious reasons, it is almost impossible to place them, but we try and even get partial successes at times.<sup>99</sup>

Hann's claim that 'many women beg to remain in prison after their time is expired' was not mawkish or fanciful. One example in 1916 saw the Superintendent go to significant lengths to protect a young prisoner from re-entering the life that had placed her in Fremantle Prison in the first place. He wrote the following letter to the Comptroller General in October, 1916:

I have the honour to ask assistance of the Government on behalf of an ex-prisoner by name Beatrice Armstrong, who was sentenced on the 2nd June last, to 6 months imprisonment as an idle and disorderly person, together with her mother.

The case is a sad one and I think deserves sympathetic treatment. She is nineteen years of age and on arrival here was suffering with a certain disease, of which she has been quite cured, [by this Hann is referring almost certainly, to a venereal disease] and has a medical certificate to that effect from Doctor Williams.

She dreads renewing the life and knows if she leaves prison and joins her mother, or may be some of the ex-prisoners, in Town, her fate will again be the same.

She desires to make a new bid for life but she cannot do so with no home or friends to stand by. At present, though a free woman, I am allowing her to stay in the prison and I have promised to help her so far as I am able, and the Prison Gate Committee are also interested in the case and desire I should ask authority to spend from Public Funds, the cost of her fare from here to Melbourne, £16.15.0. The Salvation Army have promised to look after her on arrival and to help her in her attempt.

The Committee will fit her out with all that is necessary, but having no funds cannot defray the cost to Melbourne without begging, and that we do not care to do.

If you will kindly bring this case under the notice of the Hon. The Minister, with the view of assisting this young woman, I should be glad'.<sup>100</sup>

Beatrice's fare to Melbourne was approved and paid for from the Outdoor Relief fund, the Colonial Secretary approving the amount of £16.15 on 4 November, 1916.<sup>101</sup>

Hann and North both concurred that the deductions to be drawn from the figures tabulated by Hann, clearly showed that the existing method of sentencing had 'no tendency to reformation, either as a deterrent or otherwise'.<sup>102</sup> In advising the Colonial Secretary, fellow prisoner reformer J. M. Drew, North wrote that 'Mr. Hann believes that the Female inebriate Home will act as both a deterrent and as a Reformative and Curative' and strongly urged for such a scheme to be established. North also suggested to the Colonial Secretary, 'you may feel disposed to submit these interesting, though pathetic, returns for the information of the Hon. T. Walker, who takes so deep an interest in this question'.<sup>103</sup> Drew did forward the report to the Attorney General, adding a rare personal note to the official correspondence, noting 'For your perusal. The returns and remarks will interest you I know'. Two days later, Walker noted on the file, 'I think the returns so instructive and interesting as to be deserving of publication'.<sup>104</sup> Hann agreed, noting 'I think it would educate the Public to what is done, its faults and remedies'. The Colonial Secretary's remarks hinted at a real optimism for change.

I have read these returns and report with a good deal of interest. Mr Hann, in my opinion, conclusively proves that the gaol is valueless as a reformatory agency in the treatment of inebriates. I had long since come to this conclusion from general observation, but here we have something concrete on which to form our judgement.<sup>105</sup>

Hann's return was also forwarded to Doctor D. E. Williams, the medical officer for the gaol as well as District Medical Officer in Fremantle, for his review. His reply, providing such an insightful picture, is worth repeating here in full:

I thank you for the opportunity afforded of expressing the opinion that the present method dealing with delinquents of the type depicted in your ably compiled statistics, is ineffective.

As you will know, for years past it has been my ambition to see a system in operation that would give a fair chance of reclaiming a percentage of the worst types and offer a complete recovery to all the early types.

As District Medical Officer, outside the Prison, I have the opportunity of knowing what lives these poor women are, sooner or later, forced to live. A squalid room called 'Home', the Public House Bar, the pavement and gutter, the drink Victim madly fighting against the Law's grim grip, dishevelled, tern, all semblance of woman gone; the Lockup cell, the Police Court and Prison.

The prison received them unclean in the last degree, both in body and clothing, often no more than a skirt, blouse and pair of boots, nothing else absolutely. Black eyes, bruises, sores, cuts, vermin and the ghastly aftermath of mental and physical disorganisation that King Alcohol imposes upon all his subjects.

On arrival at the prison these women are bathed, their hurts attended to, and clothed in dresses from which, as far as possible, all suggestion of prison is removed; they are given extra diet – milk, eggs, butter etc., as their condition may demand and are often kept in bed for a day or two before starting general routine.

Kindly treatment and every effort to make her realise the fact that her womanhood is respected, is the primary unwritten law of those in charge.

The result is always satisfactory; out of the apparently hopeless chaos comes a woman, respectful, clean, quiet and hard-working, a striking contrast; and in this state of clean clothes, clean body and restored health, the prison is left.

Back to the squalid "Home", drink, soon the eternal round is finished for the tenth, twentieth, hundredth time.

At last if does not end in the Prison Hospital, one last time comes and end thus, the Police, the Coroner, the Morgue, the Postmortem Table.

Such is the result of the short sentence system, which has been in vogue for many years and has failed to check or cure the types under discussion.

A radical change must be made, if we hope to do any good to individual cases; a long sentence system should be enforced, to give sufficient time for a cure to be effected, where possible, and the long sentence should not be enforced in a prison, but in a Home, with surroundings of trees, flowers, lawns, outside and inside, furniture, pictures, music, table appointments, bedchambers, recreation rooms; Matron and assistant Officers, all of such a character as to awaken tastes for that which is clean, good and beautiful and disgust for what is base and low. A love for a new life, a hatred for the old; then and then only, may we hope for regeneration.

Some, at first, of the old hands may have to stop in such an institution for life, but the life would be clean and wholesome, the majority would be completely cured.

Your statistics show ages from 16 to 60 years and the impressions that can be permanently stamped on the brain of a person between 16 and 32 are many, but would be more difficult to impress on persons of increasing age.

The fact that all these types are quiet, obedient and hard working in prison, shows how amenable to treatment they are, how much more amenable would they be in a well appointed home, lived in for a considerable period? They would leave cured, no desire for drink, and every desire to lead useful lives.

I would like to express my appreciation of the work done in the Prison by Matron O'Neil, work that cannot be over praised.

Finally, I beg to thank you for your courtesy in asking me to support you in helping forward a social reform that we both felt needful, and congratulate you on having compiled certain facts and figures, which must remove all doubt, in fair minds, as to the necessity of such reform.

It is one thing to know what should be done, another to convince others of the same fact and get it done.<sup>106</sup>

On reading the doctor's report, the Colonial Secretary noted 'the Medical Officer's report is a valuable contribution to the literature on this file on the subject. He draws the sad picture with skill and force and he shows how the evil may be remedied'.<sup>107</sup>

Yet the evil was not remedied. A year later, the Superintendent again wrote to the Comptroller General on the need for a female Inebriates home; 'I am prepared to waive all opposition to the scheme, so long as we can make a start and clear our streets of those who will not attempt to help themselves'. Hann proposed the New Division of the Female Prison, be declared an Institution under the Act even though, he wrote, 'this of course departs from the 'ideal'.<sup>108</sup>

The reason for Hann's compromise was the continued, significant, number of the female prison population who had been convicted alcohol-related crimes:

There is one matter which to me appears of great urgency, that is the Females. Fully 80% of our inmates are here through drink, direct or indirect.

I understand from Doctor Montgomery there is small chance of an institution for this class of inebriate being established for months to come and this awful degradation will still go on unchecked.

The Colonial Secretary approved Mr. Hann as Superintendent of this new section on 26 March, 1915 and the Inspector General of the Insane was asked to 'please now deal with the question of setting apart portion of the Gaol premises as an Inebriates Institution for females'.<sup>109</sup> The new facility lasted little more than a year. On 10 August, a memo was sent by the Comptroller General to the effect that 'the 'new division' having been decided upon as a Military detention barrack, other place of detention for refractory inebriates requires to be found'.<sup>110</sup> One was not.

#### *Modern Era:*

Female Prisoners remained at Fremantle Prison until 1969 when a new prison, Bandyup Prison opened in the Perth metropolitan area in 1969.<sup>111</sup>

#### **Inebriates (Male)**

By 1870 with convict transportation a thing of the past, Fremantle Prison had declined to the extent that the Governor William Robinson called it a mere 'seaport lock-up for drunken sailors and prostitutes'.<sup>112</sup> By 1879 the Superintendent of Police was calling urgently on the authorities for an 'Inebriate Asylum' in Fremantle,<sup>113</sup> reinforcing the general perception that 'the main activity in Fremantle itself seemed to be the consumption of grog'.<sup>114</sup> Indeed, in 1871 'of 4,561 summary convictions' at Fremantle, '2,000 were for drunkenness'.<sup>115</sup> Offenders seen by Fremantle's Resident Magistrate included a significant number of women, and severe penalties applied to both sexes. The local newspapers, reporting from the Fremantle court, show that a first-time drunk and disorderly offender, male or female, could easily be sentenced to six weeks' imprisonment with hard labour.<sup>116</sup>

Whilst the *Police Act* of 1892 was introduced to directly tackle the anti-social offences of drunkenness, idle and disorderly and vagrancy by 1898 the majority of male prisoners in Fremantle Prison remained those who had been charged with minor offences such as petty larceny, vagrancy and, most especially, drunkenness.<sup>117</sup>

It was at this time, following the investigation of the Select Committee, that the committee reported that 'Lunatics, imbeciles, drunkards, vagrants (meaning thereby homeless wanderers and not necessarily criminal characters), diseased persons, should all be treated in institutions especially adapted to them, not in gaol'.<sup>118</sup>

However, many prison and other authorities argued that the place for prisoners whose only 'crime' was inebriation and the petty crimes that were often associated with it, many years passed before a growing sense of justice was converted to law. In 1905, the Acting Superintendent of Fremantle Prison, Francis Townsend, recognised this, calling for the establishment of a home for inebriates which would, he thought, 'materially reduce the number of inmates of this prison' and pointing out that 'the victims of the drink habit are not only those convicted and sent here as drunks, but are largely to be found among the vagrants, the disorderly and the petty thieves'.<sup>119</sup>

By 1911, it remained that ‘the overwhelming number of those arrested by police were men and women arrested on Drunkenness, vagrancy and offensive-behaviour charges. Their processing through the police courts, into gaol on short-term sentences and out the other door was a distraction and an irritant to the main business of criminal justice. In attempting to solve the ‘habituals problem’, the first differentiation was the targeting of Drunkenness. This was done through the creation of separate institutions, the inebriate asylums, to which repeat offenders would be committed. Almost universally, these asylums failed, but their establishment as separate institutions was a mark of the times. Medical conceptions were replacing moral ones, although the extent to which medical treatment replaced the penal and moral treatment of the Drunkard was limited’.<sup>120</sup> And in many cases actually failed.

However, in December 1912, the Legislature of Western Australia passed the *Inebriates Act, 1912* in order to stem this problem. According to the Act, an inebriate was defined as anyone who ‘habitually uses intoxicating liquor or intoxicating or narcotic drugs to excess’.<sup>121</sup> Yet it took over two years to establish the kind of ‘inebriates home’ for which the Act came into being.

In the meantime, what to do with convicted inebriates with no home to send them to, yet prohibition under the Act for confining them to gaol, became an increasing problem. People sentenced by the courts merely for drunkenness could, whilst waiting for an Inebriates Home to be established, be sent to Claremont Hospital for the Insane. Although this was a less than ideal situation, it avoided them being sent to *prison*. More importantly, it asked the courts to decide who of those who came before them, were considered ‘curable’. For the ‘habitual drunkard’, who often committed petty crimes coincident with his/her drunkenness, Magistrates continued to prefer to send the prisoner to gaol. Often with a note for ‘Special Treatment’.

In April, 1913 considering an application to have a prisoner considered an inebriate, sent to Claremont Hospital for the Insane, the Under Secretary, Frederic North wrote to the Under Secretary for Law:

I regret that until we are in a position to establish an Inebriate’s Home there is no room for cases of this class.

The accommodation at the Claremont Hospital for the Insane is limited and unsuitable for the reception and treatment of the criminal drunkard. Indeed, this was clearly recognised at the time the Claremont Hospital was appointed an institution under the Inebriates Act, by limiting its application to those cases only referred to in Sections 5 and 6 as contradistinct (sic) from Sections 7 and 8 under which latter such a case as this would fall.<sup>122</sup>

He then suggested that it might be possible to ‘treat this class separately and medically at the Fremantle Prison’.<sup>123</sup> The papers were then forwarded for the notification of the Attorney General, Thomas Walker, as per the custom of the day. Walker was a committed prison reformist and he noted on the file ‘Noted. But I do not like prisons for the treatment of inebriates. It is taking the very course the Inebriate’s Bill was passed to avoid.’<sup>124</sup>



North, at this time both Under Secretary and Comptroller General of Prisons, then went on to take up the matter with the Superintendent of Fremantle Prison, in his role as Comptroller General. In his Minute, he noted the objection of the Hon. The Attorney General, and suggested to the Superintendent that 'it would be a distinct advance if separate treatment could be extended to this class and there is no doubt that the criminal drunkard class must come under a form of penal treatment and until a special institution is provided the Prison is the only place for them. It really amounts to a classification of prisoners'.<sup>125</sup> This letter began an earnest discussion between the two administrators about how best to deal with the inebriate prisoner in the absence of a home for their proper treatment. Hann responded:

Speaking from personal knowledge I think, that all persons, mere Drunkards or criminals as a result of Doctor should not be punished by imprisonment but should be reformed, or at least treated, in a proper home for considerable periods. Penal treatment does not reform. Though it may deter some.<sup>126</sup>

North bristled at being mis-understood:

I am not advocating the Prison as the proper place for the treatment of this class, but merely as an expedient until proper provision is made.

At the present time these men are all herded together without discrimination and what I have asked you to report upon is as to the feasibility of treating them separately in prison by medicine and special diet.

Could not one portion of the Prison be set aside for this class, similarly as is done in the Hospital for the Insane, for the treatment of inebriates, who would be the special concern of the Medical Officer and could receive the best medical treatment for the cure of inebriates as far as would be consistent with their surroundings?

In other words, until we have a proper place we are using the Hospital at Claremont for the curative cases and the Prison at Fremantle for the criminal cases.

The two classes are quite distinct'.<sup>127</sup>

It was then Hann's turn to show indignation at the implied insult of the Comptroller General to his management of the Prison:

The prisoners are not herded together. Each individual is treated separately. The Medical Officer sees, examines and prescribes any treatment that he thinks necessary, even to taking them into the prison Hospital and takes special care of inebriates and every facility is given him, to bring this class back to a normal state. They are nursed back to health but it is no fault of ours, that this class do fall again, after release.

If this prison lent itself to a proper classification, well and good, but it does not, then, why suggest methods which in actual practice would be pretence, pure and simple, classification and separation look very well on paper, there it ends, as it is a mere farce in every day prison life in Fremantle.<sup>128</sup>

Days later the argument continued. However, it is important to note that these are not merely two egoists in a narrative arm-wrestle. Both these men were committed to prison reform and the betterment of the system. Their argument genuinely articulates the difficulty that was presented to them in the handling of inebriate prisoners, within the confines that the law allowed, not only according to the letter of the law but to the spirit of it. North replied:

In the first part of your minute you say that ‘the prisoners are not herded together’, but that each individual is treated separately. Surely this means classification and separation.

In the last paragraph of your minute you say ‘classification and separation look very well on paper but is a mere farce in Fremantle’. I confess your minute seems slightly contradictory.

Please bring this before me when I am next at Fremantle, for further discussion.<sup>129</sup>

No further discussion at this date is included in the correspondence. Although a short note to officially draw the subject to a close was written the file dated 5 June, 1913 noting simply ‘Comptroller General. We discussed this matter’. In all likelihood, the two men had an earnest debate over the subject when they did see each other the next time North was in Fremantle. The opinion of Augustus Roe, the Police Magistrate in Perth to the Under Secretary for Law on the subject, further defined the legal and ethical conflicts presented by the Act, yet reveals that the law continued to ‘condemn’ habitual drunkards on moral as well as legal grounds:

Considerable difficulty is experienced in dealing with hopeless habitual “drunks” who are brought up time after time at the Police Court.

These Police Court habitual drunkards, will not, and very properly too, be admitted to the Inebriates Institution; under the provisions of section 8. Sub. Sec (3) of the Inebriates Act, that institution never being intended for the treatment of such cases.

It has occurred to me that the difficulty could in some measure be got over by a portion of the Gaol at Fremantle being specially set aside for the treatment of these cases, there, they could receive special treatment required for such cases and the worst of the cases could be sent there for periods ranging up to 6 months.

One of the first requisites for a drunkard, if you want to cure him, is to keep him occupied, mentally and physically, and that is now rendered impossible by the proviso in section 8. Sub. Sec (2) of the Act, which states that if any person is sentenced to imprisonment for drunkenness, it shall be without hard labour, no worse provision as far as the Drunkard’s welfare and his possible cure, could have been inserted in the Act.

Occupation, mental and physical, especially the latter, are absolutely essential if you want to cure the craving for drink.<sup>130</sup>

Why, 'and very properly too'? Surely the very proper place for an habitual drunkard is an Inebriates home, dedicated to the cure and restoration of the disease? This was certainly Hann's position, which is seen when the subject was resurrected in October that same year. Hann and North's discussion is expressed more fully and more heatedly, but reveals the difficulty facing the administrators of the day, so is worth repeating here in full.

On 1 October, North wearing both hats, wrote to Superintendent Hann:

I can still see no reason why we should not set apart a special portion of Fremantle Gaol for the reception of criminal drunkards, who would be the special care of the Medical Officer.

It would be just as feasible for the Lunacy Authorities to say than an Asylum for the Insane is not the proper place for the treatment of inebriates and that the Inebriates Act was passed to remedy this state of affairs, as for the Prison Authorities to say that the Prison is not the proper place for criminal drunkards, for the same reason.

At the present time we are faced with the position of having an Act without the necessary machinery and buildings to carry it out and it is, therefore, incumbent upon us to make the best of the means at our disposal.

The Lunacy Department has laid itself out with considerable success to cope with the curative cases of inebriates and I can see no reason whatever why we should not make a similar effort in connection with the criminal inebriates at Fremantle, especially as we are not crowded out for accommodation.

Kindly give the matter further consideration.<sup>131</sup>

Superintendent Hann was at the Prison every day. He knew how a prison sentence affected the prisoners; he knew what pitfalls it held for their health and self-esteem; he knew the difficulties in every instance. The subject was not merely academic for him. A few days later, Hann sent a heartfelt and cogent response:

There is no reason why a portion of Fremantle Prison could not be utilised in the way you suggest.

There are several reasons why it should not.

First, it would be meaningless.

Second, it would not and could not affect the desired end.

Third, it would mislead the Public into the idea that we were doing something which we were not, and thus delay the provision of a proper place for the cure or attempted cure of this evil.

Fourth, it would be cruelty, and instead of curing would accentuate the evil.

As regards the first. It would mean nothing because we cannot in Fremantle keep classes separate, they are bound to mix, unless they are locked in their cells all day. This would not cure.

As regards the second. It could not accomplish the desired end which is reformation, because the whole system of dealing with the poor who get drunk, is wrong. In the first place they should not be sent to a prison where the stigma of 'Gaul Bird' is added to that of being a dipsomaniac.

They come in for short periods varying from 48 hours to six months and their one idea is to get out and have another bout for which their short detention in prison has fortified them.

As regards the third. It is the settled opinion of all Prison Governors and of those who make a study of the problem, that drink in itself is not a crime (though it often leads to it, in fact most crimes are due to it) and therefore Institutional and not Prison is a proper remedy.

As regards the fourth. To treat these men as an absolutely separate class in Fremantle, would mean total isolation with no surroundings tending to raise them above their present condition. Work in the shops would be barred, so would work in the garden, because of the criminals pure and simple, they would thus be thrown entirely on themselves to mope and curse, with the tendency always present not of remaining a dipsomaniac but of becoming maniacal.

As regards paragraph 3 of your minute. To my mind, there is absolutely no analogy between a Prison and a Lunatic Asylum. One is a place of punishment, the other is a place for the medical treatment of those who are of unsound mind in any shape or form. Drink is admitted to be a mental disease, hence I presume the term 'Dipsomaniac'.

You use the term 'criminal drunkard', I would ask why? but the answer is so obvious, you mean a person who is continually falling into the hands of the Police, whilst under the influence of drink. He really becomes a criminal owing to his association with a prison and criminals.

Re paragraph 4. I agree with you the fault is none of ours but it would be unless we press the question home hard.

Re paragraph 5. I know nothing about the success or otherwise of the Lunacy Department's efforts, they are not faced with the same condition as we are, their cases are, I suppose, voluntary, ours is compulsory, and the worst feature is the short sentence, it is absolutely destructive of whatever moral fibre is left in the individual addicted to drink.

Give me an Inebriate institution and I believe I could rehabilitate many whose lives are hopeless. I have lived, worked and helped them for 30 years past and I believe that most can be straightened up to face life again.

Prison classification cannot do it, we do all that is possible for those that come, they get medical attention and any dietary the Medical Officer likes to order, if very bad, say D.T's, they are kept in hospital and restored to a fairly normal condition.

The Magistrate asks that special treatment be given, but does not say of what kind, our ordinary treatment is described by the Medical Officer as the best. What more can we do under the circumstances?<sup>132</sup>

Hann was striving to really ensure that men and women suffering from drunkenness deserved a chance to be healed not punished; “You use the term ‘criminal drunkard’, I would ask why? but the answer is so obvious, you mean a person who is continually falling into the hands of the Police, whilst under the influence of drink. He really becomes a criminal owing to his association with a prison and criminals”.<sup>133</sup> This was the sticking point that it would take prison reformers many years to resolve.

In the meantime, men continued to be caught in the failings of the Act. One of these was referred to at one stage by Frederic North as ‘our old friend peg-leg Johnson’.<sup>134</sup>

### **Case Study: Peg-Leg Johnson**

John Johnson’s long and repeated prison life began in Kalgoorlie in March, 1898. The statement of the arresting Constable was that on the afternoon of 24 March, he saw Johnson in a crowd outside Wilkie’s Hotel about 7.15pm. Johnson was addressing a crowd ‘and using bad language’. Later on, the Constable went over to him, which stopped his loud behaviour for a while. Then a few minutes later the Constable ‘heard Johnson say “stick to your colours boys, never mind Sir John Forrest or any other b....y animal. Never mind the b....y Warden. Three groans for Hare and Moran”. I then arrested him. He made use of bad expressions’.<sup>135</sup>

Fred Hare was the Police Magistrate in Kalgoorlie at the time so it can be assumed that Johnson had had some local run-ins with the law before this date. This time however, Magistrate Hare sentenced Johnson, now Prisoner number 3230, to 3 months hard labour and he was sent to Fremantle Prison, from where he was released on 11 June, 1898.

Johnson had ‘lost a leg above the knee’ in an accident at the Eastern Goldfields and wore a wooden leg. A widower with two children, Johnson got into a bit of trouble while he was on the Goldfields, with 7 convictions between 1898 and 1900, mostly for ‘Disorderly’. However, in 1911 he moved to Geraldton, stayed out of trouble and, ‘unable to do any hard work, took up the occupation of a shoeblack and paper seller’.<sup>136</sup> His real trouble began when he sold that business in 1912 and headed for Perth. He and his children were assaulted and robbed on the Express train. That experience changed Johnson’s life, and in his own words a year or so later, ‘I have done very little good since’.<sup>137</sup> Johnson wrote that following the robbery, ‘I became despondent and not having regular employment I commenced drinking heavily’.<sup>138</sup> In October 1912 he was imprisoned at Fremantle for three months, two months for disorderly and one month for ‘damaging property’, for which he was also given the onerous fine of 9 pounds, 12 shillings. Johnson’s ‘Prisoner’s History’ dated October 19, 1912 reveals an additional 28 convictions starting in February, 1901, again mostly for ‘Disorderly’ or ‘Drunk’, yet they all saw him returned to Fremantle Prison. He did not receive his first ‘Habitual Drunk’ until October, 1910, for which he was sentenced to two months with Hard Labour. Until October, 1912, when he was again given a sentence of two months, this time for ‘Disorderly’, his sentences were mostly in the form of days rather than months. And yet there were so many of them.

In January, 1913, when he was released from his three months in gaol, the Salvation Army took him in to their Salvation Home in West Perth.

Johnson was sent to Fremantle Prison 38 times between 25 March, 1898 and 16 July, 1913, almost all for 'disorderly' or 'drunk'. On 16 July, 1913 he was finally convicted of being an 'habitual drunkard'.<sup>139</sup> At this point, Johnson, now 50 years old, wrote to the Governor for appealing for clemency. Petitioning the Governor was a formality that was only allowed to certain prisoners with the approval of the Prison Superintendent, who he considered to have mitigating circumstances. Johnson's petition finished with this appeal:

I will humbly ask you to consider my position and help one who is struggling to get a honest living, by remitting the sentence or considering it in some way even if you impose conditions, I will try to carry them out to the best of my ability.<sup>140</sup>

Then rather plaintively, Johnson added 'I do not think that Prison Life will ever make a better man of me'.

The petition passed through the regular channels and when it reached the Under Secretary for Law, H. G. Hampton, he wrote to the Attorney General:

If this man is dealt with in future it should be under the Inebriates Act. He is not a criminal and should not be treated as one. He is to be pitied rather than punished for his mania for drink. I recommend remission of remainder of sentence.<sup>141</sup>

The Attorney General approved the petition to have Johnson's sentence remitted, and 18 August, 1913 North wrote to the Superintendent to 'please have prisoner released accordingly'. The following day Superintendent Hann replied to North, 'noted and prisoner Johnson released today. He has given me his word of honour that he will abstain from drink. I wonder what the result will be?'.<sup>142</sup>

Sadly, Johnson found himself in Fremantle Prison in the month following the remission of his sentence. His second arrival at the Prison prompted the Superintendent to write to the Comptroller General, F. D North, on his behalf and that of a fellow inmate, also sent into the prison for the conviction of 'Drunk'.

Prisoner John Johnson is again in gaol, this time for 6 months, Special Treatment, also John Brown.

As you know, we have no means of special treatment. They are under the medical officer's care, more or less.

I put them to work on the wood heap just to employ their time.

It seems to me, and I think both yourself and the Attorney General will agree, that Prison is not the place for this class of delinquent. They should both be in Claremont.

I should be glad of instructions'.<sup>143</sup>

At their conviction, the Magistrate had ordered the two prisoners to receive 'Special Treatment', yet Hann's difficulty lay in the question 'what special treatment'? Repeatedly, men like Johnson and Brown were being sent to Prison when there should be a better place for them. His only option, for men who could not do hard labour, was to give them something menial, and in Johnson's case, manageable, to do with their time while they were imprisoned.

North did reach out to the Inspector General of Insane to see if Johnson and Brown could be taken in at Claremont, but received the response that 'it is quite impossible for us to receive men of this type as we have neither the buildings to house them in or the means to control them'.<sup>144</sup> He did, at least, attempt to explain the situation at Claremont Hospital more fully, as he added a note that he would call 'and explain this more fully to you'.<sup>145</sup>

Whitby Falls hospital (previously known as Whitby Falls Insane Asylum) was finally opened as an inebriate's home early 1915. As the Act allowed for the detention and treatment of alcoholics in a 'home' for up to 12 months, at Whitby Falls, it was intended for the inmates to remain for a long enough period to cure their addiction to alcohol. Whilst they were there, the inmates ran the farm and carried out renovations to existing c.1854 residence.<sup>146</sup> However, the opening of the home did not remove all contradictions in the Act nor entirely keep 'habitual drunkards' from being sentenced to the Prison instead of the Home. In addition, Doctor Montgomery, the Inspector General of Insane, who had charge of Whitby Falls, asked to put a section of Fremantle Prison aside as an Inebriate's Institution for male refractory inebriates only, 'in order to transfer inebriates who escape or otherwise seriously break the rules, to the prison temporarily as a deterrent'.<sup>147</sup> Hann's response was firmly in the negative and reinforced his stance on making criminals of habitual drunkards:

As you are aware I have steadily declined invitations to call any part of Fremantle Prison an Inebriates Home for the very obvious reason that it would defeat the intentions of the Act.

If merely a cure was necessary, that could be carried out in prison, it would not require a special Inebriates home.

The real reason underlying the whole question is, that drunkenness being a disease, the State has no right to make a criminal of an inebriate.

I have thought a good deal about the Inspector General's idea and the more I think about it, the more convinced I am that it will spell failure, if these diseased persons are to be made criminals for breach of discipline by being sent to gaol.

I know it will be said, they are not being sent to gaol, but to Fremantle Inebriates Home. I cannot personally guarantee to keep the White sheep from the Black unless I lock them up separately and when they go out, they will still be known as Gaol Birds.

It is this aspect of the matter on which all Criminologists are agreed.

Hann also suggested getting the opinion of the Attorney General 'before going forward with the question', almost certainly sure of getting the support of his fellow prison reformer.<sup>148</sup>

Doctor Montgomery, in his turn, pushed back:

Mr. Hann's ideas are very good in theory but I am afraid will not work out in practice.

One must remember that at Whitby Falls we have no walls round the gardens and unless the staff is a large one, (which I hope it will not be) there will be no difficulty in the inebriates escaping.

The alcoholic is noted for his unreasonableness and when he gets the craving for drink if he knows he cannot be punished he will not hesitate to clear out.

The fact that if they escape they will be sent to Fremantle to complete their term will I feel sure will prevent this and if one or two are punished in this way the Prison portion of the scheme will become a dead letter.

Mr. Hann apparently thinks it will be used considerably but I feel sure that the fact it can be used will be sufficient to prevent its use.<sup>149</sup>

The Attorney General weighed in with his view, which essentially supported the position taken by the Superintendent of Fremantle Prison:

I think one can as easily send back an escapee from Whitby to Whitby again as we can send him to Gaol for his offence. The fact that 'the alcoholic is noted for his unreasonableness' indicates that he needs sympathetic care not unreasonable punishment.

When men are lacking the powers of reason they need guidance and not anger. Personally, I cannot see any curative value in turning Whitby Inebriate Home into a branch of the Fremantle Gaol'.<sup>150</sup>

No part of the Prison was set aside for refractory Inebriates. As for John Johnson, by 1915 he had been in Fremantle Prison three more times, and his repeated presence there continued to raise questions. On 10 November, 1915 the Crown Solicitor wrote to Hampton:

three times since the Inebriates Act was passed he has been convicted of being an habitual Drunkard and sent to gaol. Why were not proceedings taken instead under the Inebriates Act?<sup>151</sup>

Johnson was caught in a system that continued for more years to come. It remained that the unwillingness of certain authorities to treat alcoholism as a disease; misinterpretations of the Inebriates Act and the willingness of Magistrates to continue to sentence men to Prison rather than a home, sent many more men like John Johnson, into the Gaol. In 1920, Whitby Falls had closed and Fremantle Prison continued to hold prisoners sent there for minor offences such drunkenness, idle and disorderly, and disorderly conduct. Thomas and Stewart write that in 1920, of over 1,500 prisoners at Fremantle, only 51 of them had been awarded sentences of over one year.<sup>152</sup>



## 1960s

In February, 1963 the Acting Chief Crown Prosecutor wrote to the Comptroller General of Prisons, at the request of Senior Puisne Judge (the Hon. Mr. Justice Jackson) to obtain certain information regarding prisoners sentenced under the provisions of Section 662 of the 1963 Act. This part of the Act referred to 'indeterminate sentence on person convicted of indictable offence'.<sup>153</sup>

His Honour desires to know:

- (1) Under existing conditions, what facilities has your Department to assist in the rehabilitation of prisoners so sentenced;
- (2) Are they segregated from prisoners with long records – while working in the shops and in recreation yards
- (3) In what way does their confinement differ from prisoners sentenced to a finite term
- (4) If special facilities are available for their rehabilitation, would you kindly specify them and if you see fit, express an opinion on their efficacy
- (5) I understand a new institution is being built... at Serpentine. Is it proposed that young prisoners sentenced under section 662 of the code should be sent there? If so, could you advise what facilities will there be available and
- (6) If ... such an institution is being built, when will it be ready for occupation. His Honour, in connection with a different type of prisoner, also desires to know whether under section 669A of the Criminal Code, an institution has yet been established for the reception of convicted inebriates. If at present there is no such institution, can you inform His Honour when such an institution will be available for the reception of such persons.

The Comptroller General of Prisons responded to the Acting Chief Crown Prosecutor, revealing that essentially, very little had changed in Fremantle Prison for the treatment of inebriate prisoners in over fifty years:

If considered suitable, prisoners sentenced under the above section of the Criminal Code are transferred to an open institution such as Pardelup. While in the prison they are encouraged to attend the school, which is staffed by a qualified teacher, take correspondence courses and attend meetings of Alcoholics Anonymous if alcohol is their weakness. If recommendation is made by the Medical officer, they receive psychiatric and psychological examinations.

- (1) It is not possible to segregate prisoners while at work due to our old outmoded trade shops. They use a separate exercise yard for recreation to those used by prisoners serving finite sentences.
- (2) There is no great difference in treatment. The only variation is that cell lights are left on until a later hour to facilitate studies. Accommodation is in cells. There are no dormitories in Fremantle.
- (3) No special facilities. Fremantle Prison is too small and is grossly overcrowded. There is no space available for the provision of hobby or games rooms. Under present conditions, security has to be considered before the relaxing of rules for any one group.

- (4) Prisoners sentenced under Section 662 of the Criminal Code will be eligible for transfer to Karnet at Serpentine providing there are no medical reasons against transfer and that we consider they have no escapist tendencies. Regular psychiatric and psychological examinations will be made. Inmates will be encouraged to further their education, attend group therapy and AA meetings and enter all sporting activities. They will work in the open air and will be employed on general market gardening and farm work.
- (5) Karnet will be opened on the 29th March, 1963. One section, with accommodation for sixty inmates, has been set aside for the reception of alcoholics committed direct from the Courts.<sup>154</sup>

Thomas and Stewart write that in ‘another important attempt to cope with a chronic problem, which was also influenced by world-wide discussion, was the *Convicted Inebriates Rehabilitation Act* of 1963.<sup>155</sup> The main feature of this legislation was the establishment of an advisory board which was to be given the task of overseeing, advising on and assisting in the clinical treatment and the rehabilitation of, what were termed convicted inebriates. The Act allowed the court, under certain conditions, to place inebriates in an institution specially set aside for them. The Advisory Board, could amongst other things, recommend variation of the sentence. The people dealt with under the Act were sent to Karnet, the new establishment in the Serpentine district opened on 29 March, 1963 which catered for sixty.<sup>156</sup>

Megahey writes that ‘the social revolution of the 1960s and 1970s impacted on Fremantle Prison in a number of ways, illicit drugs and alcoholic home-brews took their place alongside tobacco as jail currency’.<sup>157</sup> He continues, that during the 1970s and 1980s ‘the use of Drugs by inmates became widespread, including the use of heroin and hash and cannabis, glue and paint thinner from the workshops. He writes that ‘by the mid 1980s the Prisons Department had enlisted the assistance of the C.I.B. and the Customs Service in its effort to control the problem. In a Memorandum to his deputy-Directors in August, 1985 Ian Hill, the Director of the Department of Corrections, expressed his concern about the “small but steady rise in the number of prisoners committed for Drug offences and the increase in prison offences relating to drugs’.<sup>158</sup>

A lack of education has also been highly noted in research data. Megahey writes that of ‘the vast majority of Aboriginal inmates, over 84%, had undergone less than three years secondary education. A lack of education was also high among the non-Aboriginal inmates, although to a lesser degree. Over 40% on non-Aboriginal inmates had completed less than three years secondary education’.<sup>159</sup>

There were, of course attempts to address the balance the negative impact of prison life. A memorandum in 1978 declared:

‘When a person is imprisoned he is deprived of his liberty and consequently this Department has to assume certain legal and moral responsibilities for his welfare. Therefore, the Department has actively encouraged to participate in recreational activities, believing that recreation improves the inmates’ physical and mental health, fosters the specific ability to play specialised roles in an appropriate manner, provides socialising experiences by transmitting the presumed goals and values of society and also encourages character building activities.<sup>160</sup>

Additionally, Fremantle Prison was suffering continued overcrowding. A research paper in 1981 noted that 'Fremantle (as always) remains well above its optimum muster figure'.<sup>161</sup> The rise was not entirely linked to an increase in criminality. Indeed, one research paper observed that 'during the last twenty years, there has been a dramatic rise in traffic offences to the point where they constituted 25 per cent of all commitments to prison in 1979/80'.<sup>162</sup>

It was also noted, that due to overcrowding the practical possibilities of carrying out the spirit of the memorandum were limited. 'Within broad terms, any recreational programme within a prison setting is designed to develop an inmate's self-expression, creativity and self-esteem. At Fremantle Prison, Recreation Officers have great difficulty in finding spare rooms for any activity'.<sup>163</sup>

In 1982, a Prison research paper indicated the following:

The case is put below that this State should adopt as a conscious social and economic policy the limitation of the use of imprisonment as a sanction...a maximum acceptable average imprisonment rate of 100 per 1,000,000 should form the basis for any planning of future prison accommodation...this is achievable without being unduly disruptive and that considerable economic savings would result. This conscious setting of limits represents a radical departure from the former practice of expecting the prison system to adapt to whatever rate of imprisonment might arise.

Although the reasons for Western Australia having a very high imprisonment rate are many and complex, two are worthy of particular mention here. The first is the extent to which Aborigines are over-represented in the prison population. The second is the much higher rate at which courts use imprisonment'.<sup>164</sup>

From the 1980s, again the effort was on keeping people out of gaol.

Thomas and Stewart observed that the problem of alcoholism was, and is, 'a matter which needs more imaginative treatment than crude imprisonment'.<sup>165</sup> Certainly, the opening of Karnet in Serpentine was intended as an 'institution' rather than a prison, with a view to reforming inmates. In 1971, another institution, Byford, was established for alcoholics.

A policy research paper in 1982, revealed that 'the most dramatic decline over the period has been drunkenness, which twenty years ago, accounted for one-third of all commitments. The dramatic fall in commitments for drunkenness after 1974 seems to reflect what appears to have been a conscious though informal decision on the part of many of the Judiciary to employ sanctions other than imprisonment'.<sup>166</sup>

## Legislative Change Relating to Prisoners' Well-Being

The first major legislation relating to prison administration in Western Australia passed in 1848 and was in force for over fifty years.

Fremantle Prison continued to be run under entirely by the definitions of the 1849 Act until the 1890s. During this time 'there had been occasional expressions of dissatisfaction about prison administration in Western Australia. Thomas and Stewart suggest that the appointment of Superintendent George 'to the key post of Fremantle Gaol in 1897 had something to do with this dissatisfaction. In his first Annual Report it is clear that he intended introducing a more repressive regime'.<sup>167</sup> There was also a rapid increase in the prison population. Megahey writes that there was a rapid increase in the population of the Fremantle Prison due to the gold rush in Western Australia between 1886 and 1895 and particularly of short sentence inmates serving three months or less. The number of long sentence prisoners, those serving upwards of five years, increased only slightly. In addition, to prisoners being sent to Fremantle from the gold fields, prisoners were also transferred from Perth Gaol which closed in 1888. So that by 1898, 62 percent of people committed to prison in Western Australia were being sent to Fremantle Prison.<sup>168</sup> Megahey's research reveals that in 1898, 1,522 people were committed to Fremantle Gaol, 89% of whom were male. Between 1898 to 1911 that proportion remained over 80%, except in 1910 when it dropped to 79.5%. The majority of these men were between the ages of 20 and 39 years.<sup>169</sup> In addition, the vast majority of these male prisoners in Fremantle Prison, 89.7% in 1898 and 90% in 1911, had been convicted for minor offences, ranging from petty larceny to vagrancy and Drunkenness. Grave offences included murder, manslaughter, other crimes involving violence, forgery and uttering, larceny and false pretences'.<sup>170</sup>

By 1898, the system was clearly dysfunctional. James Roe who was both Sheriff and Inspector of Prisons, lived in Perth and only made 'perfunctory weekly visits' to the Fremantle Gaol, 'leaving much of the responsibility for its management to the Superintendent'.<sup>171</sup>

Concerns about developments, or lack of them, in prisons came to a head in a debate on 6 July, 1898, when a member of the Legislative Assembly, Frederick Vosper, proposed the establishment of a royal commission. Vosper argued that the fact that prisons were administered under the Act of 1849 'which was grotesque in its obsolescence' demanded action.<sup>172</sup> Thus, in 1898 a Royal Commission of Inquiry into the Penal System of the Colony was appointed by Premier John Forrest and consisted mostly of doctors and lawyers, seemingly a sensible choice. However, Vosper complained that there were no members of the Legislative Assembly appointed to the committee and that the people who were invited to join 'had no experience of, or special interest in penal affairs. "They had" he observed, "led lives of mediocre respectability"'.<sup>173</sup>

The terms which defined the Commission's inquiry were:

To enquire into the existing condition of the penal system of Western Australia and to report on the method now in use for the punishment of criminals, their classification, the remission of sentences, and the sanitary conditions of Fremantle Gaol, as well as to enquire into all contracts for supplies of food and other materials for use in the said Gaol.

The Commission's greatest impact, was in allowing prisoners to speak for themselves. Megahey writes that 'in all, 171 prisoners gave evidence' to the Commissioners on their treatment and the conditions of their incarceration.<sup>174</sup> 'The preliminary work of the Commission consisted in initiating a dialogue which clearly recognised that prisoners had rights, including the right to a minimum standard of welfare and the right to complain when this standard was not upheld. Broadly, complaints brought before the Commission by prisoners fell into two categories; appeals against perceived unfair judicial treatment and complaints about conditions within the prison'.<sup>175</sup> Across eighty sittings over seven months, the Commission produced three reports which recommended significant change in the operation of Fremantle Gaol. However, the Commission did not result in any legislative change.

The next attempt to enact prison reform came in 1902, when a Bill to update prison legislation was introduced and "Regulations Relating to the Management and Control of the Gaols and Prisoners" were published in the *Government Gazette*.<sup>176</sup> Under these new regulations, Prisoners could request to see the visiting Justice who was required to visit the prison at least one a week 'to hear and determine all cases awaiting adjudication and hear complaints of prisoners'.<sup>177</sup> The Bill took eighteen months to move through mechanics of Parliament. In introducing the Bill to Parliament, the Colonial Secretary, Walter Kingsmill, exhorted, 'We must conduct our prisons not only with a view to punish criminals and to deter, but also to exercise some sort of curative influence'.<sup>178</sup> Thomas and Stewart write that the discussion in the Legislative Assembly over the Bill was altogether different from that of the conservative members in the Legislative Council and 'much more sophisticated' revealing the 'emergence of a vocal care of liberal opinion'.

The members expressing this opinion were: Illingworth, who was English and a noted temperance worker; Moran; Pigott, Bath, who was perhaps the most distinguished of the group and Taylor, who had been to prison. The informed nature of their comments was impressive to such a degree that it is difficult to believe that only six years before, Vosper battled alone to interest people in prisons. This new group was sufficiently interested to challenge many of the assumptions underlying clauses in the Bill, courageous enough to take a stand for the reasonable treatment of prisoners and informed enough to draw the attention of the Assembly to situations elsewhere'.<sup>179</sup>

The *1903 Prisons Act* was finally passed in November, 1903.<sup>180</sup> 'The Act gave power to the Governor to make regulations for "the safe custody, classification, separation, diet, instruction, treatment and correction of prisoners"'.<sup>181</sup> This Act remained the principal Act relating to prisons in Western Australia until 1991. Thomas and Stewart suggest that being more extensive than either the 1849 or 1858 Acts, the 1903 Act repealed 16 separate Acts, 'while at the same time retaining all their desirable provisions'.<sup>182</sup> Importantly, the Act also created the position of Comptroller General of Prisons. However, a little over a decade later, conditions within the Gaol remained unsatisfactory. Following a series of protests by the warders of the Prison in 1911, a Royal Commission was established in October of that year. Captain C. E. D. F. Pennefather, the Comptroller-General of Prisons in Queensland, was appointed to head it. Pennefather examined the entire running of Fremantle Gaol, no stone was too small to be unturned. Yet the coincidence of a change of administration at this same time, made probably the most significant contribution to effecting change at Fremantle Prison. W. A. George, who had been Superintendent for many years, retired in 1911 and Hugh Hann was appointed to take his place.

Hann was an Englishman who had worked in three English prisons; had been head of Prisons in Sierra Leone and in 1906 had been given the position of Superintendent of Prisons in Ceylon. 'The importance of Hann's role in the development of prison policy in Western Australia springs from this background. Although the English prison system had only just begun a programme of reform, since 1895 it had firmly turned its back on much of the Victorian policy. Hann would have had some experience of the new policy and the debates and controversies preceding it, and it was this experience which made his contribution so vital in the changing situation in Fremantle'.<sup>183</sup>

Shortly after George's withdrawal from the system, Octavius Burt, who had been Sheriff from 1901, also retired. Coincident with this change in personnel, the separation of the jobs of Sheriff and Comptroller-General occurred. 'It was in 1912 that the first professional head of the prison system in Western Australia was appointed'. F. D. North who was also Under-Secretary and permanent head of the Colonial Secretary's department, 'was a professional administrator'.<sup>184</sup>

This new team of Comptroller General and Superintendent became a reforming force. 'To support them, Hann and North had, for the first time in the history of the system, a political power with a real interest in the subject: the colonial secretary, J. M. Drew, who was appointed to his position in the second Labour ministry of 1911. Drew wrote two pamphlets advocating reform'.<sup>185</sup> In the years that followed these appointments, 'North took a keen interest in the duties and in him the Superintendent has found a willing coadjutor and sympathetic supporter of reform'.<sup>186</sup> Additionally, at the end of 1911, 'Western Australians elected their first Labor government. The appointments of J. M. Doctorew as Colonial Secretary and Thomas Walker as Attorney General meant that for the first time, the Superintendent and Comptroller General had the support of a political power with real interest in prison reform, both politicians having long been enthusiastic advocates of reform'.<sup>187</sup>

As a result of the energy of these three men, in 1913 a new set of 'Regulations relating to the management and control of the prisons of Western Australia' was issued. In addition, in the year preceding, the *Inebriates Act* of 1912 was passed which attempted, essentially, to decriminalise drunkenness. The introduction of the *Inebriates Act* was a significant legislative act considering that the majority of inmates within Fremantle Gaol were there on short term sentences for drunkenness and its related charge of 'disorderly'. The Act allowed the court, under certain conditions, to place inebriates in an institution specially set aside for them. This institution was Whitby Falls. In early 1915, Whitby Falls was opened under the auspices of the *Inebriates Act* of 1912, which allowed for the detention and treatment of alcoholics in a 'home' for up to 12 months. The home only operated until 1918, at which time it again became a hospital for the insane. However, in its place, other homes for the treatment of 'inebriates' and later, alcoholism and drug addiction, followed.

Megahey writes that among the reforms which Hann implemented in Fremantle Prison 'were the abolition of the separate system, the introduction of games and recreational activities for prisoners, the formation of a prisoner committee and the introduction of monetary assistance for prisoners on their discharge'.<sup>188</sup> Most significantly however, he highlights Hann's philosophy, which he writes, 'emerges clearly from his annual reports. Prisoner welfare was of real concern to him'.<sup>189</sup>

The next significant piece, or rather, pieces of legislation followed only five years later in 1918. These pieces of legislation addressed, rather than the conditions of the prison, the rules that defined both the length of time in which a prisoner could be sent and the conditions upon which he or she could be sentenced. The legislation was focussed on reform and indeterminacy. These were as much about the spirit of the law as the letter of it and would have far reaching impact.

Throughout the next forty years, very little significant change was made. It was not until the 1960s that there was any further significant institutional change. Indeed, Thomas and Stewart argue that from 1919, the prison system entered a period of stagnation. H.C. Trethowan was appointed the new Comptroller-General and A. T. Badger, the new Superintendent, and, 'from a governmental standpoint, these appointments were shrewd, since neither man created any trouble. The next thirty years were to be the most placid in the history of the system. The exercise of caution which obviates any embarrassment for governments has certain other effects which may be regarded as disadvantageous'.<sup>190</sup>

### 1960s to 1991

It was not until the 1960s that attempts to reform the prison system were once again introduced. This era reflected the existence of international ideas about the best methods of dealing with crime; 'the years following the Second World War saw a renewed interest in penal reform inspired by the horrors of imprisonment and concentration camps which "provided the world with a picture of collective punishment that was brutal, unjust and inhumane"'.<sup>191</sup> Megahey writes that post-war penal reformers 'devoted unprecedented attention to the legal rights of prisoners'.<sup>192</sup>

Likewise, Thomas and Stuart write that 'the genesis for change in a penal system is difficult to pinpoint. The enactment of legislation or the introduction of new systems is not necessarily the result of a calculated analysis of variations in the nature of the problem of criminality, or an evaluation of rival methods of dealing with it. Rather, especially in recent years, innovation in penal treatment is a result of the perusal of national and international practice which has been given a superficial validity by proponents of several ideologies.

The inspiration for changes in the law in respect of penal methods in Western Australia did not come from an awareness of the changing composition of the criminal, or more specifically the prison population. The changes were drawn from a welter of international assumptions about the best methods of dealing with crime, which were an amalgam of reformers' care for the oppressed, a distaste for imprisonment and a persistent faith in the successful outcome of a search for the 'scientific' treatment of the criminal.

The two pieces of legislation that came from this movement were the *Offenders Probation and Parole Act* of 1963 and the *Convicted Inebriates Rehabilitation Act*, 1963.<sup>193</sup> These Acts brought into law the ability to introduce probation as a means of dealing with adult offenders, preserved the concept of indeterminacy through the introduction of a parole scheme and attempted, again, to remove alcoholics from prison life.

Since the mid-1950s, a significant rise in the numbers of prisoners in Western Australia had led to severe overcrowding in Fremantle Prison. However, new prisons opened, including two open prisons and some medium security and the existence of this new range of prison facilities, together with the new legislation offered alternatives to custodial imprisonment and provided the framework within which other improvements could be implemented. Megahey writes that two important results were the establishment of a classification board, in 1963 and of an assessment centre, at Fremantle Prison in 1966.<sup>194</sup>

In the following decade, further reforms were instituted. Megahey suggests that:

New prisons and legislation alone cannot fully account for the developments which took place within the Western Australian penal system throughout the 1970s, the real beginnings of which can be detected after 1966. It was only after the appointment of Colin Wallace Campbell as Comptroller General in 1966, the first senior appointment made from outside the Western Australian prison system since 1918, that effective change began to occur.<sup>195</sup>

Campbell's background in psychology and experience working in Child Welfare, led him to have a philosophy in which he believed "Prison is a place for rehabilitation and re-education, a place where people can retain their identity and, if necessary, create a new identity".<sup>196</sup>

Megahey writes that one of Campbell's first moves on being appointed Comptroller General was to take over the chairmanship of the classification committee, 'a move which brought him into direct contact with the inmates at Fremantle Prison'.<sup>197</sup> Campbell reduced the requirement for classification from twelve months or more to inmates with sentences of six months, and sped up the classification process. He also established a prison officers' training school and an assessment centre within Fremantle Prison which he hoped, would enable prisoners to access training and educational programmes. Then in 1973 Campbell introduced a voluntary tutoring programme for prisoners, 'aimed at reducing the rate of illiteracy among prisoners but also to provide social contact'.<sup>198</sup>

In 1977, Campbell died and was replaced by William Kidston. A few years later, it had become apparent that the *1903 Prisons Act* had become 'increasingly irrelevant'. Thus, a new Prisons Act was introduced into Parliament in 1981. One of the purposes of the 1981 Act, according to Chief Secretary, Bill Hassell, was 'to increase legislative responsibility for the Department's activities by incorporating into law' the policies which had been introduced through standing orders, administrative instructions and policy manuals.<sup>199</sup>

Again, the movement for reform reflected Fremantle's role as part of an international collection of penal establishments. Megahey suggests that 'the years leading up to the passing of the *1981 Prisons Act* had witnessed numerous and unprecedented changes in the Western Australian prison system. Many of these changes mirrored developments in prison systems across the Western world, as prisoners along with other minority groups began to demand civil rights'. In parallel, these years saw 'the emergence of louder voices from within Fremantle Prison as inmates clamoured for improved living conditions and more recognition of human rights'.<sup>200</sup>



And yet, the 1981 Act seemed, to many onlookers, to weaken prisoners' rights. Whilst it was debated in Parliament, the Criminal Lawyers Association sent a list of criticisms to every member of Parliament urging changes 'to no less than seven separate sections'. However, 'the government refused to consider any of the proposed changes on the grounds that they would weaken the Prison Department's authority to maintain discipline and order'.<sup>201</sup> Indeed, the Western Mail referred to the Bill's qualities as having 'a distinct atmosphere of dehumanisation'.<sup>202</sup>

Megahey suggests reform in this period, became more about the 'custodial responsibilities of the Department and the need for more effective management' under Kidson and Hill... 'Despite major changes, discontent and tension continued to simmer within Fremantle Prison throughout the 1980s, culminating in the riot and burning of the prison in 1988. The ensuing enquiry and report (the McGivern report), attributed that disturbance to major defects in what McGivern termed the human and administrative environments in Fremantle Prison'.<sup>203</sup>

As previously mentioned, the first antidiscrimination legislation to include disability was in New South Wales, in 1981. Broad antidiscrimination provisions commenced in Western Australia with the *Equal Opportunities Act (1984)*. However, this legislation did not include disability as a ground for unlawful discrimination until it was amended in 1988 to include 'impairment of body or brain'. Further protections against discrimination, including proactive requirements to prevent against indirect discrimination, were enacted with the Commonwealth *Disability Discrimination Act (1992)* after the closing of the Fremantle Prison.<sup>204</sup>

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- [116](#) For example, see *West Australian*, 10 April 1888, p3, on the previous day's activities in the Fremantle Police Court. See also Doctor Leigh Straw's *Drunks, Pests and Harlots: Criminal Women in Perth and Fremantle 1900-1939* for a more comprehensive examination of women and crime in Fremantle during this period.
- [117](#) Megahey puts the figure of prisoners in Fremantle Gaol in 1898 for minor offences at 89.7%. See Megahey, N. *A community apart: A History of Fremantle Prison: 1898-1991* Ph.D Thesis, Murdoch University, 2000 pp.72-73
- [118](#) 'Report of the Commission appointed to inquire into the Penal System of the Colony. Perth, 1899 p.16
- [119](#) Cited in Megahey, N. *A community apart: A History of Fremantle Prison: 1898-1991* Ph.D Thesis, Murdoch University, 2000 p.73
- [120](#) Mark Finnane *Punishment in Australian Society* Melbourne: Oxford University Press, 1997 p.78
- [121](#) Inebriates Act, 1912 p.1 [https://www.legislation.wa.gov.au/legislation/statutes.nsf/law\\_a6746.html](https://www.legislation.wa.gov.au/legislation/statutes.nsf/law_a6746.html)
- [122](#) 23 April, 1913 from F. D. North, Under Secretary to the Under Secretary for Law Colonial Secretary's Office files AU WA S675 Cons 752 Item 1913/1811 *Fremantle Prison: re separate treatment for 'inebriate' prisoners*. S.R.O, Perth
- [123](#) 23 April, 1913 from F. D. North, Under Secretary to the Under Secretary for Law Colonial Secretary's Office files AU WA S675 Cons 752 Item 1913/1811



- Fremantle Prison: re separate treatment for 'inebriate' prisoners. S.R.O, Perth*
- [124](#) 25 April, 1913 Colonial Secretary's Office files AU WA S675 Cons 752 Item 1913/1811 *Fremantle Prison: re separate treatment for 'inebriate' prisoners. S.R.O, Perth*
- [125](#) 5 May, 1913 Minute paper from North, C. G. to Superintendent, Fremantle Prison Colonial Secretary's Office files AU WA S675 Cons 752 Item 1913/1811 *Fremantle Prison: re separate treatment for 'inebriate' prisoners. S.R.O, Perth*
- [126](#) 12 May, 1913 from Superintendent Hann to the Comptroller General Colonial Secretary's Office files AU WA S675 Cons 752 Item 1913/1811 *Fremantle Prison: re separate treatment for 'inebriate' prisoners. S.R.O, Perth*
- [127](#) 19 May, 1913 from North, C. G. to Superintendent, Fremantle Prison Colonial Secretary's Office files AU WA S675 Cons 752 Item 1913/1811 *Fremantle Prison: re separate treatment for 'inebriate' prisoners. S.R.O, Perth*
- [128](#) All underlining in the original. 21 May, 1913 from Superintendent Hann to the Comptroller General Colonial Secretary's Office files AU WA S675 Cons 752 Item 1913/1811 *Fremantle Prison: re separate treatment for 'inebriate' prisoners. S.R.O, Perth*
- [129](#) 27 May, 1913 from North, C. G. to Superintendent, Fremantle Prison Colonial Secretary's Office files AU WA S675 Cons 752 Item 1913/1811 *Fremantle Prison: re separate treatment for 'inebriate' prisoners. S.R.O, Perth*
- [130](#) Colonial Secretary's Office files AU WA S675 Cons 752 Item 1913/1811 *Fremantle Prison: re separate treatment for 'inebriate' prisoners. S.R.O, Perth*
- [131](#) All underlining in the original. 1 October, 1913 from F. D. North, Under Secretary and Comptroller General of Prisons to the Superintendent, Fremantle Gaol Colonial Secretary's Office files AU WA S675 Cons 752 Item 1913/1811 *Fremantle Prison: re separate treatment for 'inebriate' prisoners. S.R.O, Perth*
- [132](#) 6 October, 1913 from Superintendent Hann to the Comptroller General, Colonial Secretary's Office files AU WA S675 Cons 752 Item 1913/1811 *Fremantle Prison: re separate treatment for 'inebriate' prisoners. S.R.O, Perth*
- [133](#) 6 October, 1913 from Superintendent Hann to the Comptroller General, Colonial Secretary's Office files AU WA S675 Cons 752 Item 1913/1811 *Fremantle Prison: re separate treatment for 'inebriate' prisoners. S.R.O, Perth*
- [134](#) 7 August, 1918 Colonial Secretary's Office files AU WA S675 Cons 752 Item 1915/1456 *Prisoner No 3230 John Johnson*
- [135](#) Statement of Police Constable Bendell dated 28 March, 1898
- [136](#) 26 July, 1913 Prisoner's Petition, to His Excellency the Governor sent from Fremantle Prison. Colonial Secretary's Office files AU WA S675 Cons 752 Item 1915/1456 *Prisoner No 3230 John Johnson*
- [137](#) 26 July, 1913 Prisoner's Petition, to His Excellency the Governor sent from Fremantle Prison. Colonial Secretary's Office files AU WA S675 Cons 752 Item 1915/1456 *Prisoner No 3230 John Johnson*
- [138](#) 30 January, 1913 writing from the Salvation Home, West Subiaco to the

- Comptroller of Prisons. Colonial Secretary's Office files AU WA S675 Cons 752 Item 1915/1456 *Prisoner No 3230 John Johnson*
- [139](#) Colonial Secretary's Office files AU WA S675 Cons 752 Item 1915/1456 *Prisoner No 3230 John Johnson*
- [140](#) 26 July, 1913 Prisoner's Petition, to His Excellency the Governor sent from Fremantle Prison Colonial Secretary's Office files AU WA S675 Cons 752 Item 1915/1456 *Prisoner No 3230 John Johnson*
- [141](#) 12 August, 1913 H.G Hampton to Attorney General. Colonial Secretary's Office files AU WA S675 Cons 752 Item 1915/1456 *Prisoner No 3230 John Johnson*
- [142](#) Colonial Secretary's Office files AU WA S675 Cons 752 Item 1915/1456 *Prisoner No 3230 John Johnson*
- [143](#) 16 September, 1913 from Superintendent Hann to the Comptroller General Colonial Secretary's Office files AU WA S675 Cons 752 Item 1913/1811 *Fremantle Prison: re separate treatment for 'inebriate' prisoners.*
- [144](#) 22 September, 1913 North to the Acting Inspector General of Insane and reply dated 26 September, 1913 Colonial Secretary's Office files AU WA S675 Cons 752 Item 1913/1811 *Fremantle Prison: re separate treatment for 'inebriate' prisoners.*
- [145](#) 22 September, 1913 North to the Acting Inspector General of Insane and reply dated 26 September, 1913 Colonial Secretary's Office files AU WA S675 Cons 752 Item 1913/1811 *Fremantle Prison: re separate treatment for 'inebriate' prisoners.*
- [146](#) Although the home only operated until 1918, at which time it again became a hospital for the insane Whitby Falls Register of Heritage Places Assessment Documentation <http://inherit.stateheritage.wa.gov.au/Admin/api/file/179d1f14-7b25-992e-0b9e-a8caf8a8788b>
- [147](#) 24 July, 1914 from Doctor S.H.R. Montgomery, Inspector General of the Insane to the Under Secretary, Colonial Secretary's Department. Colonial Secretary's Office files AU WA S675 Cons 752 Item 1914/2347 *Fremantle Gaol. Portion of declared as an institution under the Inebriates Act*
- [148](#) All underlining in the original. 31 July, 1914 from Superintendent Hann to Comptroller General of Prisons. Colonial Secretary's Department. Colonial Secretary's Office files AU WA S675 Cons 752 Item 1914/2347 *Fremantle Gaol. Portion of declared as an institution under the Inebriates Act*
- [149](#) 18 September, 1914 from Montgomery, I.G for the Insane to the Under Secretary for Law, H.G Hampton. Colonial Secretary's Office files AU WA S675 Cons 752 Item 1914/2347 *Fremantle Gaol. Portion of declared as an institution under the Inebriates Act*
- [150](#) All underlining in the original. 22 September, 1914 remarks of Attorney General. Colonial Secretary's Office files AU WA S675 Cons 752 Item 1914/2347 *Fremantle Gaol. Portion of declared as an institution under the Inebriates Act*
- [151](#) Colonial Secretary's Office files AU WA S675 Cons 752 Item 1915/1456 *Prisoner No 3230 John Johnson*

- [152](#) J. E. Thomas & Alex Stewart *Imprisonment in Western Australia: Evolution, Theory and Practice* UWA Press, 1978 p.101
- [153](#) 8 February, 1963 from Acting Chief Crown Prosecutor to the Comptroller General of Prisons Re: Section 662, Criminal Code. Crown Law Department files AU WA S2664 Cons6815 Item 1963/00166
- [154](#) 12 February, 1963 from A. H Waters [?] Comptroller General of Prisons to Acting Chief Crown Prosecutor Crown Law Department files AU WA S2664 Cons6815 Item 1963/00166 *Prisoners sentenced to reformatory prison during Governor's pleasure – or convicted inebriates – inquiry re prison treatment and rehabilitation facilities*
- [155](#) 12 Eliz. II No 63 (1963) An Act to make better provision for the Rehabilitation of Convicted Inebriates and for incidental and other purposes.
- [156](#) J. E. Thomas & Alex Stewart *Imprisonment in Western Australia: Evolution, Theory and Practice* UWA Press, 1978 p.156
- [157](#) Megahey, N. *A community apart: A History of Fremantle Prison: 1898-1991* Ph.D Thesis, Murdoch University, 2000 p.121
- [158](#) Megahey, N. *A community apart: A History of Fremantle Prison: 1898-1991* Ph.D Thesis, Murdoch University, 2000 p.126
- [159](#) calculated from 1980 Census. See Megahey, N. *A community apart: A History of Fremantle Prison: 1898-1991* Ph.D Thesis, Murdoch University, 2000 p.92
- [160](#) Item 1999.114.1 *Prison Establishments & Facilities* Planning and Research Section - Western Australian Department of Corrections January, 1978 P16. Female Prison Archive.
- [161](#) PAR/5/4 Box 13 *Policy research paper, 1981 DOCSTATS'*. Department of Corrections, Perth, Western Australian *DocStats* Number 3 – March, 1982 Regstats 5
- [162](#) PAR/5/4 Box 13 *Policy research paper, 1981 DOCSTATS'*. Department of Corrections, Perth, Western Australian *DocStats* Number 3 – March, 1982 Regstats 5
- [163](#) Item 1999.114.1 *Prison Establishments & Facilities* Planning and Research Section - Western Australian Department of Corrections January, 1978 P16. Female Prison Archive.
- [164](#) PAR/5/4 Box 13 *Limiting Imprisonment Rates WADoc, 1982 Research and Information Series*, Western Australian Department of Corrections 'Limiting Imprisonment Rates: Social, Economic and Planning Policy Decision'. C. R. Foley Jones, June 1982 pp.2-6
- [165](#) J. E. Thomas & Alex Stewart *Imprisonment in Western Australia: Evolution, Theory and Practice* UWA Press, 1978 p.156
- [166](#) PAR/5/4 Box 13 *Policy research paper, 1981 DOCSTATS'*. Department of Corrections, Perth, Western Australian *DocStats* Number 3 – March, 1982 Oddstats 12

- [167](#) J. E. Thomas & Alex Stewart *Imprisonment in Western Australia: Evolution, Theory and Practice* UWA Press, 1978 p.49
- [168](#) Megahey, N. *A community apart: A History of Fremantle Prison: 1898-1991* Ph.D Thesis, Murdoch University, 2000 p.71
- [169](#) Megahey, N. *A community apart: A History of Fremantle Prison: 1898-1991* Ph.D Thesis, Murdoch University, 2000 p.72
- [170](#) Megahey, N. *A community apart: A History of Fremantle Prison: 1898-1991* Ph.D Thesis, Murdoch University, 2000 pp.72-73
- [171](#) Megahey, N. *A community apart: A History of Fremantle Prison: 1898-1991* Ph.D Thesis, Murdoch University, 2000 p.43
- [172](#) Thomas & Stewart, *Imprisonment in WA*, 1978, p.50
- [173](#) Thomas & Stewart, *Imprisonment in WA*, 1978, p.52
- [174](#) Megahey, N. *A community apart: A History of Fremantle Prison: 1898-1991* Ph.D Thesis, Murdoch University, 2000 p.104
- [175](#) Megahey, N. *A community apart: A History of Fremantle Prison: 1898-1991* Ph.D Thesis, Murdoch University, 2000 p.104
- [176](#) 'Regulations Relating to the Management and Control of the Gaols and Prisoners of Western Australia' *Government Gazette* January-March, 1902, 28 March, 1902 pp.1225-1238
- [177](#) However, Rule 177 made it clear that prisoners 'continued to be liable for punishment if their complaints were found to be "frivolous or groundless"'. See Megahey, N. *A community apart: A History of Fremantle Prison: 1898-1991* Ph.D Thesis, Murdoch University, 2000 p.108-109
- [178](#) Cited in J. E. Thomas & Alex Stewart *Imprisonment in Western Australia: Evolution, Theory and Practice* UWA Press, 1978 pp.48-49
- [179](#) J. E. Thomas & Alex Stewart *Imprisonment in Western Australia: Evolution, Theory and Practice* UWA Press, 1978 p.73
- [180](#) Prisons Act 1903 in *Statutes of Western Australia, 3rd Edward VII, 1903*, pp.115-136
- [181](#) Thomas & Stewart, *Imprisonment in WA*, 1978, p.48
- [182](#) Thomas & Stewart, *Imprisonment in WA*, 1978, p.48
- [183](#) Thomas & Stewart, *Imprisonment in WA*, 1978, pp.87-88.
- [184](#) Thomas & Stewart, *Imprisonment in WA*, 1978, pp.87-88.
- [185](#) Thomas & Stewart, *Imprisonment in WA*, 1978, pp.87-88.
- [186](#) Megahey, N. *A community apart: A History of Fremantle Prison: 1898-1991* Ph.D Thesis, Murdoch University, 2000 p.54
- [187](#) Megahey, N. *A community apart: A History of Fremantle Prison: 1898-1991* Ph.D Thesis, Murdoch University, 2000 p.54

- [188](#) Megahey, N. *A community apart: A History of Fremantle Prison: 1898-1991* Ph.D Thesis, Murdoch University, 2000 p.54
- [189](#) Megahey, N. *A community apart: A History of Fremantle Prison: 1898-1991* Ph.D Thesis, Murdoch University, 2000 p.55
- [190](#) Thomas & Stewart, *Imprisonment in WA*, 1978, p.101.
- [191](#) O'Brien, 'The prison on the Continent' in Morris and Rothman, *The Oxford History of the Prison*, p218 cited in Megahey, N. *A community apart: A History of Fremantle Prison: 1898-1991* Ph.D Thesis, Murdoch University, 2000 p.56
- [192](#) Megahey, N. *A community apart: A History of Fremantle Prison: 1898-1991* Ph.D Thesis, Murdoch University, 2000 p.56
- [193](#) Thomas & Stewart, *Imprisonment in WA*, 1978, p.149
- [194](#) Megahey, N. *A community apart: A History of Fremantle Prison: 1898-1991* Ph.D Thesis, Murdoch University, 2000 p.57
- [195](#) Megahey, N. *A community apart: A History of Fremantle Prison: 1898-1991* Ph.D Thesis, Murdoch University, 2000 p.57
- [196](#) Cited in Megahey, N. *A community apart: A History of Fremantle Prison: 1898-1991* Ph.D Thesis, Murdoch University, 2000 p.58
- [197](#) Megahey, N. *A community apart: A History of Fremantle Prison: 1898-1991* Ph.D Thesis, Murdoch University, 2000 p.58
- [198](#) Megahey, N. *A community apart: A History of Fremantle Prison: 1898-1991* Ph.D Thesis, Murdoch University, 2000 p.61
- [199](#) Megahey, N. *A community apart: A History of Fremantle Prison: 1898-1991* Ph.D Thesis, Murdoch University, 2000 p.63
- [200](#) Megahey, N. *A community apart: A History of Fremantle Prison: 1898-1991* Ph.D Thesis, Murdoch University, 2000 p.64
- [201](#) Megahey, N. *A community apart: A History of Fremantle Prison: 1898-1991* Ph.D Thesis, Murdoch University, 2000 p.66
- [202](#) *Western Mail*, 21 November, 1981 p6 as cited in Megahey, N. *A community apart: A History of Fremantle Prison: 1898-1991* Ph.D Thesis, Murdoch University, 2000 p.67
- [203](#) Megahey, N. *A community apart: A History of Fremantle Prison: 1898-1991* Ph.D Thesis, Murdoch University, 2000 p.68
- [204](#) Rees et al, *Australian anti-discrimination law*, 2008, pp.17-19, 252-253

# Appendix 3

## Comparative Analysis Report

### Other Sites/ Organisations

The following information investigates strategies for improving accessibility and inclusion in other comparative cultural heritage sites/organisations. The intent of this section of the AIP is to benchmark these strategies against current practices at Fremantle Prison, and to explore opportunities to improve access and inclusive practices around the site. The Guiding Principle's against which this benchmarked are sourced from the 'Come-In! Guidelines' produced by Interreg Central Europe.

### Table showing principles and strategies to improve cultural heritage sites/organisations to be more inclusive.

Guiding Principle: people with disability have a right to be included in all activities on site.	
Site/ Organisation	Strategies
National Trust of Western Australia (multiple Heritage sites).	<ol style="list-style-type: none"> <li>1. Use technology and sensory experiences to explore properties and collection.</li> <li>2. Make access and inclusion part of event and program planning.</li> <li>3. Include additional tours (Auslan, people living with dementia).</li> <li>4. Use portable audio equipment for people with hearing disability.</li> <li>5. Provide a mechanism for people to identify if they have a disability prior to arrival.</li> </ol>
British Museum (Heritage site).	<ol style="list-style-type: none"> <li>1. Introduce quieter times for visitors and sensory maps.</li> <li>2. Allow guide, assistance and companion animals on site, as long as identification is provided. Nearest toileting area information is provided online.</li> </ol>
Rijksmuseum (Heritage site).	<ol style="list-style-type: none"> <li>1. Sign language tours (guided tour in international sign), experiencing objects with other senses, and dementia-friendly guided tours are provided.</li> <li>2. Sensory-friendly evening viewings are provided for visitors with sensory processing conditions.</li> </ol>

**Guiding Principle:** Engaging in a dialogue with people with disabilities to find out what they need and wish, and how to deliver it.

Site/ Organisation	Strategies
National Trust of Western Australia (multiple Heritage sites).	<ol style="list-style-type: none"> <li>1. Strengthen connections with people with disability and organisations that support people with disability to encourage information sharing and collaboration/ co-design.</li> <li>2. Ensure all consultations are accessible.</li> <li>3. Develop connections with organisations and volunteering organisations that support people with disability in employment.</li> </ol>
British Museum (Heritage site).	<ol style="list-style-type: none"> <li>1. Dedicated access email address and phone number for enquiries and complaints.</li> </ol>
Rijksmuseum (Heritage site).	<ol style="list-style-type: none"> <li>1. Provide a stimulus free room for visitors to use, with comfortable seating and low lighting.</li> </ol>

**Guiding Principle:** Adopting the ‘social model’ when discussing disability issues.

Site/ Organisation	Strategies
National Trust of Western Australia (multiple Heritage sites).	<ol style="list-style-type: none"> <li>1. Include the requirement for agents and contractors to recognise the AIP in procurement documentation.</li> <li>2. Review the complaints process and ensure its easy to use and complaints can be made in a variety of ways.</li> </ol>

**Guiding Principle: Identifying and dismantling access barriers.**

Site/ Organisation	Strategies
National Trust of Western Australia (multiple Heritage sites).	<ol style="list-style-type: none"> <li>1. Participate and celebrate International Day of Persons with Disability and promote business commitment.</li> <li>2. Monitor and record complaints to identify any systemic issues and opportunities for improvement.</li> <li>3. Ensure council and other committees have accessible meeting processes, venues and information.</li> </ol>
Edinburgh Castle, Historic Environment Scotland (Heritage site).	<ol style="list-style-type: none"> <li>1. Adjustable accessible website design: colours, contrast, fonts, zoom-in, image adaptability, keyboard navigation, speech navigation, audio screen reader, videos with subtitles and captions.</li> <li>2. Information is provided on currently inaccessible content and areas of the website.</li> <li>3. Information for website navigation assistance and reporting issues is provided.</li> <li>4. Free entry for carers provided.</li> </ol>
Rijksmuseum (Heritage site).	<ol style="list-style-type: none"> <li>1. Planning your visit information is provided in easy-read format with explanatory pictures. It also identifies what staff area dressed like on site.</li> </ol>
Smithsonian National Museum of Natural History (Heritage site).	<ol style="list-style-type: none"> <li>1. Website provides information tailored to disability i.e. information for visitors who are Deaf or Hard of Hearing, or information for visitors who are Blind or Partially Sighted.</li> </ol>

**Guiding Principle: Adopting universal design principals.**

Site/ Organisation	Strategies
National Trust of Western Australia (multiple Heritage sites).	<ol style="list-style-type: none"> <li>1. Investigate funding for a Changing Places Facility.</li> </ol>
British Museum (Heritage site).	<ol style="list-style-type: none"> <li>1. Provide information on the nearest available Changing Places toilet, as one is not provided on site.</li> <li>2. Some accessible lifts are located in back of house areas, requiring staff assistance.</li> <li>3. Seating information is provided online, and lightweight folding stools are provided free of charge at the Main Entrance.</li> </ol>



**Guiding Principle: Sustainable and supported recommendations.**

Site/ Organisation	Strategies
National Trust of Western Australia (multiple Heritage sites).	<ol style="list-style-type: none"> <li>1. Monitor disability strategies and initiatives such as the State Disability Plan and National Disability Insurance Scheme for funding opportunities.</li> <li>2. Incorporate access improvements into capital works plans, including parking and signage.</li> <li>3. Promote the AIP internally and externally to highlight commitment.</li> <li>4. Responsibility for AIP rests with Deputy CEO.</li> </ol>

**Guiding Principle: Sensory Maps for visitors on the autism spectrum.**

Site/ Organisation	Strategies
British Museum (Heritage site).	<a href="#">British-Museum-Sensory-Map-PDF-Download.pdf</a>
‘Potter and Ponder’, National Trust UK (Heritage site).	<a href="#">National Trust’s sensory map illustrated by William Hanekom   Outside In</a>
Museum Victoria (Heritage site).	<a href="#">sensory_imm-floorplan_2019_fa.pdf (museumsvictoria.com.au)</a>
Metropolitan Museum of Art (Heritage site).	<a href="#">sensory-friendly-map.pdf (metmuseum.org)</a>
Children’s Museum Indianapolis (Heritage site).	<a href="#">TCM SensoryMap11x17.pdf (childrensmuseum.org)</a>
The Museum of Modern Art (Heritage site).	<a href="#">MoMA Sensory Map.pdf</a>
Reading Museum (Heritage site).	<a href="#">edu_sensory_morning_map_june2021.pdf (readingpublicmuseum.org)</a>

**Guiding Principle: Disability employment.**

Site/ Organisation	Strategies
National Trust of Western Australia (multiple Heritage sites).	<ol style="list-style-type: none"> <li>1. Comply with the Public Sector employment requirements – People with disability: Action Plan to Improve WA Public Sector Employment Outcomes 2020–2025.</li> </ol>
Public Sector agencies (multiple Heritage sites).	<ol style="list-style-type: none"> <li>1. Use affirmative measures and disability employment targets.</li> <li>2. Provide workplace adjustment passports and flexible work arrangements.</li> <li>3. Internships and mentoring programs for staff with disability.</li> </ol>
Crown Resorts (not a Heritage site).	<ol style="list-style-type: none"> <li>1. Member of the Hospitality Disability Network of WA - committed to the employment of people with disability within the hospitality and tourism industry.</li> <li>2. Disability Champion, Ambassador and Employee Reference Group established to promote access and inclusion across the workforce.</li> <li>3. Disability Employment Policy, Workplace Adjustment Policy &amp; Procedure, and Personal Emergency Evacuation Plan developed.</li> <li>4. Participate in the Australian Network on Disability's Access and Inclusion Audit and other Disability Confident Recruiter programs.</li> <li>5. Partner with JobAccess and other employment services – providing pre-employment, recruitment and post-placement support.</li> <li>6. Provide an Accessibility Checklist for positions – with consideration to reasonable adjustments and job-redesign.</li> </ol>

**Table showing principles and responses to improve cultural heritage sites/organisations to be more accessible.**

<b>Guiding Principle: Physical Access for visitors on the autism spectrum.</b>	
<b>Site/ Organisation</b>	<b>Response</b>
National Trust of Western Australia (multiple Heritage sites).	<ol style="list-style-type: none"> <li>1. Provide accessible reception area.</li> <li>2. Wherever possible, include improvements to disability access in refurbishments or development work.</li> <li>3. Provide support or flexibility as required to staff and volunteers with disability.</li> <li>4. Ensure temporary ramps are installed to facilitate access.</li> </ol>
Buckingham Palace, United Kingdom (Heritage site).	<ol style="list-style-type: none"> <li>1. Provide step-free access.</li> <li>2. Sensory garden tour.</li> <li>3. Folding stools available.</li> </ol>
Acropolis Monuments, Greece (Heritage site).	<ol style="list-style-type: none"> <li>1. Designed routes to make the Acropolis Hill accessible for people with mobility aids.</li> </ol>
Crown Resorts (not a Heritage site).	<ol style="list-style-type: none"> <li>1. Premises reviews / audits – plan for ongoing compliance with the Disability Discrimination Act (DDA) and Building Code of Australia (BCA) standards.</li> </ol>
University of Notre Dame (multiple Heritage sites).	<ol style="list-style-type: none"> <li>1. Identify wheelchair accessible buildings and spaces.</li> <li>2. Provide temporary ramps upon request.</li> <li>3. Provide ergonomic seating for events upon request.</li> </ol>
AccessibleArts (multiple Heritage sites).	<ol style="list-style-type: none"> <li>1. Use alt text / image descriptions in publications and on social media.</li> </ol>

<b>Guiding Principle: Information and Communication Access.</b>	
<b>Site/ Organisation</b>	<b>Response</b>
National Trust of Western Australia (multiple Heritage sites).	<ol style="list-style-type: none"> <li>1. Provide maps locating accessible toilets and routes.</li> <li>2. Include information on websites, brochures and fliers about accessibility and availability of accessible toilets.</li> <li>3. Include closed captions in video productions.</li> <li>4. Review accessibility of website and ensure compliance with Web Content Accessibility Guidelines Level AA.</li> <li>5. Ensure publications are available in large print and other formats on request.</li> <li>6. Provide easily accessible information for staff and volunteers on the accessibility options and how to provide information in alternative formats.</li> </ol>

Site/ Organisation	Response
Boola Bardip (Heritage site).	<ol style="list-style-type: none"> <li>1. Visual checklists and supports provided online to guide visitors prior to visit.</li> <li>2. Tactile map and braille visitor guide available.</li> <li>3. Information on quiet times and quiet spaces provided online.</li> <li>4. Accessible parking information and wheelchair information provided online.</li> <li>5. Wheelchairs and walking aids are available from the information desk.</li> <li>6. Auslan tours available.</li> </ol>
FringeWorld (multiple Heritage sites).	<ol style="list-style-type: none"> <li>1. Dedicated email for visitors to specify their accessibility requirements prior to their visit.</li> </ol>
British Museum (Heritage site).	<ol style="list-style-type: none"> <li>1. 'Getting to the Museum' information provided online.</li> <li>2. Provided information on lighting levels and temperature.</li> </ol>
Smithsonian National Museum of Natural History (Heritage site).	<ol style="list-style-type: none"> <li>1. Link to the public transport accessibility information and any transport outages is provided on the website.</li> <li>2. Deep Time Audio Description App uses the accessibility features native to a visitor's phone to explore exhibitions through a self-guided tour.</li> <li>3. Use Aira Access mobile information and verbal description service to connect to Aira agents using information provided by the Smithsonian to better navigate the building and collection.</li> </ol>
Museum of London (Heritage site).	<ol style="list-style-type: none"> <li>1. Visual photographic guide.</li> <li>2. Wheelchair accessible counters.</li> <li>3. Magnifying glasses available.</li> <li>4. Induction loop systems.</li> <li>5. Neck loops and radio receivers.</li> <li>6. Interactive sessions.</li> <li>7. Ear defenders available.</li> <li>8. Programs for people living with dementia.</li> </ol>
Alcatraz East, Tennessee (Heritage site).	<ol style="list-style-type: none"> <li>1. Provide audio tours, transcriptions and torches.</li> </ol>
Crown Resorts (not a Heritage site).	<ol style="list-style-type: none"> <li>1. Digital reviews / audits.</li> <li>2. Provide staff with an online awareness module to improve communication access.</li> </ol>

Site/ Organisation	Response
City of Mandurah (multiple Heritage sites).	<ol style="list-style-type: none"> <li>1. Provide their AIP and other publications in alternative formats including Easy English, Audio and Tagged PDF for screen readers.</li> <li>2. Promote co-design and consumer testing.</li> </ol>
Curtin University (Heritage site).	<ol style="list-style-type: none"> <li>1. Wayfinding strategy.</li> <li>2. Universal design guidelines covering properties, facilities and development.</li> </ol>
NDIA	<ol style="list-style-type: none"> <li>1. Provide videos with captions, Auslan, voice over and transcripts.</li> </ol>
Fremantle Biennale (multiple Heritage sites).	<ol style="list-style-type: none"> <li>1. Tactile and audio described tours and performances available.</li> <li>2. Family and low sensory zones.</li> <li>3. Auslan interpreted events.</li> <li>4. Use icons for assistive services.</li> <li>5. Include information on how to access each location, weather and potential triggers.</li> </ol>

#### Guiding Principle: Social Access.

Site/ Organisation	Response
National Trust of Western Australia (multiple Heritage sites).	<ol style="list-style-type: none"> <li>1. Update procurement guidelines to ensure accessible products and services are included in evaluation criteria.</li> <li>2. Provide disability awareness training for staff and volunteers.</li> </ol>
Smithsonian National Museum of Natural History (Heritage site).	<ol style="list-style-type: none"> <li>1. Introduce immersive spaces for learning for adults and children that are tactile based.</li> <li>2. Provide information for visitors with 'Developmental, Learning &amp; Sensory Disabilities'.</li> </ol>
City of Sydney (multiple Heritage sites).	<ol style="list-style-type: none"> <li>1. Provide Accessible Events Guidelines for people who use or hire the City's venues and spaces.</li> </ol>
Museums and Galleries of NSW (multiple Heritage sites).	<ol style="list-style-type: none"> <li>1. 'Museum in the Box' or 'Travelling Gallery' outreach projects to engage hard to reach groups.</li> <li>2. Welcome area / meeting point at the entrance where visitors can ask questions, share feedback and source information on public transport and local amenities.</li> </ol>
WA Maritime Museum (Heritage site).	<ol style="list-style-type: none"> <li>1. Provide 'Please Touch – Tactile Tours' that include selected objects from the Museum's collection and displays.</li> </ol>

Site/ Organisation	Response
Crown Resorts (not a Heritage site).	<ol style="list-style-type: none"> <li>1. Provide staff with disability confidence training.</li> <li>2. Use accessible consultation and feedback processes.</li> <li>3. Include people with disability in their media and publications.</li> </ol>
Fjords Cruises (Heritage site).	<ol style="list-style-type: none"> <li>1. Provide targeted and themed tours for different groups of people.</li> </ol>
Mississippi Children's Museum (Heritage site).	<ol style="list-style-type: none"> <li>1. Universal access covers 7 senses – touch, taste, sound, smell, sight, vestibular and proprioception.</li> <li>2. Interactive website with online activities.</li> <li>3. Easy read sensory guides with photos.</li> <li>4. Social stories to assist good behaviour around exhibits.</li> <li>5. Sensory backpacks with headphones, sunglasses and fidget toys.</li> </ol>
The London Dungeon (Heritage site).	<ol style="list-style-type: none"> <li>1. Provide an Accessibility Guide that covers the booking of tickets and information for people with mobility impairments, people with autism or neuro-diverse, people with sensory impairment and people with hidden disability.</li> <li>2. Include accessibility symbols and photos of the venue.</li> <li>3. Consider the needs of visitors with epilepsy, photosensitivity, pacemakers, claustrophobia and panic attacks.</li> </ol>

### Guiding Principle: Economic Access.


Site/ Organisation	Response
National Trust of Western Australia (multiple Heritage sites).	<ol style="list-style-type: none"> <li>1. Comply with the Public Sector employment requirements.</li> </ol>
FringeWorld (multiple Heritage sites).	<ol style="list-style-type: none"> <li>1. Provide an online ticketing and booking system that accepts Companion Cards, making it easier to purchase the tickets prior to the event.</li> </ol>
Museums and Galleries of NSW (multiple Heritage sites).	<ol style="list-style-type: none"> <li>1. Consider ways to improve participation including free entry or entry by donation for disadvantaged groups.</li> </ol>
WA Maritime Museum (Heritage site).	<ol style="list-style-type: none"> <li>1. Free entry on the second Tuesday of the month.</li> </ol>


# Appendix 4

## Materials Palette

### Materials

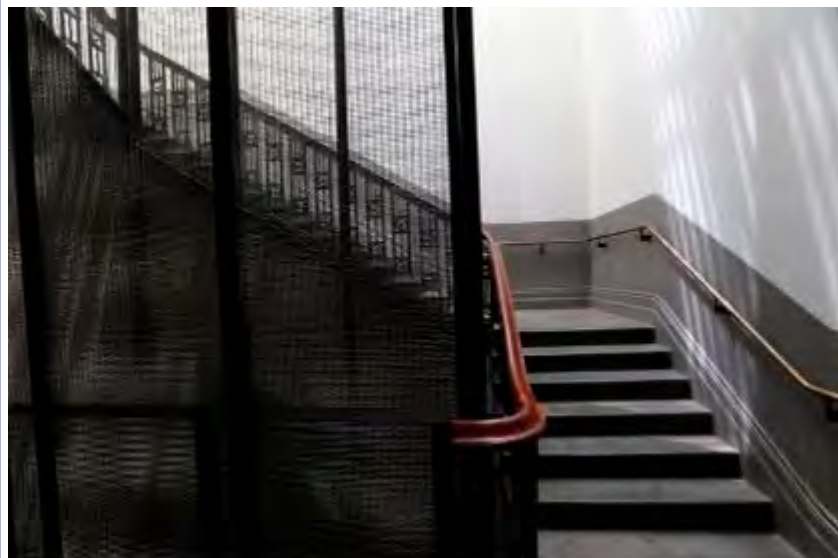
The following information investigates the types of materials used on comparable cultural heritage sites when introducing new fabric to improve accessibility. The intent of this section of the AIP is to benchmark these materials and assess their suitability against current accessible infrastructure at Fremantle Prison. The objective is to design a suite of accessible infrastructure for installation around site that is cohesive, practical and considerate of the end user.

Type	Description
Ramps and new handrails at Hyde Park Barracks.	Contemporary steel framed ramp and handrail in matte black. Note the gravel containment strip below the loose patterned gravel artwork to facilitate mobility access. 


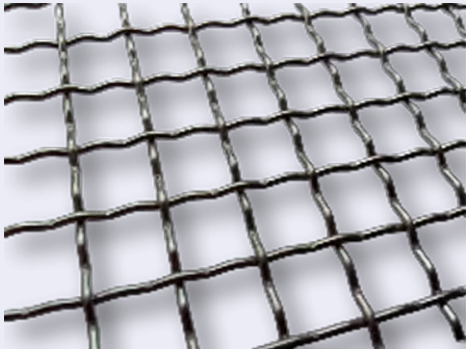
Type	Description
Internal handrails at Premier Mill Hotel, Space Agency	<p>Brass handrail 'Grapple' by Alloy, bracketed off heritage fabric, with brass TGSIs as an obvious contrast to surrounding materials palette.</p> <p>Note LED strip lighting below handrail to provide additional visibility.</p> 

Internal handrails at Como The Treasury, Kerry Hill Architects.


New handrail shown on opposite side of the staircase to the original handrail and balustrade with a simple L-shaped bracket mounted on the wall.





Type	Description
<p>New balustrades at Como The Treasury - Kerry Hill Architects.</p>	<p>Steel framed balustrade with mesh infill rests independent of the original plastered balustrade.</p>  <p>Woven wire mesh (black) to enclose balustrade whilst still providing visibility through.</p> 


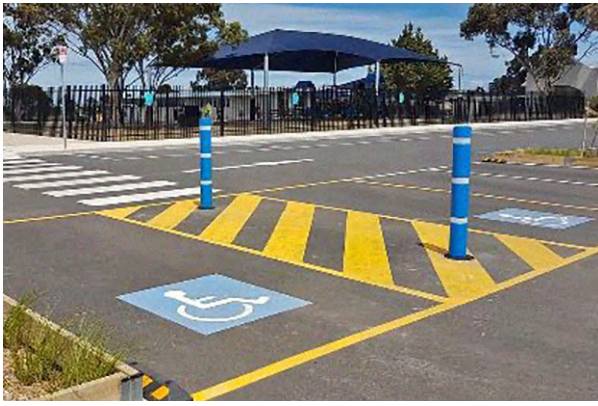
<p>Infill on existing balustrades at various sites.</p>	<p>Woven wire mesh threaded on steel cable and attached to the side or underside of existing posts or handrails.</p> 
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Type	Description
<p>Passenger lifts at Hyde Park Barracks - lift installation, JPW.</p>	<p>De-mountable steel-framed structure with glazing enclosure and stainless-steel doors. Obviously contemporary compared to surrounding heritage fabric. Glazing allows for visibility beyond the structure.</p> 

Passanger lifts at Premier Mill Hotel - lift installation, Space Agency.

Steel framed lift structure with glazed enclosure & steel mesh lining.



Type	Description
<p>Carpet: Tarkett Linon – Desso Linon AA83 9965 B8 50x5.0</p>	<p>Commercial carpet with low pile height (max. 6mm) and glue fixed to the substrate with a vinyl backing (less than 4mm) and no padding.</p> 
<p>Car parking: Blue bollards.</p>	<p>1300mm height made of flexible material.  1 accessible parking bay is required for every 50 carparking spaces (up to 1000 carparking spaces).  Image provided by Barrier Group, 2020.</p> 

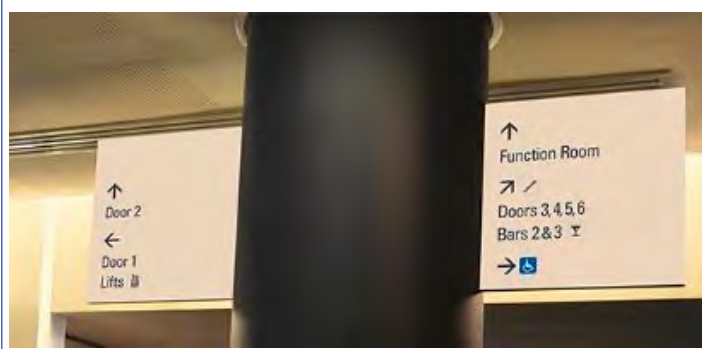
Type	Description
Changing Places	<p>Changing Places provide suitable facilities for people who cannot use standard accessible toilets. A Changing Places facility allows people with high support needs to fully participate in the community. This may include people with an acquired brain injury, spinal cord injury, cerebral palsy, multiple sclerosis, spina bifida, and motor neurone disease, as well as many other people with a disability.</p> <ul style="list-style-type: none"> <li>• a height-adjustable adult-sized change table</li> <li>• a constant-charging ceiling track hoist system</li> <li>• a centrally-located peninsula toilet</li> <li>• circulation spaces as defined in the design specifications</li> <li>• an automatic door with a clear opening of 950 mm at a minimum (1100 mm for beach and lake locations)</li> <li>• a privacy screen.<sup>1</sup></li> </ul> 

1 'New Changing Places Design Specifications 2020', Equal Access. Sourced from [New Changing Places Design Specifications 2020 Update & Download \(disabilityaccessconsultants.com.au\)](https://disabilityaccessconsultants.com.au). Accessed on 5 February 2021.

Type	Description
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Signage at City Recital Hall, Sydney - Minale Tattersfield.

Signs are modular and interchangeable and don't compete with the surrounding architecture.






Signs are obviously contemporary, matte black and provide good contrast for visibility, including a tactile sign below.



1 receiver is required for every 25 persons or part thereof, up to 500 people.



Type	Description
<p>Signage at Manjaree Trail Interpretive Signage Suite - Publik.</p>	<p>Proposed for external use around the site. Internal signs could tie in aesthetically in line with the Fremantle Prison branding guidelines. Refer to the Landscape Management Plan Style Guide for further information.</p> 
<p>Tactile ground surface indicators at Como The Treasury - Kerry Hill Architects.</p>	<p>DTAC brass TGSIs.</p> 
<p>Nosings at Premier Mill Hotel - Space Agency.</p>	<p>Brass DTAC nosing provides high contrast against stair tread.</p> 
<p>Website Accessibility: Sydney Opera House and British Museum</p>	<p><a href="http://www.sydneyoperahouse.com/visit-us/accessibility.html">www.sydneyoperahouse.com/visit-us/accessibility.html</a>  <a href="#">Accessibility at the Museum   British Museum</a></p>
<p>Accessible Education: British Museum</p>	<p><a href="#">Access and SEN   British Museum</a></p>

# Appendix 5

## Consultation Report

Table showing Fremantle Prison AIP feedback and recommendations from Reference Group (RG), and Community Consultation. Also shows Proposed Actions and comments from Working Group and Consultants, Obrien Harrop Access (OHA), Visibility and John Massey Group (JMG).

Recommendations	Proposed Actions and Comments
<b>Physical Access</b>	
<ul style="list-style-type: none"> <li>• New ramps, flooring, doorways etc to meet standards, and test with different mobility aids.</li> <li>• Lights on the ramps and pathways for night tours.</li> <li>• Opportunities to sit down on tours.</li> <li>• Platform lift access for Tunnels Tour if possible.</li> <li>• Have a virtual reality tour of the tunnels.</li> <li>• Lift access for the upper levels (eg. for True Crime tour), to remain within heritage guidelines.</li> <li>• Make the garden more physically accessible for visitors and volunteers with disability.</li> <li>• A wheelchair accessible path around the grassed area.</li> <li>• New pathways to be uniform poured limestone.</li> <li>• Better (compliant) ramps, matting for access and egress. Check doorways with different chair sizes.</li> <li>• Audit colour contrast not just on the website but in all areas with public information.</li> <li>• Move the benches and council bins away from the signage.</li> <li>• Review ramp incline and matting at the entrance to café.</li> <li>• Open access to the outside café area.</li> <li>• Make sure wheelchair accessible lifts operational and serviced regularly.</li> </ul>	<ul style="list-style-type: none"> <li>• Implement recommendations from JMG access audit where possible and prioritise those involving safety issues.</li> <li>• Consider feedback on proposed materials palette provide by OHA.</li> <li>• Invite RG members to test and provide feedback on proposed solutions eg. mock-up ramps.</li> <li>• More seating/spaces for reset and reflection generally and in tours.</li> <li>• More shading devices through tours.</li> <li>• Lock gates open.</li> <li>• Have two different types of torches for tour.</li> <li>• Ramps and stairs illuminated – ambience to suit the tour, but safety first eg. theatre style, motion activated.</li> <li>• Platform lift for Tunnels Tour likely not feasible – significant work and cost. Potential feasibility study. Instead virtual reality experience, or tour guide wears Go Pro.</li> <li>• Lift access to upper levels could be explored eg. new division.</li> <li>• Prioritise main tour routes.</li> <li>• Relocate bins away from signage.</li> </ul>

Recommendations	Proposed Actions and Comments
<b>Physical Access cont'd</b>	
<ul style="list-style-type: none"> <li>• Provide both visual and verbal hazard information.</li> <li>• Staff training in describing visual information to people who are vision impaired.</li> <li>• Identify items that can be touched and train staff in conducting touch tours.</li> <li>• Consider access to written information for people using wheelchairs eg. location.</li> <li>• Clear masks for guides.</li> <li>• Include captioning on audio guides with Auslan and a larger device.</li> <li>• An audio menu on the audio guide where the numbers and their corresponding stories are narrated.</li> <li>• Declaration Form with tagging for a screen reader and section to sign.</li> <li>• Re-write the Declaration Form to take into account people may not know how they will be on the tour.</li> <li>• Re-make the Tunnel Tour safety video so that the instructions and images are clear and include captions and voice over. Test with people with different access and inclusion needs.</li> <li>• Descriptions of the tours that provide enough information for the visitor to make an informed decision on whether the tour is right for them.</li> <li>• For the tour guides to use microphones if there are a lot of people on the tour.</li> <li>• Encourage visitors to give feedback via the website, on paper or via TripAdvisor.</li> <li>• Provide social stories about booking, tours, exhibitions etc.</li> <li>• More touch based communications eg. an embossed plan of the site, Braille.</li> </ul>	<ul style="list-style-type: none"> <li>• Explore ideas re visual/verbal signage with Visability eg. Beacon technology.</li> <li>• Tours to identify more tactile and sensory opportunities eg. BMR collection, smellscape in cells and kitchens, soundscapes.</li> <li>• Clarify what can and can't be touched.</li> <li>• Getting replicas of items made specifically for touch tours.</li> <li>• Upgrades to audio guides. Auslan interpreter to visit site and make sure elements can be interpreted.</li> <li>• Reach out to WA Institute for Deaf Education (WAIDE) and Access+ for feedback on design of Auslan interpreted tours.</li> <li>• Explore hearing loops that the guides could wear to connect to hearing aids</li> <li>• Consider training for guides on wearing microphones if on a large tour group.</li> <li>• Get advice from Better Hearing Australia and purchase some hearing devices eg. loops or microphones.</li> <li>• Consider clear masks if guides want to wear a mask.</li> <li>• Improve signage: <ul style="list-style-type: none"> <li>• Appropriate height for wheelchair users; and</li> <li>• Larger font size</li> </ul> </li> <li>• Re declaration form: <ul style="list-style-type: none"> <li>• Have an example of declaration form online.</li> <li>• Consider having a e-version on site with a reader option on an iPad.</li> <li>• Have cut-out template for signing, as long as the visitor has been able to read information prior.</li> </ul> </li> </ul>



Recommendations	Proposed Actions and Comments
<b>Physical Access cont'd</b>	
<ul style="list-style-type: none"> <li>• Re website: <ul style="list-style-type: none"> <li>• Full website audit with different tools and on different operating systems. Test using screen readers and read aloud tools. Test colour contrast, Alt text, scrolling etc to meet WCAG AA.</li> <li>• Include the Acknowledgement of Country on the website</li> <li>• Celebrate the staff on the website eg. have the staff present a video.</li> <li>• Could include information about alternative routes being available for physical access and some tours can be flexible.</li> <li>• Remove information that may make assumptions about people and include enough information for people to make an informed decision.</li> <li>• Encourage people to ask a question if they require any modifications or accommodations.</li> <li>• Some more photos and maps.</li> <li>• Include weather forecast on either the header or footer so that it appears on all pages.</li> <li>• Clearer information about audio guides.</li> <li>• Accessibility page.</li> <li>• Consider advising to check weather before a tour as you're going to be outside for much of the tour.</li> <li>• Social story videos from tour guides.</li> <li>• Video teasers online.</li> <li>• Ensure iPad are at accessible heights.</li> <li>• Consider having a few example cells in 3D on the website. Put this information on iPad if people can't get into a place/ room.</li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li>• Consider updating safety video to include captions and voice overs – co-design with RG.</li> <li>• Have a safety harness for people interested in Tunnels Tour to see/ touch at the front gate.</li> <li>• Show tour routes on arrival experience maps and note stairs etc that might impact accessibility.</li> </ul>

Recommendations	Proposed Actions and Comments
<b>Social Access</b>	
<ul style="list-style-type: none"> <li>• Disability confidence training to recognise that everyone is different. No assumptions. People with disability can provide the training. Include deaf awareness training.</li> <li>• Disability confidence training on what you can or should not ask the person with disability plus understanding visible and hidden disabilities. Have people with disability undertake the training, how to navigate the prison etc. Staff to try out assistive tech and equipment used by people with disability.</li> <li>• Tour guides to wait for everyone to be present before continuing with the tour.</li> <li>• Better lighting solutions for interpreters on Torchlight tour.</li> <li>• Identify potential triggers and train staff in trauma informed care.</li> <li>• Trigger warnings on the website and at the beginning of each tour so that people are prepared.</li> <li>• Small group options for people who are unable to do tours that include a lot of people.</li> <li>• For visitors to be asked if they require individual assistance. To clearly explain why this assistance may be required if it is required as part of a health and safety policy.</li> <li>• Tour guide to be mindful of the needs of the wheelchair user, to stay with the group to make sure everyone gets through rather than going ahead.</li> <li>• Staff training of invisible disabilities plus neurodiversity. Treating visitors equally which may mean not singling out people because of a visible disability regardless of the good intentions.</li> </ul>	<ul style="list-style-type: none"> <li>• Agree disability confidence training for staff essential including: <ul style="list-style-type: none"> <li>• People with disability involved in providing the training;</li> <li>• Deaf awareness;</li> <li>• Audio description;</li> <li>• Working with interpreters;</li> <li>• Using microphones;</li> <li>• Potential triggers at the site;</li> <li>• Trauma informed care;</li> <li>• Invisible disabilities;</li> <li>• Neurodiversity;</li> <li>• Adapting tours to range of visitors;</li> <li>• Assistive technologies;</li> <li>• Offering assistance without offending; and</li> <li>• Assisting people with safety equipment eg. harness etc for Tunnels Tour.</li> </ul> </li> <li>• Further training and good practice tips for tour guides.</li> <li>• Use better/ alternative torches for interpreters – consider head torches.</li> <li>• Let visitors know in advance of the traumatic history of the site before they get here.</li> <li>• More information online, flyers at front gate, include short videos/ snapshots of areas.</li> <li>• Accessibility website page.</li> <li>• Reasonable adjustment page on website – what we can offer/ is available for visitor.</li> <li>• Mock-up tour experience for visitors who can't travel down into the tunnels. Consider accessing the Pump House shaft, objects for touching, reservoir, etc.</li> </ul>

Recommendations	Proposed Actions and Comments
<b>Social Access cont'd</b>	
<ul style="list-style-type: none"> <li>• More public information to show that Fremantle Prison welcome people with disability, are committed to making the prison as accessible as possible and can make some accommodations. For example, “let us know in advance if you require any flexibility as there may be some things we can arrange to make this tour more accessible for you.”</li> <li>• Tour guides to be mindful of weather conditions as some visitors may be too polite to speak up if too hot / cold.</li> <li>• Encourage visitors to give feedback via the website, on paper or via TripAdvisor.</li> <li>• 3D tours of inaccessible spaces eg. Moondyne Joes cell.</li> <li>• Re Tunnel tour: <ul style="list-style-type: none"> <li>• Provide enough information about the Tunnels tour so that visitors can make an informed decision (eg., weight of equipment, height of tunnel, timings of each section of the tour, sensory conditions etc).</li> <li>• Have a Reasonable Adjustment page on the website.</li> <li>• Have a mock-up of the equipment and boat so people can make an informed decision. Make it into a fun addition to the Fremantle Prison tourist attraction and a great photo opportunity.</li> <li>• Remove the part of the tour where the hatch is slammed, on the walk up to the tunnels as this could be triggering.</li> <li>• Training for staff to assist someone who is blind to try out/ touch the equipment before using it.</li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li>• Let visitors know in advance about potential to experience loud noises on tour.</li> <li>• Let visitors know that we can tailor tour group sizes if they let us know in advance. Show on accessibility page.</li> <li>• Advise of quiet times and periods throughout the year.</li> <li>• Advise location of bright lights, busy, loud areas – sensory app.</li> <li>• Let visitors know at the gate and online to ask for additional assistance if needed.</li> <li>• Train guides to ask directly if people with visible disability require assistance on tours, otherwise try to encourage asking for assistance online prior to visit so we can plan for an additional guide.</li> <li>• Awareness training, potentially a floating tour guide if necessary on large groups with mobility device users.</li> <li>• Trigger warnings on website.</li> <li>• Being conscious of shade spots to stop at on tours. Disclose on website about being sun-smart and bringing water/ hat/ etc.</li> <li>• Confirm feedback page on website.</li> <li>• Provide information about ground surfaces so people can choose what mobility device or tyres to use.</li> <li>• Provide a range of mobility/comfort equipment eg. wheelchairs, cushions or encourage people to bring in.</li> <li>• Annual schedule of tailored tours eg. low sensory, Auslan interpreted, wheelchair/limited mobility.</li> </ul>

Recommendations	Proposed Actions and Comments
<b>Economic Access</b>	
<ul style="list-style-type: none"> <li>• For Tunnels Tour consider other fee options for those on low incomes / pensions etc.</li> <li>• Opportunity to try out/touch the equipment before committing to Tunnels Tour.</li> <li>• Consider how people with invisible mobility impairments and other people with disability who may not receive the mobility concession could be included.</li> </ul>	<ul style="list-style-type: none"> <li>• Reconsider concession fees. May need to discuss with Treasury.</li> <li>• Alternative topside “tunnel tour” eg. virtual reality or mock-up of equipment should have an alternative fee.</li> </ul>
<b>Booking and tickets</b>	
<ul style="list-style-type: none"> <li>• Being able to book all tours online.</li> <li>• Access to the booking systems and calendars for people who use screen readers.</li> <li>• Clearer explanations on what concession cards are accepted.</li> <li>• Add Auslan interpreters to the ticket section with the carer / companion card concessions.</li> <li>• Provide information about the wheelchairs for loan to be available on the website.</li> <li>• Mobility Concession added to the website and pamphlets.</li> <li>• Availability of cushions.</li> <li>• Improve access to the outside kiosk or have some consistency as some tickets could be purchased from the kiosk, some from the gift shop.</li> <li>• Improved advertising of the audio guides.</li> <li>• A number to call re accessibility.</li> </ul>	<ul style="list-style-type: none"> <li>• Standard question for ticket sellers to ask visitors “Do you have any comfort or access requirements to help you get the best experience on your tour?”</li> <li>• Explore why all tours can’t be booked online.</li> <li>• Clearly outline what concession cards are accepted.</li> <li>• Improve access to ticket office – why are there multiple locations?</li> <li>• Consider standalone ticket kiosks (like at the movies) for people to use during peak periods.</li> <li>• Currently mobility, disability and senior concession – don’t want people to have to prove their disability.</li> <li>• Make it clear interpreters don’t have to pay.</li> </ul>

Recommendations	Proposed Actions and Comments
<b>Getting there and parking</b>	
<ul style="list-style-type: none"> <li>• More accessible / shaded seating area outside the prison.</li> <li>• Clearer signposting.</li> <li>• Parking map on the website and pamphlets.</li> <li>• Make the parking bays angled.</li> <li>• Include clearer information on the website about parking and how much it is for ACROD permit holders and what the time limits are.</li> <li>• Make it clearer that people can park outside the prison and don't have to use the busy car park below the prison.</li> <li>• Move ACROD bays to be closer to the prison entrance.</li> <li>• Have more shading in the carpark.</li> <li>• A later bus service from the prison to the train station.</li> </ul>	<ul style="list-style-type: none"> <li>• Parking area to be redeveloped and will ask for RG input.</li> <li>• OHA noted angled parking more difficult for reversing and access from all sides of vehicle.</li> </ul>
<b>Arrival and entrance</b>	
<ul style="list-style-type: none"> <li>• Information on website and by phone that work is being carried out at the Prison so people can plan ahead.</li> <li>• More staff training of the needs of people with more invisible disabilities, neurodiverse. To pick up on when someone may require assistance and to know the best ways to ask the person.</li> <li>• Safe WA QR codes to be clearly signposted.</li> <li>• Clearer signage. Signpost in the courtyard and/or near the entrance to show where the various buildings are plus bigger signage on the buildings.</li> <li>• Tactile paving.</li> <li>• Shaded protection over the benches and/or put the benches undercover in case of rain or heat.</li> <li>• Accessible and comfortable seating.</li> </ul>	<ul style="list-style-type: none"> <li>• Include information on website of works impacting the accessibility of the site.</li> <li>• Identify exactly where tactile paving required – RG input.</li> </ul>

Recommendations	Proposed Actions and Comments
<p><b>Other</b></p> <ul style="list-style-type: none"> <li>• More signage for people who are blind. Not sure if this information was on the audio guide but if not to include all areas.</li> <li>• Have audio guides that can be used straight from the phone rather than having to book a device.</li> <li>• Have an option to go on the tour yourself with the handheld audio guide, go at your own pace.</li> <li>• Advertise the English audio guides.</li> <li>• Check videos don't flash.</li> <li>• Adequate lighting.</li> <li>• Lower the signage and iPad / tablets and make the font bigger to read in all the exhibition areas. Lower the exhibition tables.</li> <li>• 30 Years: Unlocked Exhibition. Either decrease the film size on the wall or move the seating backwards to behind the big picture, that is resting on the floor, near the entrance to the building.</li> <li>• Insider Art Exhibition - put the number, title, price, and the location of where the artwork was created, on or near the art exhibits.</li> <li>• Staff training in assistive technologies.</li> <li>• Opportunities for staff to provide feedback.</li> <li>• Review accessibility of emergency procedures with people with lived experience of disability including vision impairment.</li> <li>• Enough space between displays to turn wheelchair.</li> </ul>	<ul style="list-style-type: none"> <li>• Build accessibility into design process.</li> <li>• Consider how to make exhibitions available in multiple sensory formats eg. audio guides, QR codes etc. Discuss with Department of Justice.</li> <li>• 3D tours of exhibitions, online exhibitions.</li> <li>• Confirm no flashing on videos.</li> <li>• Accessible exhibition furniture and signage eg. lower tables, display cabinets and signage.</li> <li>• Consider preparing exhibition guidelines or an accessibility events checklist for event providers.</li> <li>• Concert promoters to be aware of accessibility standards of the site and ensure ticket purchasers can get accessible seating for events.</li> <li>• Participate in Disability Pride Week – AUSLAN specific tours, etc.</li> </ul>

Recommendations	Proposed Actions and Comments
<b>Café</b>	
<ul style="list-style-type: none"> <li>• Where exhibitions use film, ensure film size is appropriate to seating placement.</li> <li>• Online menu to comply with WCAG AA accessibility.</li> <li>• Greater range of options for people with dietary needs and this to be clear on both online and printed menus.</li> <li>• Better customer service plus training in dietary requirements.</li> </ul>	<ul style="list-style-type: none"> <li>• Not under control of Fremantle Prison.</li> <li>• Speak to tenant about online menu, providing dietary information and training.</li> </ul>
<b>Toilets and locker facilities</b>	
<ul style="list-style-type: none"> <li>• Review access to the toilets for people with different types of wheelchairs / mobility aids.</li> <li>• Address the issue of the pole outside the toilets.</li> <li>• New matting.</li> <li>• Automatic door for toilets / changing area.</li> <li>• Signpost at the entrance could help people find the toilets and lockers.</li> <li>• Lights on the signs of the buildings, so that people can see the signage in the dark.</li> <li>• The edge of the roofing, covering the corridor to the toilets, to be lifted or made higher.</li> <li>• Hook installed on the inside of the toilet door to hang bags etc.</li> <li>• Consider relocating the toilets if possible, closer to the entrance, easy to find and in a safe location.</li> </ul>	<ul style="list-style-type: none"> <li>• Agree multiple issues and a longer-term project.</li> <li>• Relocate toilets (eg. compactus space, workshops).</li> <li>• Short term can improve signage and install hooks.</li> </ul>

# Appendix 6

## Prioritised Action List

### Introduction

The purpose of producing this task list of priorities is to ensure the managers of Fremantle Prison can address, in a scheduled manner, the feedback gained from the Accessibility and Inclusion (AIP) Reference Group, staff working groups, visitors and the wider public on how to make the site more accessible and welcoming for all.

In 2022, the AIP Reference Group was formed to help provide feedback on a range of accessibility issues highlighted during experiential access audits of the site. At this time, people with different lived experiences of disability were invited to attend site tours offered at Fremantle Prison and provide their feedback on the experience. This audit involved experiencing the entire service chain at Fremantle Prison.

A series of questions which were used in a public consultation survey were formed, based on the experiential groups feedback. Whilst public commentary was minimal, the feedback that was obtained has been included in this report.

Once this process was complete, the findings were discussed in four access working groups (physical, information and communication, social and economic) comprised of staff who work on site, supervisors, tour guides, ticket sellers and officers from the wider Department of Planning, Lands and Heritage (DPLH) accessibility team. This feedback was then added to the previous consultation process and helped to establish a broad understanding of which issues can be prioritised, and which will require further discussion and funding over a longer period of time.

The following list is a summary of the above-mentioned consultation processes, which have been categorised into the following three priority rankings:

- High Priority Actions
- Medium Priority Actions
- Low Priority Actions

The tasks have been assigned to either the Heritage Conservation Team (HCT) or the Visitor Services (VS) team at Fremantle Prison.



**Table showing High Priority Works and who they are assigned to.**

Access Type	Action	Assigned To
<b>Physical Access</b>	Install a wheelchair accessible path around the grassed area, including to routes used on the Convict Prison Tour, Behind Bars Tour, True crime Tour and Torchlight Tour.	HCT assigned.
	Move the benches and council bins away from the signage.	HCT assigned.
	Make sure wheelchair accessible lifts are operational and serviced regularly.	HCT assigned.
	Implement recommendations from JMG access audit where possible and prioritise those involving safety issues, including: <ul style="list-style-type: none"> <li>• Install handrails, warning tactile ground surface indicators (TGSIs) (in required luminance contrast) and warning strips to the nosing of the tread of steps (in required luminance contrast) to stairways in public access spaces and on tours.</li> <li>• Replace any ramp at a doorway that has a level change of 190mm or less, with one that has a gradient no steeper than 1:10, ensuring the ramp has the required safe sides to meet step ramp requirements.</li> <li>• Replace any ramp at a doorway that has a level change of 190mm or greater, with one that has a gradient no steeper than 1:14, ensuring the pedestrian ramp has the required handrails and kerb rails to both sides and warning TGSIs installed at the top and base.</li> <li>• Install handrails and kerb rails to both sides of all pedestrian ramps in public access spaces and on tours (that have a gradient shallower than 1:14).</li> </ul>	HCT assigned.
	Invite RG members to test and provide feedback on proposed solutions eg., mock-up ramps.	HCT assigned.
	Have two different types of torches for tour.	VS assigned.

Access Type	Action	Assigned To
<b>Physical Access cont'd</b>	<p>Ramps and stairs illuminated – ambience to suit the tour, but safety first eg., theatre style, motion activated.</p> <p>Remove loose mats from ramp surfaces and at doorways. Where a mat is required (eg. to trap water), ensure it is secured and has a ramped/ bevelled edge so as to not pose a barrier.</p> <p>Where a mat has been used to provide a transition surface or to address lips or gaps, repair the lips and gaps by another means to create a safe, traversable surface.</p>	<p>HCT assigned.</p>
	<p>Prioritise main tour routes.</p>	<p>HCT assigned.</p>
<b>Information Access</b>	<p>Clear masks for guides.</p>	<p>VS assigned.</p>
	<p>Include captioning on audio guides with AUSLAN and a larger device.</p>	<p>HCT assigned.</p>
	<p>An audio menu on the audio guide where the numbers and their corresponding stories are narrated.</p>	<p>HCT assigned.</p>
	<p>Re-write the Declaration Form to consider people may not know how they will be on the tour.</p>	<p>VS assigned.</p>
	<p>Encourage visitors to give feedback via the website, on paper or via TripAdvisor.</p>	<p>VS assigned.</p>

Access Type	Action	Assigned To
<b>Information Access cont'd</b>	<p>Website:</p> <ol style="list-style-type: none"> <li>(1) Full website audit with different tools and on different operating systems. Test using screen readers and read aloud tools. Test colour contrast, Alt text, scrolling etc. to meet WCAG AA.</li> <li>(2) Include the Acknowledgement of Country on the website.</li> <li>(3) Some more photos and maps.</li> <li>(4) Clearer information about audio guides.</li> <li>(5) Accessibility page.</li> <li>(6) Consider advising to check weather before a tour as you're going to be outside for much of the tour.</li> <li>(7) Ensure iPad are at accessible heights.</li> <li>(8) Encourage people to ask a question if they require any modifications or accommodations.</li> <li>(9) Remove information that may make assumptions about people and include enough information for people to make an informed decision.</li> </ol>	VS assigned.
	Clarify what can and can't be touched.	HCT/VS assigned.
	Upgrades to audio guides. Auslan interpreter to visit site and make sure elements can be interpreted.	HCT assigned.
	Get advice from Better Hearing Australia and purchase some hearing devices eg., loops or microphones.	VS assigned.
	Have a safety harness for people interested in Tunnels Tour to see/ touch at the front gate.	VS assigned.
	Show tour routes on arrival experience maps and note stairs etc. that might impact accessibility.	VS assigned.
	Where tour participants are obstructed, for example, due to a stair flight or narrow/obstructed accessway, provide directional signage for the return, accessible route to the meeting point, to resume the tour.	HCT assigned.

Access Type	Action	Assigned To
<b>Information Access cont'd</b>	Provide directional signage from banks of male and female (only) toilets to the closest unisex accessible toilet (UAT).  Depending on the context, provide sufficient information to ensure people are able to locate the UAT (use an arrow, state distance, location in which building, signage provided along the route at each location where a directional decision needs to be made).	HCT assigned.
	Install Braille and raised tactile text and symbol signage to all unisex accessible toilets, and male and female toilets (as per BCA D3.6 requirements).	HCT assigned.
<b>Social Access</b>	Tour guides to wait for everyone to be present before continuing with the tour.	VS assigned.
	Better lighting solutions for interpreters on Torchlight tour.	HCT assigned.
	Trigger warnings on the website and at the beginning of each tour so that people are prepared.	VS assigned.
	Tour guide to be mindful of the needs of the wheelchair user, to stay with the group to make sure everyone gets through rather than going ahead.	VS assigned.
	More public information to show that Fremantle Prison welcome people with disability, are committed to making the prison as accessible as possible and can make some accommodations. For example, “let us know in advance if you require any flexibility as there may be some things we can arrange to make this tour more accessible for you.”	VS assigned.
	Tour guides to be mindful of weather conditions as some visitors may be too polite to speak up if too hot / cold.	VS assigned.

Access Type	Action	Assigned To
<b>Social Access cont'd</b>	Re Tunnel tour: <ol style="list-style-type: none"> <li>(1) Provide enough information about the Tunnels tour so that visitors can make an informed decision (eg., weight of equipment, height of tunnel, timings of each section of the tour, sensory conditions etc).</li> <li>(2) Have a Reasonable Adjustment page on the website.</li> <li>(3) Remove the part of the tour where the hatch is slammed, on the walk up to the tunnels as this could be triggering.</li> <li>(4) Trigger warnings on website.</li> <li>(5) Confirm feedback page on website.</li> <li>(6) Provide information about ground surfaces so people can choose what mobility device or tyres to use.</li> </ol>	VS assigned.
<b>Economic</b>	Opportunity to try out/touch the equipment before committing to Tunnels Tour.	VS assigned.
<b>Booking and ticketing experience</b>	Clearer explanations on what concession cards are accepted.	VS assigned.
	Add AUSLAN interpreters to the ticket section with the carers / companion card concessions.	VS assigned.
	A number to call regarding accessibility.	VS/HCT assigned.
	Standard question for ticket sellers to ask visitors "Do you have any comfort or access requirements to help you get the best experience on your tour?"	VS assigned.
	Explore why all tours can't be booked online.	VS assigned.
	Make it clear interpreters don't have to pay.	VS assigned.

Access Type	Action	Assigned To
<b>Planning your trip and parking</b>	Parking map on the website and pamphlets.	VS assigned.
	Make the parking bays angled.	HCT assigned.
	Move ACROD bays to be closer to the prison entrance.	HCT assigned.
<b>Arrival and entrance</b>	Information on website and by phone that work is being carried out at the Prison so people can plan.	VS assigned.
	Include information on website of works impacting the accessibility of the site.	VS assigned.
<b>Other exhibition spaces – visitor’s room, art gallery, garden etc.</b>	Confirm no flashing on videos.	HCT assigned.
	Lower the signage and iPad / tablets and make the font bigger to read in all the exhibition areas. Lower the exhibition tables.	HCT assigned.
	Build accessibility into design process.	HCT assigned.
	Opportunities for staff to provide feedback.	VS/HCT assigned.
	Review accessibility of emergency procedures with people with lived experience of disability including vision impairment.	HCT assigned.
<b>Toilets and locker facilities</b>	Review access to the toilets for people with different types of wheelchairs/ mobility aids.	HCT assigned.
	New matting.	HCT assigned.
	Automatic door for toilets / changing area.	HCT assigned.
	Hook installed on the inside of the toilet door to hang bags etc.	HCT assigned.

**Table showing High Priority and who they are assigned to.**

Access Type	Action	Assigned To
<b>Physical</b>	New ramps, flooring, doorways etc. to meet standards, and test with different mobility aids.	HCT assigned.
	Install threshold, step or pedestrian ramps at entranceways and thoroughfares where currently steps prevent access for persons with disability (and the access route beyond the ramp is of sufficient width to accommodate a wheelchair passing through).	HCT assigned.
	Evaluate the doorways on the main tour routes and should the clear open width not achieve 850mm, consider the following options: <ul style="list-style-type: none"> <li>• Install an off-set or parliament hinge.</li> <li>• Remove the door leaf.</li> <li>• Remove the door leaf and frame.</li> <li>• If access cannot be achieved through a doorway, consider an alternate route to the same destination (on tours).</li> </ul>	HCT assigned.
	Install a timber rod (or similar) into deep sliding door/gate runners to fill the gap and provide a traversable surface without any gaps. Where the door is to be opened/closed, tour guides to place the trim into the gap once the door has been opened.	HCT assigned.
	Where ramps or paths have wide apertures (eg., steel grating such as Webforge) (in excess of 8mm), replace with a traversable surface. Where drainage grates have apertures wider than 8mm, replace with a compliant grate (such as a Heelsafe grate).	HCT assigned.
	Evaluate the access routes on all tours and identify where grates and service/pit lids create a gap, or a vertical lip in excess of 3mm. Barricade or divert the tour around areas of significant hazard and investigate solutions to address the uneven surfaces.	HCT/ VS assigned.
	New pathways to be uniform poured limestone.	HCT assigned.
	Better (compliant) ramps, matting for access and egress. Check doorways with different chair sizes.	HCT assigned.
	Consider feedback on proposed materials palette provide by OHA.	HCT assigned.

Access Type	Action	Assigned To
<b>Information Access</b>	Provide both visual and verbal hazard information.	VS assigned.
	Consider access to written information for people using wheelchairs eg., location.	HCT assigned.
	Declaration Form with tagging for a screen reader and section to sign.	VS assigned.
	Descriptions of the tours that provide enough information for the visitor to make an informed decision on whether the tour is right for them.	VS assigned.
	For the tour guides to use microphones if there are a lot of people on the tour.	VS assigned.
	Provide social stories about booking, tours, exhibitions etc.	VS assigned.
	Re website: <ul style="list-style-type: none"> <li>(1) Could include information about alternative routes being available for physical access and some tours can be flexible.</li> <li>(2) Include weather forecast on either the header or footer so that it appears on all pages.</li> <li>(3) Consider having a few example cells in 3D on the website. Put this information on iPad if people can't get into a place/ room.</li> </ul>	VS assigned.
	Explore ideas re visual/ verbal signage with Visibility eg., Beacon technology.	HCT assigned.
	Tours to identify more tactile and sensory opportunities eg., BMR collection, smell-scapes in cells and kitchens, soundscapes.	HCT assigned.
	Reach out to WA Institute for Deaf Education (WAIDE) and Access+ for feedback on design of AUSLAN interpreted tours.	VS assigned.
	Consider training for guides on wearing microphones if on a large tour group.	VS assigned.
	Consider clear masks if guides want to wear a mask.	VS assigned.



Access Type	Action	Assigned To
<b>Information Access cont'd</b>	Re declaration form: <ol style="list-style-type: none"> <li>(1) Have an example of declaration form online.</li> <li>(2) Consider having a e-version on site with a reader option on an iPad.</li> <li>(3) Have cut-out template for signing, as long as the visitor has been able to read information prior.</li> </ol>	VS assigned.
<b>Social Access</b>	<p>Disability confidence training on what you can or should not ask the person with disability plus understanding visible and hidden disabilities. Have people with disability undertake the training, how to navigate the prison etc. Staff to try out assistive tech and equipment used by people with disability.</p> <p>For visitors to be asked if they require individual assistance. To clearly explain why this assistance may be required if it is required as part of a health and safety policy.</p> <p>Staff training of invisible disabilities plus neurodiversity. Treating visitors equally which may mean not singling out people because of a visible disability regardless of the good intentions.</p> <p>Encourage visitors to give feedback via the website, on paper or via TripAdvisor.</p> <p>Re Tunnel tour: Training for staff to assist someone who is blind to try out/touch the equipment before using it.</p>	<p>VS assigned.</p> <p>VS assigned.</p> <p>VS assigned.</p> <p>VS assigned.</p> <p>VS assigned.</p>

Access Type	Action	Assigned To
<b>Social Access cont'd</b>	Agree disability confidence training for staff essential including: <ul style="list-style-type: none"> <li>• People with disability involved in providing the training;</li> <li>• Deaf awareness;</li> <li>• Audio description;</li> <li>• Working with interpreters;</li> <li>• Using microphones;</li> <li>• Potential triggers at the site;</li> <li>• Trauma informed care;</li> <li>• Invisible disabilities;</li> <li>• Neurodiversity;</li> <li>• Adapting tours to range of visitors;</li> <li>• Assistive technologies;</li> <li>• Offering assistance without offending; and</li> <li>• Assisting people with safety equipment eg. harness etc for Tunnels Tour.</li> </ul>	HCT/VS assigned.
	Further training and good practice tips for tour guides.	VS assigned.
	Use better/ alternative torches for interpreters – consider head torches.	VS assigned.
	More information online, flyers at front gate, include short videos/ snapshots of areas.	VS assigned.
	Train guides to ask directly if people with visible disability require assistance on tours, otherwise try to encourage asking for assistance online prior to visit so we can plan for an additional guide.	VS assigned.
	Awareness training, potentially a floating tour guide if necessary, on large groups with mobility device users.	VS assigned.
	Being conscious of shade spots to stop at on tours. Disclose on website about being sun-smart and bringing water/ hat/ etc.	VS assigned.
<b>Economic Access</b>	Consider how people with invisible mobility impairments and other people with disability who may not receive the mobility concession could be included.	VS assigned.

Access Type	Action	Assigned To
<b>Bookings and tickets</b>	Being able to book all tours online.	VS assigned.
	Access to the booking systems and calendars for people who use screen readers.	VS assigned.
	Provide information about the wheelchairs for loan to be available on the website.	VS assigned.
	Mobility Concession added to the website and pamphlets.	VS assigned.
<b>Planning your trip and parking</b>	Include clearer information on the website about parking and how much it is for ACROD permit holders and what the time limits are.	VS assigned.
	Make it clearer that people can park outside the prison and don't have to use the busy car park below the prison.	VS assigned.
<b>Arrival and Entrance</b>	More staff training of the needs of people with more invisible disabilities, neurodiverse. To pick up on when someone may require assistance and to know the best ways to ask the person.	HCT/VS assigned.
	Identify exactly where tactile paving required – RG input.	HCT assigned.
<b>Other exhibition spaces – visitor's room, art gallery, garden etc.</b>	Advertise the English audio guides.	VS assigned.
	Adequate lighting.	HCT assigned.
	30 Years: Unlocked Exhibition. Either decrease the film size on the wall or move the seating backwards to behind the big picture, that is resting on the floor, near the entrance to the building	HCT assigned.
	Enough space between displays to turn wheelchair.	HCT assigned.
	Concert promoters to be aware of accessibility standards of the site and ensure ticket purchasers can get accessible seating for events.	VS assigned.
	Participate in Disability Pride Week – AUSLAN specific tours, etc.	VS assigned.
<b>Café</b>	Opportunity to really embrace the theme “No Escape Cafe” ... making it a fun part of the experience.	HCT assigned.
	Online menu to comply with WCAG AA accessibility.	HCT assigned.

Access Type	Action	Assigned To
<b>Toilet and Locker facilities</b>	Address the issue of the pole outside the toilets.	HCT assigned.
	Signpost at the entrance could help people find the toilets and lockers.	HCT assigned.
	Short term can improve signage and install hooks.	HCT assigned.

Table showing High Priority Action Works and who they are assigned to.

Access Type	Action	Assigned To
<b>Physical Access</b>	Lights on the ramps and pathways for night tours.	HCT assigned.
	Have a virtual reality tour of the tunnels.	VS assigned.
	Audit colour/luminance contrast not just on the website but in all areas with public information.	HCT assigned.
	Review ramp incline and matting at the entrance to café.	HCT assigned.
	Open access to the outside café area.	HCT assigned.
	Install directional signage to public access toilets if they are not apparent from the tour route, public access spaces (eg. function rooms) and concert locations.	
<b>Information Access</b>	Staff training in describing visual information to people who are vision impaired.	VS assigned.
	Identify items that can be touched and train staff in conducting touch tours.	VS assigned.
	Re-make the Tunnel Tour safety video so that the instructions and images are clear and include captions and voice over. Test with people with different access and inclusion needs.	HCT assigned.
	More touch-based communications eg., an embossed plan of the site, Braille.	HCT assigned.

Access Type	Action	Assigned To
<b>Information Access cont'd</b>	Re-website: <ol style="list-style-type: none"> <li>(1) Celebrate the staff on the website eg., have the staff present a video.</li> <li>(2) Social story videos from tour guides.</li> <li>(3) Video teasers online.</li> </ol>	VS assigned.
	Improve signage by adopting the principles of good signage across in the site, for informative, interpretive and directional (way finding) signage. <ul style="list-style-type: none"> <li>• Any information provided on signs should be clear and unambiguous to read.</li> <li>• Lettering (size, type, layout) to be clear and legible (larger font size)</li> <li>• Avoid the use of ALL CAPITALS.</li> <li>• The sign is not to reflect light nor be placed behind glazing.</li> <li>• To be located at a height between 1200–1600mm from the finished floor surface, where it will be most visible to people seated and standing. Where space within the 1200-1600mm zone is not available, the sign can be extended downward, no lower than 1000mm.</li> <li>• Should the sign be obscured at any time (eg., by crowds at a train station or in a foyer) it should be placed at least 2000mm high.</li> <li>• The sign should be in contrast to the background surface.</li> <li>• Letters to be in 30% luminance contrast to the sign.</li> <li>• Letter height to be appropriate to the required/ anticipated viewing distance.</li> <li>• Best practice indicates directional signage is to be located consistently along the path of travel so that it can be readily found.</li> <li>• Directional signage to be located at key decision-making points.</li> <li>• Signage should not obstruct the accessible path of travel.</li> <li>• Set signage off the path of travel, set the sign on a hard stand at least 1540x2070mm in dimension.</li> <li>• Ensure signage cannot be obstructed by foliage and the like.</li> </ul>	HCT assigned.
	Consider updating safety video to include captions and voice overs – co-design with RG.	VS assigned.

Access Type	Action	Assigned To
<b>Social Access</b>	Disability confidence training to recognise that everyone is different. No assumptions. People with disability can provide the training. Include deaf awareness training.	HCT/VS assigned.
	Identify potential triggers and train staff in trauma informed care.	HCT assigned.
	Small group options for people who are unable to do tours that include a lot of people.	VS assigned.
	3D tours of inaccessible spaces eg. Moondyne Joe's cell and the cells in the Female Division.	VS assigned.
	Re Tunnel tour: (1) Have a mock-up of the equipment and boat so people can make an informed decision. Make it into a fun addition to the Fremantle Prison tourist attraction and a great photo opportunity. (2) Mock-up tour experience for visitors who can't travel down into the tunnels. Consider accessing the Pump House shaft, objects for touching, reservoir, etc.	VS assigned.
	Provide a range of mobility/comfort equipment eg., wheelchairs, cushions or encourage people to bring in.	VS assigned.
<b>Economic Access</b>	Reconsider concession fees. May need to discuss with Treasury.	VS assigned.
	Alternative topside "tunnel tour" eg., virtual reality or mock-up of equipment should have an alternative fee.	VS assigned.
<b>Booking and tickets</b>	Availability of cushions.	VS assigned.
	Improve access to the outside kiosk or have some consistency as some tickets could be purchased from the kiosk, some from the gift shop.	HCT assigned.
	Improve advertising of the audio guides.	VS assigned.
	Improve access to ticket office – why are there multiple locations?	HCT assigned.
	Currently mobility, disability and senior concession – don't want people to have to prove their disability.	VS assigned.

<b>Access Type</b>	<b>Action</b>	<b>Assigned To</b>
<b>Planning your trip and Parking</b>	Parking area to be redeveloped and will ask for RG input.	HCT assigned.
<b>Arrival and entrance</b>	Safe WA QR codes to be clearly signposted.	VS assigned.
	Clearer signage. Signpost in the courtyard and/or near the entrance to show where the various buildings are plus bigger signage on the buildings.	HCT assigned.
<b>Other exhibition spaces – visitor’s room, art gallery, garden etc.</b>	More signage for people who are blind. Not sure if this information was on the audio guide but if not to include all areas.	HCT assigned.
	Insider Art Exhibition - put the number, title, price, and the location of where the artwork was created, on or near the art exhibits.	HCT assigned.
	Consider preparing exhibition guidelines or an accessibility events checklist for event providers.	HCT assigned.
<b>Cafe</b>	Greater range of options for people with dietary needs and this to be clear on both online and printed menus.	HCT assigned.
	Better customer service plus training in dietary requirements.	VS assigned.
	Speak to tenant about online menu, providing dietary information and training.	HCT/VS assigned.
<b>Toilet and Locker facilities</b>	Lights on the signs of the buildings, so that people can see the signage in the dark.	HCT assigned.

**Table showing Medium Priority Action Works and who they are assigned to.**

<b>Access Type</b>	<b>Action</b>	<b>Assigned To</b>
<b>Physical Access</b>	Opportunities to sit down on tours.	HCT/VS assigned.
	Make the garden more physically accessible for visitors and volunteers with disability.	HCT assigned.
	More seating/spaces for rest and reflection generally and in tours.	HCT assigned.
	More shading devices through tours.	HCT assigned.
<b>Social Access</b>	Annual schedule of tailored tours eg., low sensory, AUSLAN interpreted, wheelchair/limited mobility.	VS assigned.
<b>Economic Access</b>	For Tunnels Tour consider other fee options for those on low incomes / pensions etc.	VS assigned.
<b>Booking and Tickets</b>	Consider standalone ticket kiosks (like at the movies) for people to use during peak periods.	VS assigned.
<b>Planning your Trip and Parking</b>	More accessible / shaded seating area outside the prison.	HCT assigned.
	Have more shading in the carpark.	HCT assigned.
<b>Arrival and Entrance</b>	Tactile paving.	HCT assigned.
	Shaded protection over the benches and/or put the benches undercover in case of rain or heat.	HCT assigned.
	Accessible and comfortable seating.	HCT assigned.
<b>Other exhibition spaces – visitor’s room, art gallery, garden etc.</b>	Have audio guides that can be used straight from the phone rather than having to book a device.	HCT/VS assigned.
	Staff training in assistive technologies.	VS assigned.
	Consider how to make exhibitions available in multiple sensory formats eg., audio guides, QR codes etc. Discuss with Corrective Services.	HCT assigned.
	Accessible exhibition furniture and signage eg., lower tables, display cabinets and signage.	HCT assigned.



Table showing Low Priority Action Works and who they are assigned to.

Access Type	Action	Assigned To
<b>Physical Access</b>	Platform lift access for Tunnels Tour.	HCT assigned.
	Lift access for the upper levels (eg., for True Crime tour), to remain within heritage guidelines.	HCT assigned.
	Lock gates open.	HCT assigned.
	Platform lift for Tunnels Tour likely not feasible – significant work and cost. Potential feasibility study. Instead, provide a virtual reality experience, or tour guide wears Go Pro.	HCT assigned.
	Lift access to upper levels could be explored eg., new division.	HCT
<b>Planning your Trip and Parking</b>	Clearer signposting.	HCT assigned.
	A later bus service from the Prison to the train station.	VS assigned.
<b>Other exhibition spaces – visitor’s room, art gallery, garden etc.</b>	Have an option to go on the tour yourself with the handheld audio guide, go at your own pace.	VS assigned.
	3D tours of exhibitions, online exhibitions.	HCT assigned.
<b>Toilet and Locker facilities</b>	Consider relocating the toilets, if possible, closer to the entrance, easy to find and in a safe location.	HCT assigned.
	Relocate toilets (eg., compactus space, workshops).	HCT assigned.
	Construct a unisex accessible toilet (UAT) to service locations where male and female toilets are currently provided, and locations where demand for toilets is evident.	HCT assigned.

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FREMANTLE PRISON  
The Convict Establishment