GOVERNMENT OF WESTERN AUSTRALIA

Department of **Planning, Lands and Heritage**

FREMANTLE PRISON
The Convict Establishment

FREMANTLE PRISON

ABORIGINAL HERITAGE MANAGEMENT PLAN 2026

WIRRIN YIRA KOORL 'UP SPIRITS GO'



Unknown artist, cell F47, 3 Division, Main Cell Block.

CONTENT WARNING

Please note this document contains strong language, themes and images of violence, information on Stolen Generations and names and images of deceased people.

Acknowledgement of Country

The Department of Planning, Lands and Heritage acknowledges the Whadjuk people as the traditional custodians of Walyalup, the land on which Fremantle Prison is located. The Department pays respect to Elders past and present and all Western Australian Aboriginal communities.

Language disclaimer: Differences in name and place spellings may result from different languages and dialects in use.

Artwork disclaimer: This document contains artwork in the Fremantle Prison Collection. If the works are signed, the artist name is noted. Research into the artworks and identifying the unknown artists is an action of this Plan.



Aboriginal Cultural Heritage Group outside Fremantle Prison, 2023.

From left to right: Betty Garlett, Gerrard Shaw (dec.), Oonagh Quigley, Sharon Calgaret, Tenika Calgaret, Ethan Kelly-Akee, Herbert Bropho and Ethan Chadd

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The Plan and outcomes are about setting spirits free, in Whadjuk Noongar language Wirrin Yira Koorl (Up Spirits Go).

Cover: Christmas Card, M Ellis. Fremantle Prison Collection.

2023 STATEMENT FROM ABORIGINAL CULTURAL HERITAGE GROUP

Kaya Wanjoo nidja Noongar Boodja

Wandjoo nidja Walyalup Boodja, nidja Walyalup moort nidja noongar moort

nguny moort nidja koora koora moort nidja boodja

Welcome to Noongar Boodja,
Welcome to Fremantle country.

We acknowledge the Fremantle people, the Noongar people and pay respect to the Elders of this land, past and present.

Fremantle Prison is situated on Walyalup, Noongar Boodja. We acknowledge that the use of Fremantle Prison from 1850s to 1991 has had a devasting effect on all Aboriginal communities and peoples throughout Western Australia. We acknowledge the traumatic connection and impacts of the use of this prison to those communities and peoples, both past and present.

The purpose of the *Wirrin Yira Koorl* is to identify the cultural and historic heritage values relating to the history and displacement of Aboriginal peoples and incarceration at Fremantle Prison. The purpose is also to provide policies to guide culturally appropriate interpretation of the history, the people and their families affected by past incarceration experiences and to share with the wider community in a culturally responsible and respectful way. An Aboriginal Cultural Heritage Group has been established to provide cultural, spiritual, community, wellbeing, economic, social and lived experienced advice to the project team.

The team and thanks

The Aboriginal Cultural Heritage Group includes – Gerrard Shaw (dec.), Sharon Calgaret, Betty Garlett, Herbert Bropho, Tenika Calgaret and Sam Dinah (dec.).

The Aboriginal Cultural Heritage Group would like to pay respects to Elders who supported this project and have now passed, as well as the people who have passed away during the period of use of the Prison.

We would also like to thank Oonagh Quigley and the Fremantle Prison team. It has been a privilege and empowering to work alongside non-Aboriginal people who are so passionate about telling our story and the truth of this country's history. We acknowledge your hard work and your support.

We would like to thank Danny Ford, Rosemary Walley, Jonathan Ford and Ethan Chadd from the Kambarang Services team, as well as Ethan Kelly-Akee from the City of Fremantle. We thank you for your continued efforts and presence within the Elder community and broader community. We acknowledge your hard work and support in ensuring that cultural protocols are always followed and Elders are at the core of these significant projects and consultation processes.



Smoking Ceremony, 2023.



Smoking ceremony, 7 April 2021. From left to right: Ethan Kelly- Akee, Sam Dinah (dec.), Herbert Bropho, Danny Ford, Leah Dinah, Gerrard Shaw (dec.), Bella Bropho, Charlotte Bropho, Cheryl Martin.



Steering Committee meeting, 12 May 2026. From left to right: Danny Ford, Soula Veyradier, Sharon Calgaret, Tenika Calgaret, Clive Morrison, Herbert Bropho, Betty Garlett and Olimpia Cullity.

2026 STATEMENT FROM WIRRIN YIRA KOORL STEERING COMMITTEE

In December 2025, the remaining members of the Aboriginal Cultural Heritage Group reconvened at Fremantle Prison to continue work begun in 2020 and concluded in 2023 with the completion of the *Fremantle Prison Aboriginal Heritage Management Plan, Wirrin Yira Koorl* (Up Spirits Go). The gathering acknowledged deceased members, noted staff departures, and welcomed new staff.

The group reviewed progress and priorities, and formally adopted the name *Wirrin Yira Koorl Fremantle Prison Aboriginal Cultural Steering Committee*. In 2026, Clive Morrison joined as a new member and Fremantle Prison staff (DPLH) Olimpia Cullity and Soula Veyradier joined the Committee, replacing Oonagh Quigley.

One of the committee's first decisions was to formally launch the *Wirrin Yira Koorl* Plan and make it publicly accessible, enabling the journey initiated in 2020 to continue with transparency and ongoing community engagement. Following the launch, Fremantle Prison will share the plan with the wider community, recognising the work undertaken and reaffirming its commitment to culturally appropriate interpretation of the site's history.

STATEMENT FROM DIRECTOR GENERAL, DPLH

Kaya Wanjoo

The development of an Aboriginal heritage management plan for Fremantle Prison is integral to fully understanding and acknowledging the history of this site and what it represents for Whadjuk people and for Aboriginal peoples across Western Australia.

More than 200,000 local, national and international visitors come to Fremantle Prison every year. It is a must-see destination when visiting Walyalup and it is important that we share the Aboriginal stories and experiences of the site during establishment of the prison and across more than 130 years of incarceration.

The Department of Planning, Lands and Heritage plans and manages land and heritage for all Western Australians to conserve our past, protect our unique landscapes, nurture the present and plan for the future. Our team is dedicated to truth-telling, reconciliation and engaging with Aboriginal stakeholders and we are pleased to present *Wirrin Yira Koorl: Fremantle Prison Aboriginal Heritage Management Plan.*

This important project is recognised in the Department's *Innovate Reconciliation Action Plan (March 2023 to February 2025)* deliverables to demonstrate respect to Aboriginal and Torres Strait Islander peoples, namely:

- Deliverable 8.10 Respectfully preserve Aboriginal heritage and stories of the Fremantle Prison and prepare an Aboriginal Heritage Management Plan.
- Deliverable 8.11 Establish an Aboriginal Reference Group with guidance from the Walyalup Reconciliation Action Plan Reference Group and Elders group.

We thank the many people on Whadjuk Country and across the State who have shared their knowledge and guided us in delivering the actions of this Plan. We look forward to collaboratively discovering and sharing Aboriginal stories of Fremantle Prison with our visitors.

Anthony Kannis PSM
Director General,
Department of Planning,
Lands and Heritage



EXECUTIVE SUMMARY

Fremantle Prison has impacted Aboriginal people in Western Australia, both as a colonial site that resulted in the displacement of Traditional Owners and as a site of incarceration. *Wirrin Yira Koorl: Fremantle Prison Aboriginal Heritage Management Plan* is a first step towards a strategic approach to the interpretation of this history, ensuring that research and sharing of stories is culturally appropriate.

The Plan was developed over several years in collaboration between Walyalup Elders and Fremantle Prison. Archival research and community consultations revealed the Aboriginal cultural heritage values of the site and highlighted the impact of legislation on Aboriginal people that is still felt today.

Guided by the Fremantle Prison Aboriginal Cultural Heritage Group, policies were developed to outline how Fremantle Prison will collaborate with Aboriginal communities and share the stories.

The policies follow these three principles:

- Aboriginal people are the primary source of information on the value of their heritage and how best to conserve it, and consultation is vital.
- Fremantle Prison will increase economic capacity of Aboriginal people with employment of Aboriginal services.
- Fremantle Prison is a place of reflection, healing, reconciliation and truth telling.

Wirrin Yira Koorl lays out next steps for projects, research, and relationships. The priority for each of the tasks was decided by the Aboriginal Cultural Heritage Group.

The Plan will be reviewed every five years.

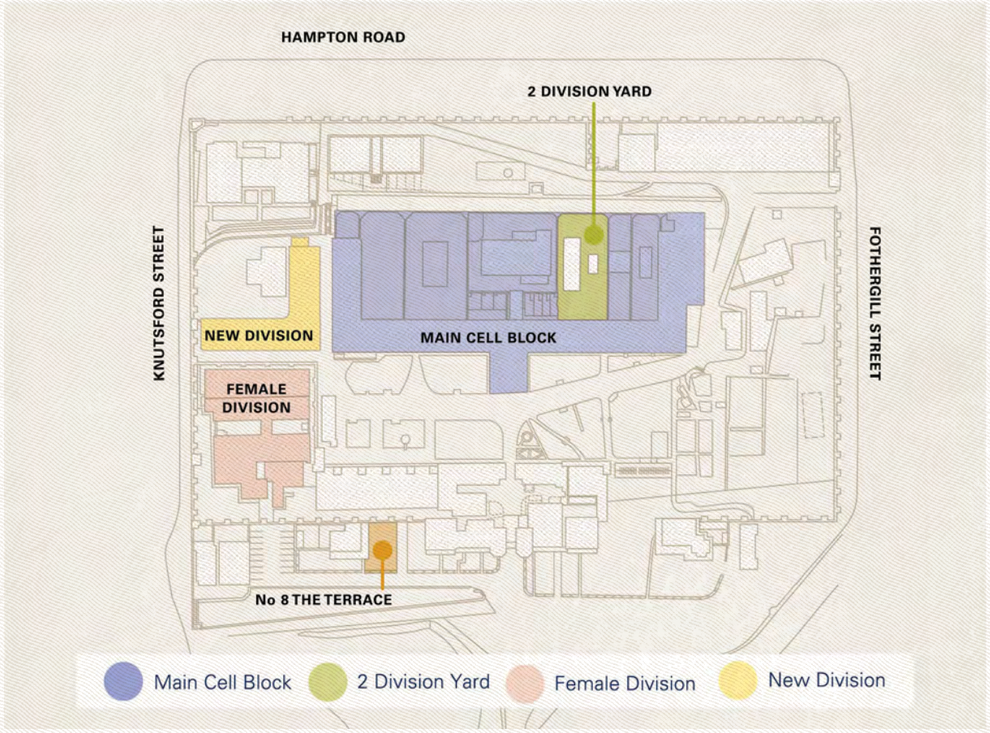


Figure 1. Fremantle Prison site map featuring areas mentioned in this Plan. For more information on site, visit www.fremantleprison.com.au



John Pat Memorial outside No. 8 The Terrace.

Aboriginal experiences and Fremantle Prison

Fremantle Prison has impacted Aboriginal people in Western Australia, both as a colonial site that resulted in the displacement of Traditional Owners and as a site of incarceration. Although Fremantle Prison is in the Walyalup area on Whadjuk Country, people from different Aboriginal nation groups were incarcerated on the site. This Plan is a first step towards a strategic approach to the interpretation of this history, based on a comprehensive assessment of the site's values to Aboriginal people.

Fremantle Prison is a World-Heritage listed site managed by the Department of Planning, Lands and Heritage. There is material at Fremantle Prison that was created by Aboriginal prisoners, either objects or artworks in the Collection or artworks on walls of exercise yards and in cells. Aboriginal prisoners were mostly imprisoned in the following areas of Fremantle Prison: men in New Division and 2 Division, Main Cell Block as well as women in Female Division (see Figure 1). Some of the artworks have no signature and the artist is unknown. Artists that signed their works include Jackie McArthur, Jimmy Pike, Peter Cameron, Reggie Moolarvie, Revel Cooper, Reynold Hart and Tommy Karadada. Some images of these works feature in this document, also see for more information the *Fremantle Prison Collection Significance Assessment 2017.* In addition to these artworks, there is a small number of oral histories from Aboriginal prisoners. There is also a memorial that was erected in 1994 to recognise Aboriginal Deaths in Custody. The memorial is dedicated to John Pat whose 1991 death in Roebourne was a catalyst for the 1991 Royal Commission into Aboriginal Deaths in Custody (see Figure 1).

The purpose of *Wirrin Yira Koorl* is to identify the cultural and historic heritage values relating to the history of displacement of Aboriginal people and incarceration of Aboriginal people at Fremantle Prison. Additionally, *Wirrin Yira Koorl* aims to provide policies to guide culturally safe and appropriate interpretation of this history for present day Aboriginal people and their families affected by past incarceration experiences and to the wider community. As an impact of colonisation and discriminatory legislation, there is an over-representation of Aboriginal people that have been – and are – in prison and die in custody at disproportionally higher rates.

Heritage management framework

This plan aligns to the policies and requirements in the following levels of legislation:

International

The United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP) focuses on self-determination and autonomy of First Nations people over their culture. *Wirrin Yira Koorl* also values these goals. The United Nations Sustainable Development Goals (SDGs) promotes equality and opportunity for all, as *Wirrin Yira Koorl* does.

Fremantle Prison is World Heritage listed, as part of the Australian Convict Sites serial listing. One of the statements of Outstanding Universal Value for the Property highlights the impact on Aboriginal people:

> The Australian Convict Sites constitute an outstanding example of the way in which conventional forced labour and national prison systems were transformed, in major European nations in the eighteenth and nineteenth centuries, into a system of deportation and forced labour forming part of the British Empire's vast colonial project. Within the colonial system established in Australia, the convict settlements simultaneously led to the Aboriginal population being forced back into the less fertile hinterland, and to the creation of a significant source of population of European origin.



Artwork on exercise yard, 2 Division, Main Cell Block.

Commonwealth

The *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act) protects the National Heritage List. The list includes natural, Indigenous and historic places that are of outstanding heritage value to the nation. However, Fremantle Prison has not been recognised as an Indigenous place of heritage value to Australia.

The federal Department of Climate Change, Energy, the Environment and Water (DCCEEW) recently co-designed a Partnership Agreement with the First Nations Heritage Protection Alliance to reform and strengthen First Nations cultural heritage protections. At the time of writing, the project is in Stage Two consultation and not yet complete. The design principles (listed below) of the reform clearly align with *Wirrin Yira Koorl*, as does the co-design method of creating the reform.

- Fairness
- Data sovereignty
- Certainty and consistency
- Clarity and transparency
- Accountability
- Value and connection

Australia's national, state and territory Indigenous heritage bodies created *Dhawura Ngilan: A vision for Aboriginal and Torres Strait Islander heritage in Australia*, which contains ways to improve heritage protections and also highlights the importance of truth telling. *Wirrin Yira Koorl* responds to several of the visions:

- Aboriginal and Torres Strait Islander people are the Custodians of their heritage.
- Aboriginal and Torres Strait Islander heritage is acknowledged and valued as central to Australia's national heritage.

State

Pursuant to Section 38 of the *Aboriginal Heritage Act 1972* the Western Australian Government maintains a Register of Places and Objects for Aboriginal Heritage. No part of Fremantle Prison is currently included on this Register. However, the Prison wishes to adhere to best practice and is creating this Plan to do so. During the delivery phase of this Plan stakeholders expressed a desire for the Aboriginal cultural heritage values of Fremantle Prison to be recognised. Accordingly, it has been included as an action (see Section 4 and 5). *Wirrin Yira Koorl* has a five-year life cycle and future versions will take any changes into account.



'The One o'clock News: Division 4, 10.05am, TV Shed Portrait' by Karin Calvert-Borshoff, 1991. Fremantle Prison Collection.



Unknown artist. Fremantle Prison Collection.

Fremantle Prison

The Prison is part of the Department of Planning, Lands and Heritage, which has prepared the Stretch Reconciliation Action Plan (RAP) (June 2025 to May 2028). *Wirrin Yira Koorl* aligns with the RAP as:

> *the vision for reconciliation is for our land and places to acknowledge, celebrate and protect the rich histories of local Aboriginal cultures; to see all First Nations people thriving from opportunity; and to see all of our employees building strong, collaborative relationships with Aboriginal and Torres Strait Islander peoples.*

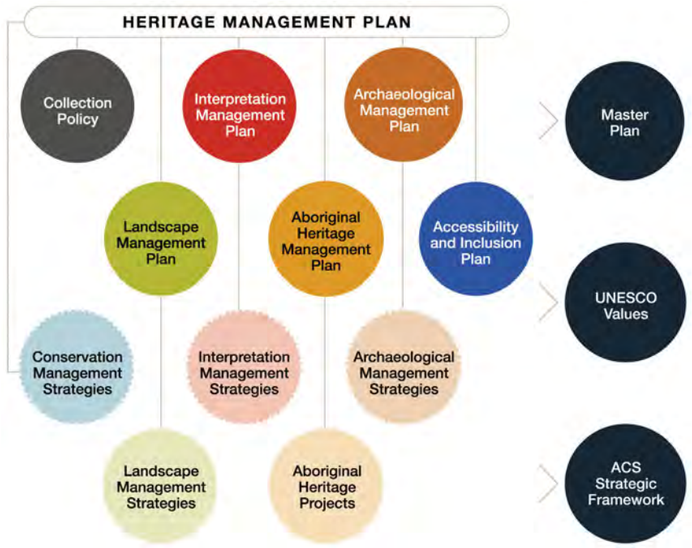


Figure 2. Heritage management framework.

Wirrin Yira Koorl itself was a deliverable under Action 8 of the 2023-2025 Innovate RAP: Demonstrate respect to Aboriginal and Torres Strait Islander peoples by observing cultural protocols, languages and dates of cultural significance. The Fremantle Prison Heritage Management Plan 2019 (HMP) is the overarching heritage policy framework for decisions relating to the conservation management of Fremantle Prison. The addition of *Wirrin Yira Koorl* will be complementary to other second tier policy documents shown in Figure 2 and will provide a framework and guidance for the inclusion and interpretation of Aboriginal historical and cultural values relevant to the Prison.

Additionally, Fremantle Prison is a member of the Australian Museums and Galleries Association (AMaGA). AMaGA is the national membership association and peak advocacy body for the museums and galleries sector, committed to protecting and promoting Australia's arts, culture and heritage. In 2019 they published *First Peoples: A Roadmap for Enhancing Indigenous Engagement in Museums and Galleries* with the aim of improving Indigenous engagement and employment in the museum sector. Developed by an Indigenous Advisory Group, AMaGA and Terri Janke and Company, the Roadmap outlines 5 Key Elements for Change:

1. Reimagining Representation
2. Embedding Indigenous Values into Museum and Gallery Business
3. Increasing Indigenous Opportunity
4. Two Way Caretaking of Cultural Material
5. Connecting with Indigenous Communities

All of these elements for change resonate with the creation of this document, as well as the actions and projects of the Plan.



Above: Carrolup style artwork in cell B45, 3 Division, Main Cell Block.

Acknowledgements

This project wouldn't have been possible without the support of the Aboriginal stakeholders, including the Aboriginal Cultural Heritage Group (that guided the creation of this document), the lived experiences of members and their families and communities. As part of reconciliation, this project offers a voice to the indomitable spirit of Aboriginal people from across the state.

Many spirits have contributed to this document, some already returning to their ancestors as their families keep their spirit alive. We wish to thank all of them and are grateful to all who have made this project possible.

Authorship

Yonga Solutions

Kambarang Services

Naja Consulting

Dr Robin Barrington

Glossary for abbreviations

DCCEEW	Department of Climate Change, Energy, Environment and Water
DPLH	Department of Planning, Lands and Heritage
EPBC	Environment Protection and Biodiversity Conservation Act
SDGs	Sustainable Development Goals
SLWA	State Library of WA
SRO or SROWA	State Records Office Western Australia
UNDRIP	United Nations Declaration on the Rights of Indigenous Peoples
WA	Western Australia

2

JOURNEY SO FAR



Smoking Ceremony in 2 Division, Main Cell Block, 2021.

In 2020, Fremantle Prison staff began discussions with Walyalup Elders and the City of Fremantle Walyalup Reconciliation Action Plan Working Group about the absence of Aboriginal experiences being shared at Fremantle Prison. Many ideas were raised in workshops and a scope for a management plan was co-designed with an Aboriginal reference group.

Several people volunteered to be part of the Fremantle Prison Aboriginal Heritage Management Plan – Writing Scope Working Group. The group ensured input and participation of Aboriginal people to develop the Fremantle Prison Aboriginal Heritage Management Plan scope over the course of six meetings.

This working group of Aboriginal people (former prisoners, younger and older people, people who provide services to current prisoners, people connected to the Deaths in Custody Watch Committee) met in December 2020 to create a terms of reference document and then monthly from December 2020 to June 2021. The reference group that developed the scope requested a Smoking Ceremony at Fremantle Prison, which inspired the title. The Plan and outcomes are about setting spirits free, in Whadjuk Noongar language *Wirrin Yira Koorl* (Up Spirits Go).

Wirrin Yira Koorl provides a framework to achieve what initial engagement with Walyalup Elders identified, namely to:

- Honour Aboriginal people in the past and present who survived colonisation/experienced prison;
- Heal former prisoners and families still feeling the impact of this site today; and
- Educate visitors and the general public about Fremantle Prison.

In July 2021 another large workshop with people from the City of Fremantle Walyalup Reconciliation Action Plan Working Group and Walyalup Elders was held. Members of the Fremantle Prison Aboriginal Heritage Management Plan – Writing Scope Working Group presented the process and there were comments from participants that fed into the scope. It was well received and was used as a basis to tender for a consultant to prepare the Plan.

Between 2022 to 2023, this Plan was researched and delivered by Yonga Solutions, Kambarang Services, Naja Consulting and Dr Robin Barrington. An Aboriginal Cultural Heritage Group was created to ensure that the content was relevant for Aboriginal people. The group met seven times over ten months from late 2022 through to 2023. The meetings involved a Smoking Ceremony around Fremantle Prison as well as regular updates on what was found in the community consultations, interviews and archival research.

Archival research was carried out by Dr Robin Barrington, that demonstrated how legislation was used to control Aboriginal people – control that often resulted in Aboriginal people being imprisoned. See Appendix I and II for more detail. Community consultation and yarning with Aboriginal people in the Perth area and across WA resulted in living memories of Fremantle Prison and Aboriginal people being shared.



Aboriginal Cultural Heritage Group meeting in Fremantle Prison, 2023.

Community Consultations across WA

Fremantle Prison staff and consultants carried out consultations around WA asking communities their thoughts on Fremantle Prison and how to tell stories relating to Aboriginal prisoners. Understanding the historical context and the specific challenges faced by Aboriginal people in relation to incarceration allows for a more comprehensive understanding of the impact of these practices on their lives. It also emphasises the ongoing need for justice, equality and reconciliation in addressing the mistreatment of Aboriginal people within the Australian criminal justice system.

The table below lists the visited locations.

Date	Place
17 November 2022	Albany, Minang Country
24 November 2022	Geraldton, Amangu Country
29 November 2022	Port Hedland, Kariyarra Country
02 December 2022	Broome, Yawuru Country
06 December 2022	Kununurra, Miriwoong Country
13 December 2022	Northam, Balardung Country
14 December 2022	Bunbury, Kaniyang Country
20 December 2022	Balga, Whadjuk Country
16 January 2023	Kalgoorlie, Wangkathaa Country

In the workshops, participants spoke about Fremantle Prison serving as a central institution for housing prisoners from various regions as well as other types of punishments and prison sites. The size of WA influenced where Aboriginal people were imprisoned and how they were punished.

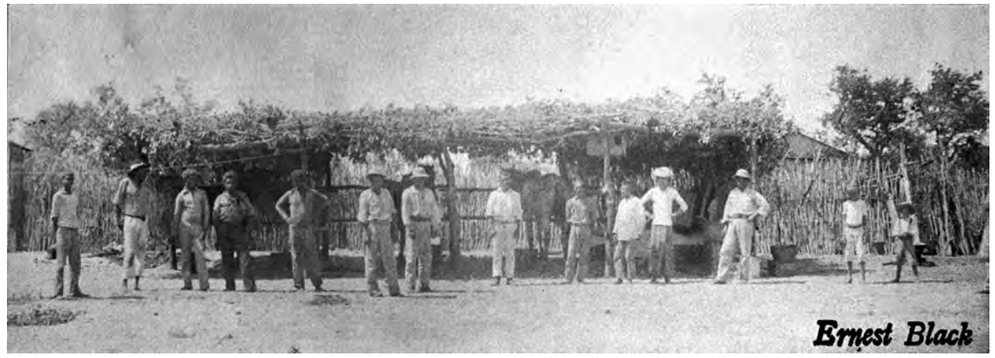
Albany workshop participants explained that Aboriginal prisoners would be sent to different sites depending on where they were apprehended. If an Aboriginal person was found north of Wagin, they were sent to Fremantle but south of Wagin meant going to Albany Prison. If an Aboriginal person knew they were going to be imprisoned, they would race south of Wagin as they feared Fremantle Prison as it was so far from home and known as a violent place.

Prisoners were transported from the Gascoyne and Mid-West area of WA to Fremantle by horse and cart, then by train. However, from remote areas such as the Kimberley and the Pilbara there was a high cost of transporting prisoners to Fremantle. Therefore, imprisonment was not always used as punishment. In these regions, where resources were limited, whipping was sometimes used as a form of punishment rather than incarceration. In Broome, participants spoke of guns being used to shoot Aboriginal people who were considered disobedient by white settlers. Participants said that if rules were broken at Kimberley stations, pastoralists would send Aboriginal people to boab tree prisons (there is a small one in Wyndham and a large one in Derby).



Two Aboriginal men accused of sheep stealing wrapped in blankets, followed by three men on horse-back (one is European and two are Aboriginal), Albany, c. 1900. State Library of Western Australia <slwa_b3904124_1:297918PD>

Aboriginal people were sentenced for different offences. As pastoralists spread around the state and towns began to grow, Aboriginal people were forced out of towns and into reserves on the outskirts. Curfews were in place by 6pm each night, which meant Aboriginal people needed to be out of town. Special permission was required to be in town after curfew and Aboriginal people had to carry papers that identified them. Aboriginal people employed as shearers would shear during the day and only finish work at 5pm, needing to rush into town for supplies and be out before the sun went down, or by 6pm. In Broome, the Common Gate reserve, originally constructed to keep cattle out of the town of Broome, significantly impacted the local Aboriginal population.



Broome gaol, 1894. State Library of Western Australia <slwa_b1996494_1:003223D>



Aboriginal prisoners in chains, caught in the act of killing an animal near Wyndham, c. 1930.
State Library of Western Australia < slwa_b4767317_1:4383B/175>

The Common Gate reserve became the segregation fence and gates that were intended to enforce racial separation and control movement. Today there is a post left standing as a reminder.

Other offences for which Aboriginal people were sentenced included fighting, not being employed or having less than seven shillings in their pocket (classed as loitering). Aboriginal people were not permitted to drink at a pub and publicans would sell alcohol to Aboriginal people but not allow them to be in the pub. Driving without a licence resulted in a sentence. One workshop participant spoke about a sentence of sixteen years for driving without a licence, although he only served six months. An Albany contributor recalled how children were taken from families and the parents were forced to pay for the children's upkeep. If the parents could not pay, they were charged and imprisoned.

Participants expressed the wish for Fremantle Prison to ensure that Aboriginal people tell stories about Aboriginal people. However, should Aboriginal people not be there to tell the story, tour guides need to undergo cultural awareness training. This training needs to be designed by Aboriginal stakeholders to ensure there is appropriate awareness-raising among staff about Aboriginal culture and history. Stories about Aboriginal people should be presented in a way that respects and preserves their cultural and intellectual property. This includes, but is not limited to, history, stories, songs and art. It is recommended that non-Aboriginal tour guides provide brochures, pamphlets or digital recordings created by Aboriginal people. Participants also reflected that during incarceration, Aboriginal people often couldn't speak English. Recognition and promotion of different Aboriginal languages and the barrier this caused was an important part of the Aboriginal prisoner experience.

Yarning with different people

In 2022 and 2023, Fremantle Prison engaged Kambarang Services to research and deliver the Fremantle Prison Aboriginal Heritage Management Plan. Interviews with people connected to Aboriginal prisoner experiences (either prisoners themselves, staff, or family members of prisoners and staff) in Fremantle Prison were carried out. Several people were interviewed and similar stories came through.

The stories are all connected, for ease of reading they have been separated into themes below:

LIFE INSIDE:	LIVED EXPERIENCE:	ALTERNATIVES:
• Work • Experience • Reform – sport, art, music • Education • Aboriginal and non-Aboriginal prisoners • Different Aboriginal communities • Prison staff • Faith • Health	• Lack of services • Racism • How legislation impacted sentencing • After prison • Impact on family outside • Prisons and police today	• Prisons on Country • Lore vs law

LIFE INSIDE:	
Theme	**Quote**
Work	Ian (former prisoner) recalls work he was given including garden party with Bill Freestone: *'He was a wonderful man, you know. He'd say you're coming with me. We'd go out there, they had a little bus, we'd go along on the beaches, clean all the beaches up. Man, I remember cleaning some of the beaches up in my life! I'd come back, I'd be going straight in the cell, it'd be 5 o'clock. All the rest of them they were locked up 4 o'clock… I used to work outside, work everywhere and when I would see the chokey next to the death cell there, oh that had a bad effect on me. I said why couldn't you get somebody else...to clean the death cell? Why you getting me?'*
Experience	Michael (former prisoner) said about his time in Fremantle Prison: *'I had family in here, uncles and stuff that said to me, they said if anyone look for trouble with you, you come and tell me he said, I live here, so I'll deal with them. So, there were a couple of uncles from Albany…the family always helped out, you know, they'd tell us, they'd tell me what I need to do and what not to do…I know it [Fremantle Prison] put the fear in you. I know I said I'd never come back here, and I never did. Yeah, I never.'* Ian (former prisoner): *'Jail takes, your mind, your life. That's what the prisons are made of.'*

LIFE INSIDE:	
Theme	**Quote**
Reform – sport, art, music	Ian (former prisoner): *'They used to play basketball here. They had a basketball yard…they played tennis; they had tennis courts there in all the yards…They used to show a lot of movies…cowboy movies, yeah, cowboy. Kung Fu movies.'* Gillian (education officer): '*He was a news reader, but he also ran a country music programme on radio and so everyone in the state, all Aboriginal people knew Earl Reeve because of his country music evening. He would get requests from different communities, and he would say this is from such and such from this community and this song goes out, that kind of thing. So, all the Aboriginal boys loved him, knew him and loved him. He would come in every year and just play some music with the boys, just talk with them about the programme, you' d just get a whole heap of them who would crowd the education centre to come and listen to Earl Reeves.'*
Education	Gillian (education officer): '*The education centre was seen as, not necessarily a privilege, but it was certainly somewhere where you didn't want to upset the dynamics of the place, because you knew that this would not continue in the way it did.'*
Aboriginal and non-Aboriginal prisoners	Herb (former prisoner) remembered the following story: *'We had Whisky, Whisky was a wadjella bloke, he was old fella, he was an old veteran and he kept to himself. We had a prisoner who was a ex bank robber. He done 2 and a half years in here and he went home to England, and he asked us boys to put him through the lore. We said, how're we gonna put you through the lore here? We gonna flog you for one, punch you and that's no bother. He honestly said can you put me through the lore. We said, aye ok then. So, we smashed the glass, cut him across there [the chest], he was over the moon! He done a long term for armed robbery, and he said thank you for the scar, he said, I'll remember that, and he put his hand on it…We said ah, you a Nyungar now, you're a blackfella. You're no longer a thief when you leave here, you know where to look for us.'* Michael (former prisoner) recalled*: 'You have decent people, you have, the white people, they was more or less mixed in here, they were all together, but you don't, you don't say nothing to anybody. Because it's too scary to even say anything in the wrong crowd.'*
Different Aboriginal communities	Ian (former prisoner): *All us Nyungars we used to be in Main Division, or a couple of us went up to New, but it was the Wongis, Yamatjis, and the Binjareb mob [that] was up in New Division.'*

LIFE INSIDE:	
Theme	**Quote**
Prison staff	Ian (former prisoner): *'All the screws never come near us [in the exercise yard] they'd get you if you mucked around, they'd get you when you went out of the yard.'* Gillian (education officer): *'I'm going to relate that story…about the prisoner that was just so upset he came in to see me…He was from the Goldfields region and often those guys were the least understood. He found it really, really hard to communicate with the officers, really hard. It's not only trying to communicate with them it's also not wanting to because of the reaction you might have. Or how you might be misinterpreted or misunderstood. So there was just always a reluctance to say anything. He had been trying to communicate something with them, I'm not quite sure what the issue was but he really needed to get this message across to them and wasn't able to and so he was just so desperate and so frustrated that he couldn't, he came and saw me and just said "I wanna say something and I can't." He was crying, he was just so frustrated, I think this was probably an accumulation of lots of examples where this had happened to him. It was just like here's just another thing I just want to tell them this, they're not getting it, they're not choosing to get it…Eventually he just got up and said…"I'm gonna go and kill myself." That's how desperate he felt. That's just from an inability to be understood. That was extreme, an extreme situation but I certainly got a sense then of how often this would have played out with the men trying to get understood.'*
Faith	Ian (former prisoner): *'I know for a fact God has helped me, and I have this belief in God. He saved me. Without God I don't think I'd be here. Him and Jesus, they, without them I think I would've been gone, you know what I mean, but faith I [have].'*
Health	Moira (her uncle Ozzy died at Fremantle Prison): *'He got in some trouble, my mum told me, and he was sentenced in Fremantle and he was a pretty big bloke so I think he used to do a lot of boxing, fighting, and apparently they put him in a some room or something, they fed him bread and water, got ill and he got sick and he passed on here through what they did to him'.*

LIVED EXPERIENCE:	
Lack of services	Herb (former prisoner): *'So they bring me down [from Geraldton Prison]… they told me that uh, we'll take you in the morning, Herb, down to Fremantle and then we'll release you out the front. I said ok, no worries. So we come down here and they released me out the front. They gave me my wages for what I done in jail, for cleaning and whatever. And yeah, and a piece of paper with the social and that was it. No good luck, no goodbye, no hope to see you again, Herb. That was that just, bam, boom.'*
Racism	Herb (former prisoner): *'The first incident happened when I was in school in Middle Swan. I was sitting in the classroom after lunch, after the classroom went for our break, I had a newspaper wrapped up with vegemite and damper, so back in our days us little folk used to do trades for those little matchbox cars. So, I'd trade my damper to get a matchbox car and the damper ran out and well I said I've got no more damper so my mate said "well you can use my bike." So after school break I went home full whip, got the damper, bring it back. Then I got told off, (the teachers thought) I stole the bike, and my little wadjella mate tried to tell them that he leant the bike for me to get home to get some more damper but the teacher, the headmaster didn't like (me) so I had to be taken into the office, bang bang, five canes for that.'*
How legislation impacted sentencing	Charlie (father imprisoned for resisting when welfare tried to separate his family): *'I think the first time he [his dad] went to prison was when… we were being taken away. Welfare police were taking us away. My dad reacted…nearly killing a police officer and a welfare officer. But he stopped short of killing them. He was taken and locked up'.* Charlie also spoke of past laws and how Aboriginal people were sentenced: *'If you had no money in your pocket, you got done for loitering. You could get jail for it, yeah. See, they, give you jail for just about anything back then. If you bought your drink, and you lived on a reserve, you couldn't take it on the reserve and drink it back home to your place. You couldn't take that drink, cos the law was there was no alcohol on the reserve. So where could you drink? Eh? A lot of them got done for street drinking. Cos they'd try and drink it before they got home. Cos they'd get done for taking it on the reserve and drinking it. So, they got jailed. It was a catch-22 situation.'*
After prison	Michael (former prisoner): *'I just would like to say that at that time when I got out, the young fellas said "what it was like" I said don't go there. I don't know whether that helped somebody or not, but I even said don't ever go, don't ever do anything wrong cos you'll end up in not a nice place. It was a very scary place. All I can say it wasn't, [nice] for anybody cos you had to watch what you say, watch what you do, prison wardens wasn't great. I just, just done what everyone told me to do, help out, so that made it a lot easier for me. It's scary'* Herb (former prisoner): '*…one time I went to a drug and alcohol centre, in Brown Street in the city, it's run by the Salvation Army, and a lot of the old ex-prisoners from Fremantle goes there because of the things that's happened to them while they were in prison'.*

LIVED EXPERIENCE:	
Impact on family outside	Rona (wife of former prisoner): *'I would just cope one day at a time. Cos when you look at sentences you thought, aw it seems forever. But you can tell that young fellas nowadays you just gotta take one day at a time. Don't look too far ahead, cos then it gets too stressy for you.'*
Prisons and police today	Harold (mother was imprisoned): '*As a police officer I've been to courts and I've seen kids going to court, and our Aboriginal kids going to court, on their own! They get locked up. White fella kids go to court, with their parents and lawyers and get slapped on the hand for the same thing and sent home. The reason why our kids are not being sent home? They got nobody there with them to support them, you know? They [the court system] can't let them out without somebody, an adult to take care of them. That's one of the biggest reasons why a lot of our kids are getting locked up. If their parents would only go with them, stand with them, speak for them, if they need to. Give them support. That's what needs to happen for our mob. But our mob, their parents [have] probably been in, through the prison system. So they don't wanna, and they, they're afraid of going to, into the court system.'*

ALTERNATIVES:	
Prisons on Country	Harold (mother was imprisoned): *'I don't understand why they send the kids down here to the detention centre at Banksia Hill when they should look after them in their Country.'*
Lore vs law	Michelle (father Theo, nickname Duckie, worked as a welfare office in Fremantle Prison): '*Dad ended up taking him, he done time, so dad ended up taking [him] back up to Warburton…So when dad drove him up to Warburton, he had to get his tribal punishment, so when he got out of the car door, dad's car door, they ended up spearing this fella. So he got punished from his tribal law, cos [what] he done.'*



'Untitled: Division 3, 10.45am, Landing Laundry',
by Karin Calvert-Borshoff, 1991.
Fremantle Prison Collection.



'6.55am Messing Out',
by Karin Calvert-Borshoff, 1991.
Fremantle Prison Collection.

3

VALUES



Artwork on wall, cell F60,
2 Division, Main Cell Block.



Reggie Moolarvie. Fremantle Prison Collection.

The values presented below are derived from research conducted during the writing and delivery of this document and have been deliberated upon by the Aboriginal Cultural Heritage Group. The actions of the Plan include the potential for future information to answer current research questions. Consequently, upon completion of the Plan's five-year cycle, the following values may be developed and updated to reflect the knowledge of the time:

1. Fremantle Prison has historic Aboriginal cultural heritage value, shown by the impact of legislation on how Aboriginal people lived their lives. The site's Outstanding Universal Value describes how the convict settlements simultaneously led to the Aboriginal population being forced back into the less fertile hinterland and to the creation of a significant source of the population of European origin.

2. Fremantle Prison has aesthetic Aboriginal cultural heritage value, artistic excellence and innovation present in the artwork created by Aboriginal prisoners. The artworks are on paper, board, canvas, walls of cells and exercise yards, published in prisoner-created newsletters, and on stools, tables and cabinets.

3. Fremantle Prison has social Aboriginal cultural heritage value. During community consultation, all communities knew about the prison and could tell stories about it, as well as stories relating to punishment and the wider prison system. The Prison's inscription on the State Heritage Register describes how Fremantle Prison touched the lives of thousands of Western Australians through links with convict ancestors (including former prisoners and their families), particularly the large numbers of Aboriginal men and women imprisoned on site during the twentieth century.

4

POLICIES AND ACTIONS

Polices and their actions were formed by the work carried out in the research of *Wirrin Yira Koorl* and meetings with the Aboriginal Cultural Heritage Group. The work included community consultations, interviews with former prisoners, their families, staff at Fremantle Prison and archival research.

Policy 1

Aboriginal people are the primary source of information on the value of their heritage and how best to conserve it. Aboriginal people must have input into primary decision-making in relation to their heritage.

Actions

1.1 Create *Wirrin Yira Koorl* Steering Group to provide guidance and comment on Prison activities and implementation of *Wirrin Yira Koorl* actions.

1.2 Steering Group to explore the recognition of Aboriginal cultural heritage of Fremantle Prison.

Policy 2

Fremantle Prison's interpretation will be determined through consultation with *Wirrin Yira Koorl* Steering Group.

Actions

2.1 Prepare an engagement strategy for project consultation processes.

2.2 Prioritise Aboriginal heritage interpretation projects and agree to targets with guidance from the *Wirrin Yira Koorl* Steering Group.

Policy 3

Fremantle Prison will ensure material that relates to Aboriginal cultural heritage is respected and that the stories are told through the eyes of Aboriginal people.

Actions

3.1 *Wirrin Yira Koorl* Steering Group to develop policy for identifying and managing potential Aboriginal material found on site that aligns with *Fremantle Prison Archaeology Management Plan 2021* guidelines.

3.2 Create guidelines for data sovereignty and Indigenous Cultural Intellectual Property.

3.3 Create guidelines for what stories can be told and what cannot be told by non-Aboriginal Tour Guides.

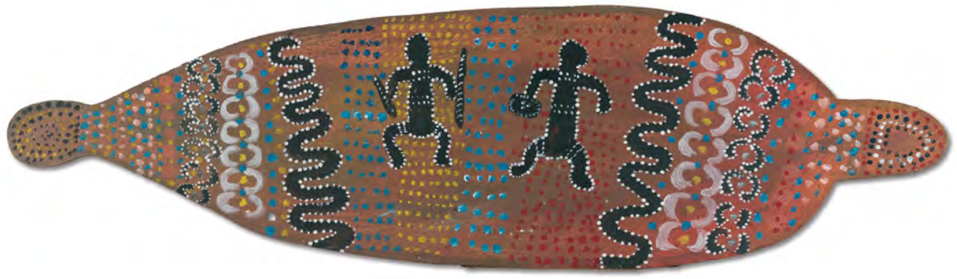
Policy 4

Fremantle Prison will adhere to cultural restrictions on information about Aboriginal cultural heritage.

Actions

4.1 Determine cultural protocols for the presentation of culturally sensitive information.

Neville Gable. Fremantle Prison Collection.



Painted wooden woomera, Wilbur Porter. Fremantle Prison Collection.

Policy 5

Aboriginal interpretation will be based on the best available evidence and research.

Actions

5.1 Produce an endorsed Acknowledgement of Country specific to Fremantle Prison.

5.2 Develop and deliver a toolkit of notes, stories and collaborative brochures on Aboriginal perspectives and experiences for staff.

5.3 Develop a training program for staff, delivered by former prisoners or family members which is approved by the *Wirrin Yira Koorl* Steering Group.

Policy 6

Fremantle Prison will increase economic capacity of Aboriginal people with employment of Aboriginal services.

Actions

6.1 Investigate the use of former Aboriginal prisoners as Tour Guides.

6.2 Provide training opportunities for young Aboriginal people to learn skills.

6.3 Explore possibilities for Aboriginal artists to sell material in the Gift Shop and have an artist in residence program.

6.4 Explore other opportunities for Aboriginal people to be employed at Fremantle Prison.



Unknown artist. Fremantle Prison Collection.

Policy 7

Discover stories and other information around Aboriginal cultural heritage and Aboriginal experiences in Fremantle Prison.

Actions

7.1 Gather oral histories of former Aboriginal prisoners (on Country, in the Prison site, one person and/or with families) and offer support to people who experience trauma talking about imprisonment. Build on themes identified in the interviews done already. Ensure oral histories are gathered from different Aboriginal Countries all around WA.

7.2 *Wirrin Yira Koorl* Steering Group to create relationship/Memorandum of Understanding with Department of Justice for access to records.

7.3 Research into:

- Artworks
- Aboriginal-related material on site, for example, chains used to bring Aboriginal people to prison and track all artefacts
- Stories/songs recorded
- 4 Division Yard mural and cultural material in the artwork – what Country is the artwork from and permissions to use it.

7.4 Research the impact of and how it affected Aboriginal people's future outside of prison:

- Music
- Art
- Sport.

7.5 Research the impact (positive or negative) of staff involvement on Aboriginal prisoners, for example, art programs, education, garden party.

7.6 Research into how the following influenced imprisonment:

- Racism
- Poverty
- Intergenerational trauma
- Justice system.

7.7 Carry out future research and recommendations identified in Researching Archives and Records Section

- Determine a broader understanding of impacts across Aboriginal communities of *Breaches of the Aborigines Act WA 1905-36*
- Investigate the full extent of the relationship between Fremantle Prison and "native" institutions
- Research into missions after closure, as they continued to operate under the management of religious institutions
- Investigate the wrongful convictions and imprisonment of Aboriginal people since colonisation, especially by overzealous Magistrates (often local pastoralists)
- Investigate the administrative and legislative relationship between the Chief Protector of Aborigines, the Comptroller of Prisons, the Commissioner of Police and the mission reserves
- Research the prisoner photographs as they are an invaluable resource/artefact for descendants and their families, a photographic exhibition could be a healing project.

Policy 8

Fremantle Prison is a place of reflection, healing and reconciliation.

Actions

8.1 Progress a project that addresses:

- Memorial and/or a Walk of Honour, possibly with all the Aboriginal prisoners in a pathway
- Space of remembrance/memory place somewhere outside the prison – for former prisoners, former officers and families.

8.2 Review the John Pat Memorial, starting with:

- Redevelop the John Pat Memorial in consultation with family, Elders and the Deaths in Custody Watch Committee
- Send the story (and memorial) home, do a project to connect with family up in Roebourne.

8.3 Include a smoking place, location to be confirmed with consultation.

8.4 Include different Aboriginal languages in signage, in print material and other opportunities.

8.5 Celebrate and promote Aboriginal culture with music, film and art programs.

8.6 Celebrate the humour in dark times, by sharing uplifting or humorous stories.

8.7 Provide an education program for children as a prevention to committing a crime.



Jimmy Pike. Fremantle Prison Collection.

8.8 Create exhibition/documentary/other activity around artwork created by prisoners.

8.9 Investigate potential areas for site specific interpretation – New Division and/or 2 Division, Main Cell Block and Female Division.

8.10 Plan and deliver a site-wide Smoking Ceremony event. Consider how different families and Countries will be represented.

8.11 Invite former prisoners back in a group celebration and include music.

8.12 Create stories in a variety of mediums (written, drawn, recorded, etc.) that can only be told by Aboriginal people.



Occasional table, unknown artist. Fremantle Prison Collection.



Div. 2 yard, 9.45am, yard mural portraits, photograph by Karin Calvert-Borshoff, 1991. Fremantle Prison Collection.

Policy 9

Fremantle Prison is a place of truth telling.

Action

9.1 Link imprisonment stories of Fremantle Prison, Roundhouse and Wadjemup and the state-wide prison system.

9.2 Research what Countries Aboriginal prisoners came from and display on an interpretive map.

9.3 Re-enact the movement of Aboriginal people being brought to prisons (including Wadjemup and Roundhouse) and film this for future use. Consider adding music; there was a song about imprisonment from Broome with the sound of chains (permissions required).

9.4 Acknowledgement of deaths inside the prison and what happened after/impact to family.

9.5 Create role play scenarios to reflect the prisoner experience – learn how to fight and protect yourself. If you walk into the exercise yard and cannot find family member, then you are a target (ages 16+).

9.6 Create immersive activities such as for a non-Aboriginal visitor, make an activity with a jury that looks different to them and speaks a language that they don't understand, in a trial they don't understand and an unknown punishment at the end (the language could be Whadjuk Nyoongar and this would contrast to what Aboriginal people would have experienced in colonial times).

5 PROJECT SUMMARY



Artwork on wall, cell C18, 3 Division, Main Cell Block.

Actions described in *Wirrin Yira Koorl* will be delivered by the following projects, the priority was made by the Aboriginal Cultural Heritage Group.

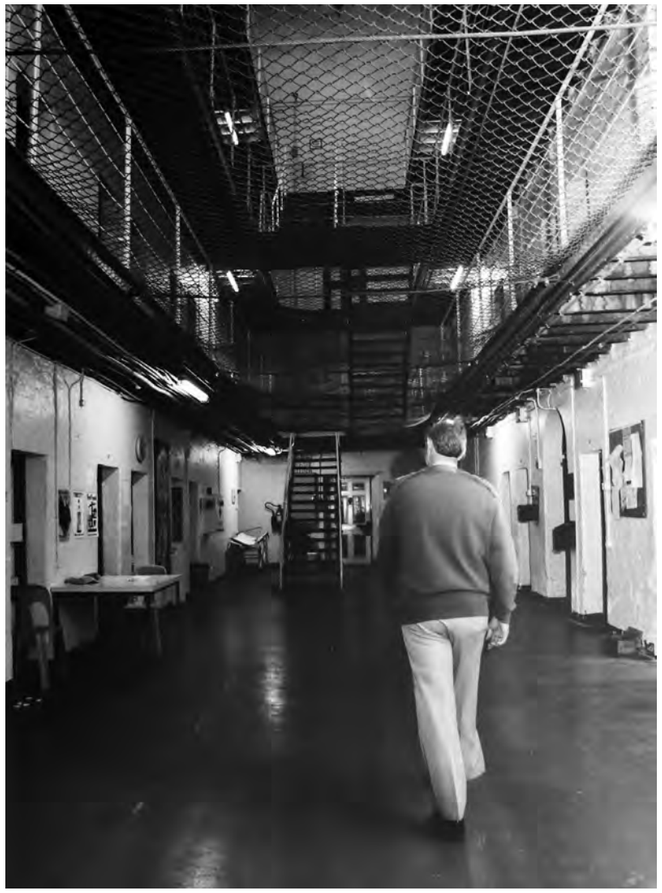
High Priority (to be actioned within 2 years)	**Comment**
Medium Priority (to be actioned between 2-5 years)	Start within two years, noting that project could extend beyond that timeframe
Low Priority (to be actioned between 5-10 years)	

High Priority

Project	
1.1	Create *Wirrin Yira Koorl* Steering Group for Fremantle Prison to provide guidance and comment on Prison activities and implementation of *Wirrin Yira Koorl* actions.
1.2	Steering Group to explore the recognition of Aboriginal cultural heritage of Fremantle Prison.
2.1	Prepare an engagement strategy for project consultation processes – endorse strategy outlined in this plan by *Wirrin Yira Koorl* Steering Group.
3.1	Wirrin Yira Koorl Steering Group to develop policy for identifying and managing potential Aboriginal material found on site that aligns with Fremantle Prison Archaeology Management Plan 2021 guidelines.
3.2	Create guidelines for data sovereignty and Indigenous Cultural Intellectual Property.
4.1	Determine cultural protocols for the presentation of Aboriginal culturally sensitive information.
5.1	Produce an endorsed Acknowledgement of Country specific to Fremantle Prison.
5.3	Develop a training program for staff, delivered from former prisoners or family members which is approved by the Aboriginal *Wirrin Yira Koorl* Steering Group.
6.1	Investigate the use of former Aboriginal prisoners as Tour Guides.
6.2	Provide training opportunities for young people to learn skills.
7.1	Gather oral histories of former prisoners (on Country, in the Prison site, one person and/or with families) and offer support to people that experience trauma talking about imprisonment. Build on themes identified in the interviews done already. Ensure oral histories are gathered from different Aboriginal Countries all around WA.
7.2	*Wirrin Yira Koorl* Steering Group to create relationship/ Memorandum of Understanding with Department of Justice for access to records.
7.3	Research into: • Artworks • Aboriginal-related material on site, e.g. Chains used to bring Aboriginal people to prison. Making sure all material is as accounted for, recorded and cared for • Stories/songs recorded and • 4 Division Yard mural and cultural material in the artwork – what Country is the artwork from and permissions to use it.

High Priority continued

7.6	Research into how the following influenced imprisonment: • Racism • Poverty • Intergenerational trauma • Justice system.
8.3	Include a smoking place, location to be confirmed with consultation.
8.7	Provide an education program for children as prevention to committing a crime.
8.9	Investigate potential areas for site specific interpretation – New Division and/or Main Cell Block, 2 Division, Women's Prison.
8.10	Steering group to investigate a site-wide Smoking Ceremony event. Consider how different families and Countries will be represented.
9.1	Link imprisonment stories of Fremantle Prison, Roundhouse and Wadjemup and the state-wide prison system.
9.4	Acknowledgement of deaths inside and what happened after/impact on family.



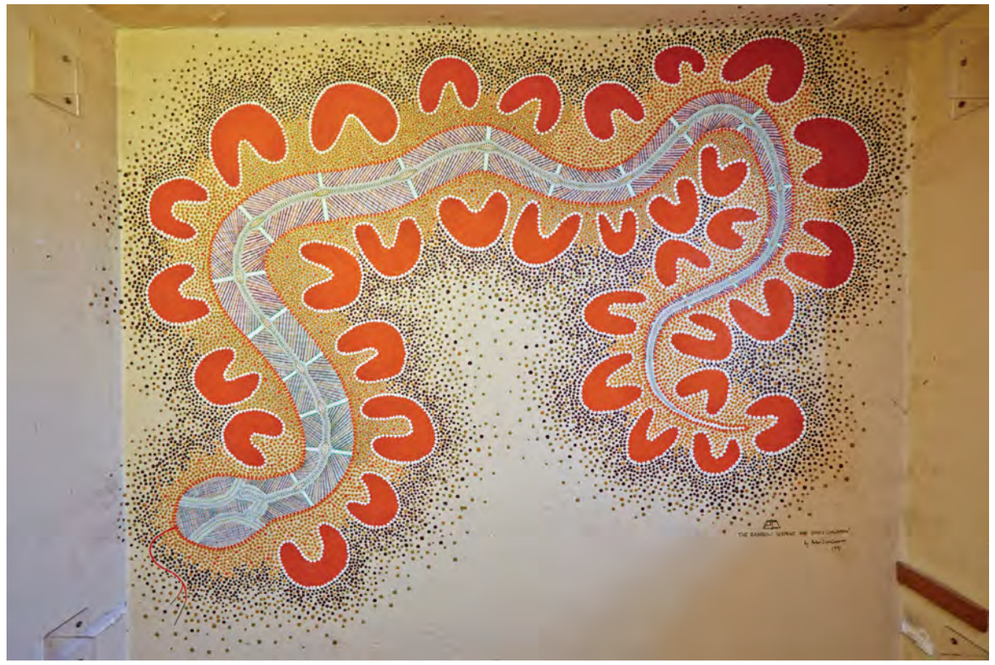
'5' o'clock Lock Up',
by Karin Calvert-Borshoff, 1991.
Fremantle Prison Collection.

Medium Priority

Project	
3.3	Create guidelines for what stories can be told and what cannot be told by non-Aboriginal Tour Guides.
6.3	Explore possibilities for Aboriginal artists to sell material in Gift Shop and have an artist in residence program.
6.4	Explore other opportunities for Aboriginal people to be employed at Fremantle Prison.
7.4	Research the impact of and how it affected Aboriginal people's future outside of prison: • Art • Music • Sport.
7.5	Research the impact (positive or negative) of staff involvement on Aboriginal prisoners, e.g., art programs, education, garden party.
7.7	Carry out future research and recommendations identified by Researching Archives and Records: • Determine a broader understanding of impacts across Aboriginal communities of *Breaches of the Aborigines Act WA 1905-36.* • Investigate the full extent of the relationship between Fremantle Prison and "native" institutions. • Research into missions after closure, as they continued to operate under the management of religious institutions. • Investigate the wrongful convictions and imprisonment of Aboriginal people since colonisation, especially by overzealous Magistrates (often local pastoralists). • Investigate the administrative and legislative relationship between the Chief Protector of Aborigines, the Comptroller of Prisons, the Commissioner of Police and the mission reserves. • Research the prisoner photographs as they are an invaluable resource/artefact for descendants and their families. A photographic exhibition could be a healing project.
8.1	Progress a project that addresses: • Memorial, Walk of honour possibly with all the Aboriginal prisoners in a pathway. • Space of remembrance/memory place somewhere outside the prison – for former prisoners, former officers and families.
8.2	Review the John Pat Memorial, starting with: • Redevelop the John Pat Memorial in consultation with family, Elders and the Deaths in Custody Watch Committee. • Send the story (and memorial) home, do a project to connect with family up in Roebourne.
8.5	Celebrate and promote Aboriginal culture with music, film and art programs.

Medium Priority continued

8.6	Celebrate the humour in dark times by sharing uplifting or humorous stories.
8.8	Create exhibition/documentary/other activity around artwork created by prisoners.
8.11	Invite former prisoners back in a group celebration and include music.
8.12	Create print or other form of story for visitors – for stories that can only be told by Aboriginal people.
9.2	Research what Countries Aboriginals prisoners came from, display on an interpretive map.



Artwork on wall, cell E30, 4 Division, Main Cell Block
('The Rainbow Serpent and Spirit Children' by Peter Cameron, 1991).

Low Priority

Project	
5.2	Develop a toolkit of notes, stories and collaborative brochures on Aboriginal perspectives and experiences for staff.
9.4	Include different Aboriginal languages in signage, in print material and other opportunities.
9.3	Re-enact the movement of Aboriginal people being brought to prisons (including Wadjemup and Roundhouse) and film for future use. Consider adding music, there was a song about imprisonment from Broome with the sound of chains (permissions required).
9.5	Create role play experiences – learn how to fight and protect yourself. If not family, then you are a target (ages 16+).
9.6	Create immersive activities – for a non-Aboriginal visitor, make an activity with a jury that looks different to them and speaks a language that they don't understand, in a trial they don't understand and an unknown punishment at the end (the language could be Whadjuk Nyoongar and this would contrast to what Aboriginal people would have experienced in colonial times).



J S Rossi. Fremantle Prison Collection.

5

APPENDIX 1. RESEARCHING ARCHIVES AND RECORDS

Fremantle Prison had its genesis in convict labour and the site was officially opened in 1859. In 1867, the Convict Establishment, as it was then known, was re-named Fremantle Prison and became the primary place of incarceration within Western Australia.

The Convict Establishment was a critical part of British imperial and later colonial expansion into Western Australia. In 1829 the Swan River Colony was founded, by 1849 there was shortage of labour to support pastoralist enterprises and the York Agricultural Society successfully lobbied for convict labour as a solution[1]. The Swan River Colony, populated by free settlers, demonstrated an initial opposition to the transportation of convict labour from England. This opposition soon softened amidst the increased backing from desperate settlers keen to alleviate their situation. The Convict Establishment was the necessary carceral infrastructure for this colonial expansion in Western Australia and the future success of the Colony depended upon it. Fremantle Prison has undergone an evolution of penological reforms from its early convict era with a focus on punitive measures, to modern systems of education, training, probation, parole and indeterminate sentencing at the time of its closure in 1991[2].

Rottnest Island Aboriginal prison was established at Wadjemup (Rottnest Island), a significant place for Whadjuk Nyungar people situated off the coast of Perth, Western Australia. Rottnest Island Prison was officially constituted in the *An Act to Constitute the Island of Rottnest a Legal Prison* (*1841)*, however prisoners were sent over as early as 1838. Although Rottnest was set up as a “native” prison, there was provision in the *Act* to send non-Aboriginal prisoners there. The non-Aboriginal prisoners sent to Rottnest Island Prison were usually in small numbers and were there to undertake trades work on the island’s buildings[3]. The Aboriginal prison on the island known as the Quod was built in 1864 to hold 106 Aboriginal prisoners, but it soon became overcrowded.

1 Statham, 1981.
2 Thomas and Stewart, 1978.
3 Thomas and Stewart, 1978.

Aboriginal prisoners, Rottnest Island Prison, 1889. State Library of Western Australia <slwa_b2987207_1:024664PD>.



Aboriginal prisoners in neck chains aboard the vessel N2, 1916.
State Library of Western Australia <slwa_b1993203_4:3231B/23>

Aboriginal men mainly from Nyungar Country were initially incarcerated at Rottnest, however, as Green and others have noted "the advance of the pastoral frontiers between 1854 and 1900 was reflected in the Rottnest Island [Aboriginal] population". In 1884 Aboriginal prisoners from the Murchison and Gascoyne districts "accounted for more than half" of the prisoners on Rottnest Island[4]. The prison population was swelled by Aboriginal men incarcerated for resisting the expansion of the pastoral and mining industries to the north and east of Perth. By the 1880s Rottnest Island Prison became increasingly overcrowded, causing disease and large numbers of deaths in custody. The rapid increase in the numbers of prisoners incarcerated at Rottnest Island Prison from 1883 onwards prompted a Commission of Inquiry by Governor F. Napier Broome headed by the Premier John Forrest[5]. Approximately 4,000 Aboriginal men were imprisoned at Rottnest Island Prison from 1838 until 1932 and many died on the island.

Following the passing of the *1903 Prisons Act* and the "official" closure of Rottnest Island Prison in 1903, many Aboriginal male prisoners remained incarcerated on Rottnest Island until the early 1930s[6]. The *1903 Prisons Act* declared Wadjemup a "Penal Outstation" and annex of Fremantle Prison. Up until 1903 Aboriginal prisoners were processed through either Fremantle Prison or the Roundhouse, receiving a medical examination while awaiting the next available ship from Fremantle to Rottnest – approximately one ship per week[7].

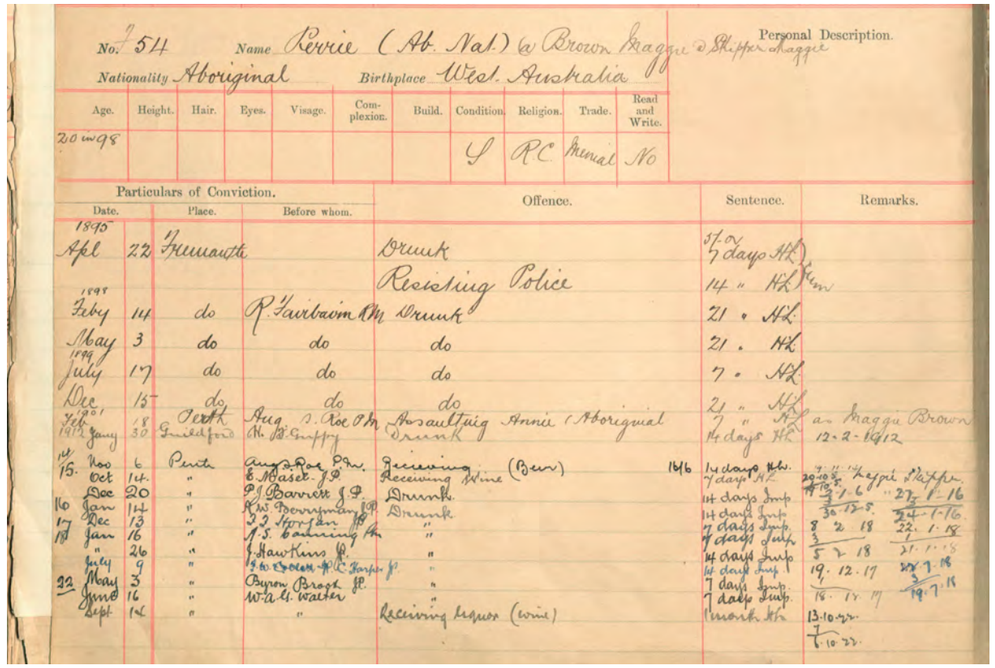
Aboriginal and non-Aboriginal prisoners were used as forced labour in the transformation and maintenance of the island into a tourist destination for white settlers from approximately 1910 until the last prisoners were removed in 1932[8]. The Superintendent of Fremantle Prison reported on 2 February 1904 that:

> *12 white prisoners under Senior Warder Tracey, were detached to Rottnest to prepare the Gaol buildings on the islands for occupation of large numbers of white prisoners. On the 1st instance (May) entire control of the penal establishment was assumed, 14 [A]boriginal prisoners being transferred at the same time. As inmates of the Rottnest Gaol (proclaimed January 1904) are merely transfers from this prison [Fremantle] or some other gaol Aborigines [sic] or specially selected long sentenced prisoners – the institution is, like Hamel depot, considered to be an integral part of Fremantle Prison[9].*

Fremantle Prison detained relatively small numbers of Aboriginal men, women and juvenile prisoners from the late 1850s up until the early 1900s. During this period, although Aboriginal men who were prisoners were processed at Fremantle Prison or the Roundhouse, they were sent on to Wadjemup. The Aboriginal women prisoners sent to Fremantle Prison from 1900 onwards were from the Southwest and convictions were primarily for drunk, disorderly, vagrancy and obscene language. Many served repeated prison sentences of short terms, some spanning decades.

Perri, also known as Maggie Brown and Maggie Skipper, was imprisoned eighteen times over a period from 1895 to 1922 (see Female Prisoner Register below). The terms ranging from 7 to 21 days and a one-month sentence served in 1922[10]. Maggie died at Moore River Native Settlement two years after her last prison term in Fremantle. She was buried at Moore River Native Settlement on 14 June 1924 and her husband Fred also died there and was buried in 1933.

The report of the 1904 *Royal Commission into the Condition and Treatment of the Natives of the North and North West of the State* (the Roth report), was extremely critical of the system of Justices of the Peace and Resident Magistrates (mostly pastoralists) acting in dual roles of "Protectors". The Roth Report led to the recommendations inscribed into the legislation of the *1905 Aborigines Act of Western Australia* and coincided with the official closure of Rottnest Island Prison and amendments to the *1903 Prisons Act*.



Female Prisoner Register, Series 678, Consignment 4186, Item 01. State Records Office of Western Australia

4 See Green, 1997 and 2011, p. 78.
5 Broome, 1884.
6 See Curtin University Report 1994.
7 See Green, 1997 and 2011.
8 Green, 1997.

9 *Annual Report Comptroller General of Prisons*, 1904, p.18.
10 Female Prisoner Register, Series 678, Consignment 4186, Item 01. State Records Office of Western Australia.

The wrongful convictions and imprisonment of Aboriginal people since colonisation, especially by overzealous Magistrates (often local pastoralists), requires further research. The system of Justices of the Peace and Magistrates (such as Henry Walsh and Thomas Little) who issued warrants for arrests, conducted trials and sentencing of Aboriginal people (mainly men) on the Murchison, was open to abuse[11]. The practice of sentencing Aboriginal prisoners based on their own admission of guilt as evidence was abolished with the passing of the *Aborigines Amendment Act 1911*. The following year there was a dramatic decrease in the Aboriginal prisoner population, in particular from the Kimberley regions.

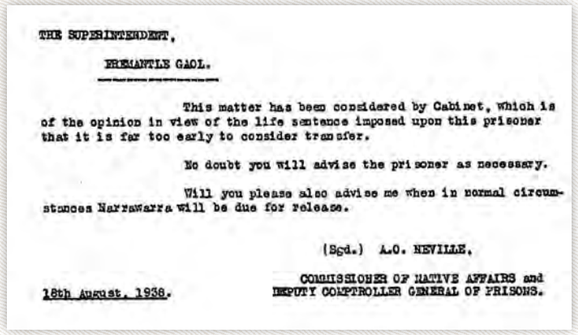
After the closing of Rottnest Island Prison in 1903, Aboriginal prisoners were held in regional lock-ups and gaols[12]. The prison population statistics within Annual Reports of the Gaols and Prisons departments also show relatively few men and women Aboriginal prisoners held at Fremantle up until the 1930s. Aboriginal prisoners held in Fremantle Prison were mainly from around Perth and the Southwest of the State up until about 1905. After 1910 Aboriginal prisoners – mainly men alleged to have committed serious offences such as Narrawarra who was convicted of murder were increasingly being transported down to Fremantle Prison from the Murchison, East Murchison Goldfields and the Gascoyne areas of WA. These prisoners were then transferred over to Rottnest Island Prison up until the 1930s. Between 1919 and 1921 small numbers of prisoners were from the Kimberley regions. From the 1930s the majority of prisoners in Fremantle Prison came from the Southwest.

11 See Barrington, 2015.
12 See Stewart and Thomas, 1978.

Narrawarra

Little information is available for the prisoner known as Billy Narrawarra's early life, from police records it is estimated he was born around 1890. His Country was the area around Laverton and Burtville (approximately 905 kilometres from Fremantle) and his language group was most likely Wongatha. At the time he was growing up in the Goldfields-Esperance region there were many pastoralists, mining companies and prospectors pushing Aboriginal people off their Countries. Fences were built to keep Aboriginal people out of their ancient water supplies, hunting grounds and sacred sites. This led to conflicts and there were killings of Aboriginal people and reprisal killings of the settlers. Police Constable David Hunter was part of a party that killed Aboriginal people.

Between 1914 and 1918 Hunter arrested Narrawarra several times for stealing chickens, unlawful possession and being unlawfully on premises. He was sent to Fremantle Prison for periods of six- or twelve-months hard labour. In 1921 Justices of the Peace Johnston and Mackey sentenced Narrawarra for stealing and unlawful possession (cumulative two years of hard labour). The next year, under *Aborigines Act 1905* Section 12 Narrawarra was sent under warrant to Moore River Native Settlement. He escaped and was caught, escaped a second time but went back voluntarily. The third time Narrawarra escaped he was not recorded until 1928 when he was charged for stealing beer by Justices of the Peace and sent to Fremantle Prison to do hard labour. In 1931 Narrawarra was sentenced for stealing flour by Justices of the Peace and sent to Fremantle Prison to do hard labour. While being discharged in 1931, Narrawarra escaped from Fremantle Police Lockup and the next report of him was in the following year for a murder charge.



THE SUPERINTENDENT,
FREMANTLE GAOL.

This matter has been considered by Cabinet, which is of the opinion in view of the life sentence imposed upon this prisoner that it is far too early to consider transfer.

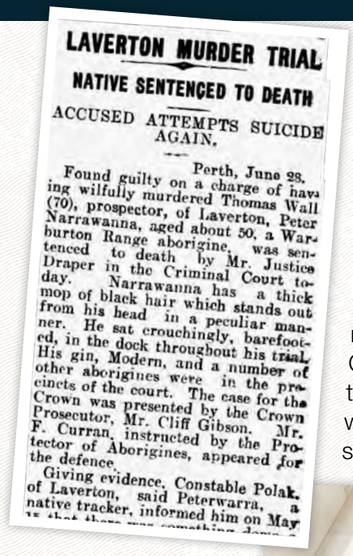
No doubt you will advise the prisoner as necessary.

Will you please also advise me when in normal circumstances Narrawarra will be due for release.

(Sgd.) A.O. NEVILLE,
COMMISSIONER OF NATIVE AFFAIRS and DEPUTY COMPTROLLER GENERAL OF PRISONS.

18th August, 1938.

Rejection of appeal for early release, 1938 (note the dual role of Neville).



LAVERTON MURDER TRIAL

NATIVE SENTENCED TO DEATH

ACCUSED ATTEMPTS SUICIDE AGAIN.

Perth, June 28.

Found guilty on a charge of having wilfully murdered Thomas Wall (70), prospector, of Laverton, Peter Narrawanna, aged about 50, a Warburton Range aborigine, was sentenced to death by Mr. Justice Draper in the Criminal Court today. Narrawanna has a thick mop of black hair which stands out from his head in a peculiar manner. He sat crouchingly, barefooted, in the dock throughout his trial. His gin, Modern, and a number of other aborigines were in the precincts of the court. The case for the Crown was presented by the Crown Prosecutor, Mr. Cliff Gibson. Mr. F. Curran, instructed by the Protector of Aborigines, appeared for the defence.

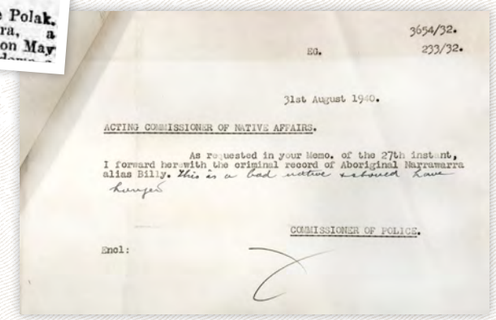
Giving evidence, Constable Polak, of Laverton, said Peterwarra, a native tracker, informed him on May

Thomas Wall (a pensioner and prospector) was found dead at his camp. The arresting officers Police Constable Polak and O'Brien interviewed Narrawarra at the Laverton Prison. At that time Narrawarra was not under caution and was without legal representation or an interpreter. On 17 May 1932, Narrawarra was charged of wilful murder, based only on his own admission. The trial of Narrawarra was moved to the Supreme Court in Perth and began on 28 June 1932. While waiting to be transferred to Perth, Narrawarra made his first suicide attempt in Kalgoorlie.

Rod Schenk was Mount Margaret Mission manager and designated Protector of Aborigines by the Chief Protector Aborigines A. O. Neville. Schenk knew Narrawarra and had doubts about both him being guilty of murder as well as the case made against Narrawarra by the Police, and wrote of his concern to Neville.

At the Supreme Court hearing an interpreter and a defence lawyer Fred Curran were provided to Narrawarra by the Chief Protector Aborigines. However, Narrawarra's confession written by Constable Polak was entered as evidence in the Supreme Court. While waiting for sentencing, Narrawarra attempted suicide. On 29 June 1932, he was found guilty and sentenced to death, which was commuted to life imprisonment at Fremantle Prison.

From 1935 to 1937, he made several requests (letters written by Fremantle Prison officers) to Neville to serve his sentence at Moore River Native Settlement or Mount Margaret Mission. Schenk also communicated to Neville of the desire of Narrawarra's relatives for him to return to the Mount Margaret Mission. In 1938 the Commissioner of Native Affairs A. O. Neville informed Schenk that Narrawarra was not getting an early release, nor will he be accepted by the Commissioner of Police to work as a tracker. The Commissioner of Police was Hunter, a police officer that had sentenced Narrawarra several times.



3654/32.
233/32.

31st August 1940.

ACTING COMMISSIONER OF NATIVE AFFAIRS.

As requested in your Memo. of the 27th instant, I forward herewith the original record of Aboriginal Narrawarra alias Billy. This is a bad native and should have hanged.

COMMISSIONER OF POLICE.

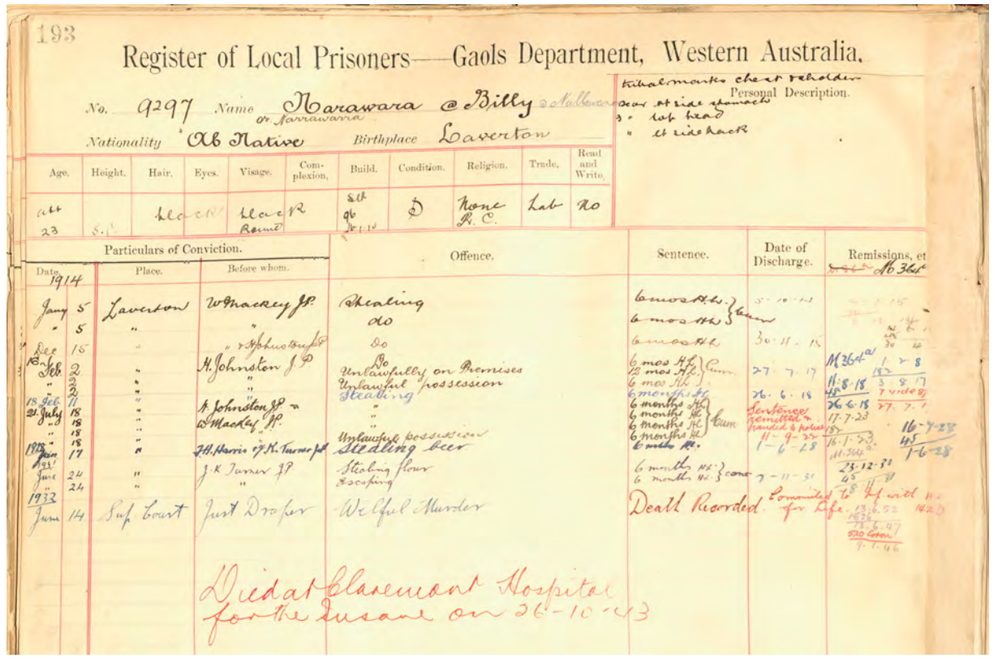
Encl:

Under Section 38 of the *Native Administration Act* and acting as Deputy Comptroller General of Prisons, A. O. Neville supported Narrawarra's application to be transferred to the Moore River Native Settlement on 4 August 1938. The application was once again rejected by his Excellency the Lieutenant Governor in Council and not supported by the Commissioner of Police, Hunter. In 1940, Narrawarra continued to appeal for his early release and Commissioner of Police Hunter again blocked his requests (he wrote in a memo *"this is a bad native and should have hanged").*

Narrawarra attempted suicide on the 18 May 1941 in Fremantle Prison, by the end of the month he was transferred to Claremont Mental Hospital. Every four months, Matron Scott from the Native Girls Home visited Narrawarra and reported his condition to the Commissioner of Native Affairs. Narrawarra died on 26 October 1943 of "septic pneumonia".

Top: Kalgoorlie Miner, 29 June 1932, p. 4.

Right: Police Department File, Thomas Wall murder of by native Narrawarra Billy at Laverton, Consignment 430, State Records Office of Western Australia.


193

Register of Local Prisoners—Gaols Department, Western Australia.

No. 9297 Name Narawara @ Billy or Narrawara

Nationality Ab Native Birthplace Laverton

Personal Description.

Age.	Height.	Hair.	Eyes.	Visage.	Complexion.	Build.	Condition.	Religion.	Trade.	Read and Write.
abt 23	5.1	black	black	black Round		sth	D	none R.C.	Lab	no

Particulars of Conviction.			Offence.	Sentence.	Date of Discharge.	Remissions, et
Date.	Place.	Before whom.				
1914						
Jany 5	Laverton	W Mackey JP	Stealing	6 mos HL	5-10-14	
" 5	"	"	do	6 mos HL		
Dec 15	"	"	do	6 months HL	30-11-15	
Feb 2	"	H Johnston JP	do	6 mos HL	27-7-17	
" 2	"	"	Unlawfully on Premises	12 mos HL		
" 2	"	"	Unlawful possession	6 mos HL	26-6-18	
18 Feb 11	"	"	Stealing	6 months HL		
21 July 18	"	H Johnston JP & W Mackey JP	"	6 months HL	17-7-23	
" 18	"	"	"	6 months HL		
" 18	"	"	"	6 months HL		
1925 Jan 17	"	H.H. Harris & H. Turner JP	Unlawful possession	6 months HL	16-1-26	
" 17	"	"	Stealing beer	6 months HL		
June 24	"	J K Turner JP	Stealing flour	6 months HL	23-12-25	
" 24	"	"	Stealing	6 months HL		
1933						
June 14	Sup Court	Just Draper	Wilful Murder	Death Recorded	Commuted to life	

Died at Claremont Hospital for the Insane on 26-10-43

Male Prisoner Register, Series 672, Consignment 4173, Item 10. State Records Office of Western Australia.

After the 1930s up until the early 1950s many men and women prisoners were sentenced for “breaches to the Act”. Haebich concludes that statistics for Aboriginal women prisoners between 1916-1952 are unavailable[13]. From 1954 the population of women prisoners increased significantly and in 1968 the majority were short term sentences (one month) for minor offences, mostly alcohol related[14]. The *Native Administration Amendment Act 1941* restricted movement of Aboriginal people from above the 20th parallel to travel south of the boundary to limit the spread of leprosy, thus introducing the “leper line”. As a result, there were few, if any prisoners from north of the 20th parallel. This Act was repealed by the *Native Administration Act 1963.*

Legislation and imprisonment have a direct correlation which has resulted in the incarceration of many Aboriginal prisoners. Green (2011) and Owen (2016) have explored the impacts of WA government legislation on the criminalisation of Aboriginal people and their communities. A range of breaches of colonial and state laws and ongoing conflict between settlers and Aboriginal people occurred during the different stages of invasion/colonial expansion and exploitation of First Nations peoples and their lands in Western Australia, in particular the pastoral and mining industries. A colonial system of declaring Aboriginal people subjects under British law resulted in Aboriginal people being treated as trespassers and outlaws on their own Country at the frontier of this conflict. Government legislations underpinned the colonial and later the state’s mechanisms of institutional control of Aboriginal peoples. The Western legal apparatus was employed to govern Aboriginal people, their welfare, punishment, discipline, morality, education, and training. The role of the Commissioner of Police and police officers stationed throughout the State were key to the implementation of the legislations. Breaches of the *Aborigines Act WA 1905-36* was listed as a separate category of crime in the Annual Reports of the Comptroller General of Prisons after 1908.

13 See Curtin University Report, 1994.
14 Ibid.

The Aborigines Department and its successive bodies, up until and including the Department of Native Affairs, played an integral role in the management of Aboriginal prisoners all over the State. The Chief Protector of Aborigines A. O. Neville had absolute legal control over the lives of Aboriginal people, which included prisoners, and “inmates” at missions and reserves. An example of this relationship between missions, the police and the Chief Protector of Aborigines can be seen in the many memos to missions and the Commissioner of Police relating to requests for “black trackers”. Communications passed between the Comptroller of Prisons, the Commissioner of Police and the Chief Protector, regarding these requests which were ultimately approved by Executive Council at the next available sitting. In 1938-9 A. O. Neville briefly held the dual roles of Chief Protector of Aborigines and Deputy Comptroller General of Prisons, extending his powers over the lives of Aboriginal prisoners. As the Chief Protector of Aborigines, Neville had for many years worked closely with the Police and Prisons departments who were required to submit reports to the Chief Protector of Aborigines annually.

For example, the 1905 report stated:

> *“The number of convictions this year considerably exceeds that for last year; but of the 156 cases reported, about half are for killing stock in the Kimberley District…There is also an increase of stealing, and a slight decrease in the charges of drunkenness. Quite recently, however, reports have been received of the supposed murder by natives of a number of prospectors and travellers on the stock route between Peak Hill and Hamersley Range. Some of the alleged offenders are in custody, and the matter has still to be investigated. These murders (if they are murders) do not appear to be connected in any way with the suspected rising of natives in the North-West District who have possessed themselves of firearms.”*



Police and Aboriginal trackers, c. 1890. State Library of Western Australia <slwa_b4709397_1:4497B/2>

Decisions and actions regarding Aboriginal prisoners made by the Superintendent of Fremantle Prison were referred to the Chief Protector of Aborigines and usually required his authority or at least his advice. The Chief Protector of Aborigines was also responsible for arranging legal defence in capital cases. Prison visit requests from friends and family required the approval in writing from the Chief Protector/Commissioner for Native Affairs – through consultations with the Superintendent of Fremantle Prison. The appeals made by Aboriginal prisoners for early release from prison, and transfers to settlements or missions to serve out their sentences, were addressed to the Chief Protector of Aborigines. Verbal requests were transcribed by prison officers into letters of appeal and later this was done by translators, employed for that purpose. The Chief Protector of Aborigines and Commissioner for Native Affairs maintained responsibility for the "welfare of [A]boriginal and part-[A]boriginal" prisoners up until the merger of the Native Welfare and Community Welfare Departments in the 1970s[15].

Missions and reserves set aside specifically to segregate Aboriginal people in Western Australia were an integral part of the carceral/penal system, invoked by Section 12 of the *Aborigines Act WA 1905-1936*. This legislation also gave legal powers to the Minister – and the police and Chief Protector of Aborigines as agents of the Minister to remove, keep and transfer Aboriginal people (including prisoners) from one reserve or district to another. Section 12 states:

> *The Minister may cause any Aboriginal to be removed to and kept within the boundaries of a reserve, or to be removed from one reserve or district to another reserve or district, and kept therein. Any Aboriginal who shall refuse to be so removed to or kept within such reserve or district shall be guilty of an offence against this Act.*

In 1936, a Report by H. D. Moseley *Royal Commission Appointed to Investigate, Report and Advise upon Matters in Relation to the Condition and Treatment of Aborigines* was published. The Mosely Report findings and recommendations subsequently informed the *Native Administration Act 1936*. Moseley consistently referred to Aboriginal people held at different missions including Moore River Native Settlement, Carrolup, and Sister Kate's as "inmates" in his report. Following his site visit, Mosely found Moore River Native Settlement "not suitable…and vermin ridden". He described the "boob" (a makeshift solitary confinement cell) as "[a] small detached 'room' made of posts driven into the ground floor of white sand scarcely a gleam of light, and little ventilation, and [he] was told that inmates have been incarcerated in this place for as long as 14 days. It is barbarous treatment, and the place should be pulled down"[16].

Aboriginal prisoners who were either long term, or had life sentences imposed on them, and who were getting old or frail, were transferred by the Chief Protector of Aborigines to places like Moore River Native Settlement, Carrolup, Mount Margaret Mission, and Mulla Boola to serve out their time. Many Aboriginal men and women who had served time at Fremantle Prison died at Moore River Native Settlement and are buried in the cemetery there. Often Aboriginal prisoners held in Fremantle Prison had experienced prior institutionalisation within the mission and native settlement systems.

Following the *1905 Aborigines Act*, a separate category of "Offence" in the Annual Reports of the Gaols Department and the Comptroller of Prisons was listed as "Breach of the Aborigines Act". Several sections of the *Aborigines Acts 1905 – 1936* were employed by police and the criminal justice system to imprison Aboriginal men and women for so called "breaches of the Act". The 1936 Moseley report made 26 recommendations that included the removal of all Aboriginal camps in Perth and around townships, a practice that was already

15 Jones, 1973, p.165.
16 Moseley, 1955, p.12.



Revel Cooper. Fremantle Prison Collection.

legislated by the 1905 *Aborigines Act.* The relationship between high imprisonment rates and the increasing and rapid destruction of Aboriginal camps from the 1950s requires further research and analysis. Although some settlements and reserves were "closed" during the 1950 and 1960s, they continued to operate under the management of religious institutions. Many Aboriginal people who were removed from their camps were detained at the Moore River Native Settlement and other reserves until the 1970s. In 1965 the system of segregation of Aboriginal prisoners from non-Aboriginal prisoners was officially abolished (Jones, 1973). Although segregation of Aboriginal prisoners was discontinued, most Aboriginal prisoners were confined in 2 Division, Main Cell Block, which was known as the Nyungar Division.

During the 1940s and 1950s large numbers of Aboriginal prisoners, both men and women, were imprisoned under breaches of the *Native Administration Act 1905-1936* such as:

- Staying too long at moore river native settlement
- Absconding from moore river native settlement and carrolup without permission
- Refusing or absconding from the employment of white settlers
- Enticing someone away from a "native" institution
- Refusing to submit to a medical examination when suspected of having disease
- Refusing to have their camp removed by order of a protector
- Loitering near towns and refusal of police directive to move on
- Being in any area/place declared unlawful by the Governor.

Mary Teresa Inditch

The Prison Register of Mary Teresa Inditch includes a sentence for escaping Moore River Native Settlement (reproduced on the next page). Born in 1926 Mary came to the attention of Police as a young adult and was constantly arrested. From 1947 to 1969 the crimes included being drunk, received liquor, idle and disorderly, prohibited area, absconding from Moore River Native Settlement, stealing, obscene language, wilful damage, creating a disturbance[17]. Sentence length ranged from three days to three months. While serving a sentence for absconding Moore River Native Settlement she escaped from Fremantle Prison. On 14 May 1950 Mary scaled a wall to leave the Prison as she was not receiving adequate medical care. Instead she made her own way to Royal Perth Hospital[18]. She was recaptured on 15 May and transferred to Moore River Native Settlement on 17 May. During her time in the justice system Mary was photographed (reproduced to the right), although images do not have dates on them but appear to be over the course of decades.

The various Sections of the *Act* were at times contradictory, with complicated technical language not easily understood by most Aboriginal people or the police who were enforcing the Sections. Breaches to the *Act* by Aboriginal people appear to be misquoted in many police records. The introduction of various amendments to the *Aborigines Acts* resulted in increases in the incarceration rates of Aboriginal people, rather than improving their lives.

Under Section 38 of the *Aborigines Act and Native Administration Act 1905-1936* many Aboriginal men prisoners were forced into servitude as police trackers or native assistants. They were constantly moved and placed at stations far from their own Country as both a punishment and a deterrent. In effect this was an early form of indeterminate sentencing or parole. Aboriginal prisoners who served at police stations under warrant and in the custody of police, could be returned to Fremantle Prison often with additional

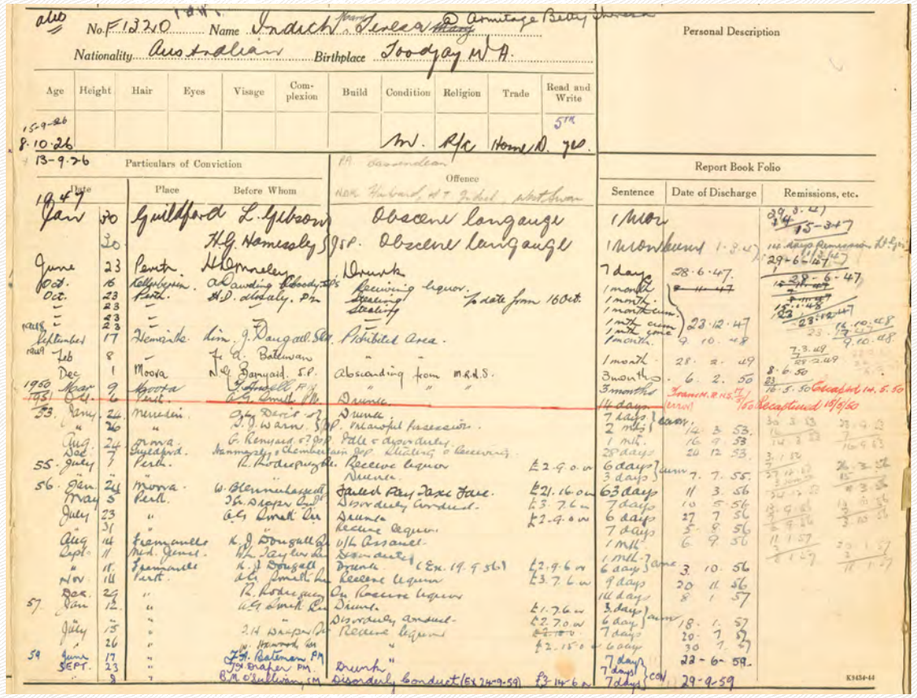
17 Female Prisoner Register, Series 678, Consignment 4186, Item 04. State Records Office of Western Australia.
18 *West Australian*, 18 May 1950, p. 17.

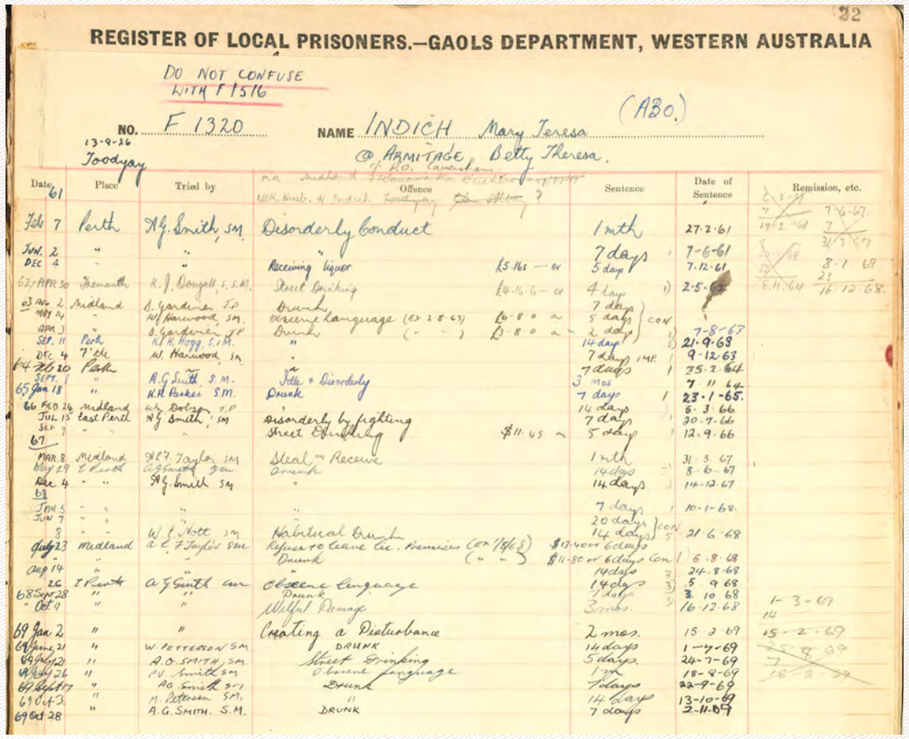






Series 5207, Consignment 7719, Item F1320. State Records Office of Western Australia.





Female Prisoner Register, Series 678, Consignment 4186, Item 04. State Records Office of Western Australia.

time added to their sentences if they were deemed to "misbehave" or "disobey" the police officer in charge of them. The police officer was paid a daily allowance for the "keep" of the Aboriginal tracker under supervision, and this system was open to abuse. The issue was raised by the Under Secretary of Accounts in 1907 who stated "my belief is that the country is being robbed over these allowances…"[19]. The tragic case of Munmurrie demonstrates the impacts of this tracker system on Aboriginal families and communities. Munmurrie was arrested by police and was sentenced to serve time as a police tracker. He escaped by jumping out of the window of a moving train travelling from Kalgoorlie to Perth in April 1938. The escape and the trauma of separation from his pregnant wife (which resulted in the death of their baby) is sensationally recounted in a news report *"Sidelights on Native Administration"*[20].

The 1973 Report of the *Royal Commission into Fremantle Prison: Report of the Royal Commission upon Various Allegations of Assaults and Brutality to Prisoners… And of Discrimination against Aboriginal or Part Aboriginal Prisoners* concluded that allegations of brutality and violence were either exaggerated or fabricated, describing some accounts as fantasy. With regards to evidence of racial discrimination against Aboriginal prisoners by non-Aboriginal staff and prisoners, Jones concluded that: there were isolated and infrequent "flare-ups" but that "practically speaking, none exists"[21]. The one witness that supported the evidence of the Aboriginal inmates was the Welfare Officer Mrs Trainer, who had previously been employed by the Native Welfare Department before its merger with the Department of Community Services. Jones was scathing of Trainor accusing her of being delusional, obsessive, and colluding with prisoners.

Unsurprisingly, Trainer resigned following what can only be described as a personal attack on her character, which completely discredited her as a witness. Jones went on to describe conditions at Fremantle Prison as archaic. This was a later finding of the Custodial Services 1988 report following the fire and riots at Fremantle Prison. Conditions were described as sub-standard and Victorian. In 1973 the Jones report also found that there was a "policy" of segregation of Aboriginal prisoners up until the mid-1960s, however no official policy document is extant.

The *National Report of the Royal Commission into Aboriginal Deaths in Custody 1987 - 1991* also refers to the importance of understanding historical factors and its direct relationship to high incarceration rates of Aboriginal people stating (Chapter 10, Volume 2):

> *It is important that we understand the legacy of Australia' s history, as it helps to explain the deep sense of injustice felt by Aboriginal people, their disadvantaged status today and their current attitudes towards non-Aboriginal people and society. In this way, it is one of the important underlying issues that assists us to understand the disproportionate detention rates of Aboriginal people.*

The relationship between colonisation and criminalisation has been argued convincingly[22]. The histories of individual Aboriginal inmates incarcerated in Fremantle Prison cannot be understood in isolation from the vast network of Western Australian colonial and state-run institutions of governmentality and incarceration. Government legislation, which authorised the policing of Aboriginal lives, contributed in large measure to high rates of imprisonment of Aboriginal people.

19 Consignment 430, Item 1914/3660 v1. State Records Office of Western Australia.
20 *Sunday Times*, 11 December 1938, p.35.
21 Jones, 1973.
22 Barrington 2015; Biskup 1973; Cunneen 2001; Haebich 1988; Rowley 1972.

This decentralised model of institutional power and governmentality over the lives of Aboriginal people operated locally through the police (deputised as "protectors") and depended on the centralised political and interdependent roles such as those of the Commissioner of Police, Comptroller of Prisons, the Colonial Secretary, Magistrates, Justices of the Peace, Chief Protectors and Ministers of the Church. This carceral system includes regional gaols and police lock-ups across Western Australia as well as Fremantle Prison outstations such as Barton's Mill, Hamel, Karnet, Pardelup and Rottnest Island Prison and others. Aboriginal prisoners from the Northwest, particularly the Kimberley regions were imprisoned in local gaols, primarily for economic reasons, rather than humane concerns. Aboriginal prisoners were sent to Fremantle Prison in small numbers for short periods, usually whilst waiting for trial or transfers back to their respective Countries. Most Aboriginal prisoners continued to be sent to Rottnest Island Prison even after its official closure in 1903. Aboriginal prisoners were usually held at Fremantle Prison if their sentences or remand periods were less than that of two weeks[23].

The primary system of segregation of Aboriginal prisoners was using Rottnest Island Prison up until the 1930s. From the 1930s onwards segregation of Aboriginal prisoners at Fremantle Prison was an unofficial policy adopted by the prison administration. Other institutions of segregation included places like the Moore River Native Settlement, Carrolup, Moola Bulla, which is where many Aboriginal prisoners were sent to serve out their prison time.



Jackie McArthur. Fremantle Prison Collection.

Mission and native settlement records are important as they provide a broader context of the impacts of incarceration on individual Aboriginal people and the effects this had on their families into the present Stolen Generations in particular. The discourse of penology is applied in the records of Moore River Native Settlement and Carrolup which are described as places of detention, and the residents as "inmates". Section 12 the *Aborigines and Native Administration Acts WA 1905 –1936*, gave the powers to the Chief Protector of Aborigines to authorise the use of reserves and settlements as sites of detention and incarceration. The police, and managers of missions and settlements were also appointed by the Chief Protector of Aborigines as "protectors" who were responsible for distributing rations and clothes. The distribution or withholding of food and blankets was common practice in aiding police to arrest Aboriginal people.

Fremantle Prison was officially closed in 1991. It was a significant site of exile, incarceration, isolation, displacement and punishment for Aboriginal people from all over Western Australia. Actions from *Wirrin Yira Koorl* will ensure these histories are known.

23 See Green, 2017 and reports from Curtin University 1991 and 1994.

This report identified many avenues for more research:

- Breaches of the *Aborigines Act WA 1905-36* was listed as a separate category of crime in the Annual Reports of the Comptroller General of Prisons after 1908 and more research is recommended in this area to determine a broader understanding of impacts across a wide range of Aboriginal communities.

- Often Aboriginal prisoners held in Fremantle Prison had experienced prior institutionalisation within the mission and native settlement systems, further research is recommended to expose the full extent of the relationship between Fremantle Prison and "native" institutions. Also, some settlements and reserves were "closed" during the 1950 and 60s, they continued to operate under the management of religious institutions – more research is required to go into detail about these places.

- The wrongful convictions and imprisonment of Aboriginal people since colonisation, especially by overzealous Magistrates (often local pastoralists), requires further research. In addition to individuals sentencing Aboriginal people is the the administrative and legislative relationship between the Chief Protector of Aborigines, the Comptroller of Prisons, the Commissioner of Police, the mission reserves such as New Norcia, Mount Margaret and Native Settlements such as Carrolup, Moore River Settlement, Medical incarceration e.g., Lock Hospital, Lazarettes is recommended.

- Importantly, to fully explore and reveal the stories of the many Aboriginal people held at Fremantle Prison, permissions will be required from immediate descendants of those under research. This is both culturally appropriate and respectful of the individuals and families connected to the prisoners. Even though there may be broad general Community support for the research into individuals, ultimately if these stories are to be made available to the public, every effort should be made to contact descendants in the first instance and obtain their support and participation in the research.

- Once policies are in place, it is recommended for specific people to be researched as case studies from the archives. Each person could demonstrate the impact of legislation on their lives as well as how people experienced punishment in different areas. For example, stories from pastoral areas may be different to towns or cities. It would be good to have representation across different Countries in WA. It is noted that spelling of names and different aliases of people will make the research complex.

- The prisoner photographs are an invaluable resource/artefact for descendants and their families, and assistance to gain access to these records is important. A photographic exhibition as a healing project is recommended.

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Reports

Aboriginal Heritage Protection Report on an Ethnographic survey of the Proposed Works Programme at Fremantle Prison, 2007. Fisher Research, WA.

Aboriginal Imprisonment and Fremantle Prison: Historical Overview, 1994. Centre for Aboriginal Studies Curtin University, Perth WA.

Jones R. E. *Royal Commission into Fremantle Prison: Report of the Royal Commission upon Various Allegations of Assaults and Brutality to Prisoners…And of Discrimination against Aboriginal or Part Aboriginal Prisoners,* 1973. State of Western Australia.

Report on Fremantle Prison: Significance to Aboriginal People, 1992 & 1994. Centre for Aboriginal Studies Curtin University, Perth WA.

Records and government documents

- Colonial Secretary's Office
- Commissioner of Police
- Comptroller of Prisons
- Department of Corrective Services
- Department of Justice
- Fremantle Prison records
- Medical records
- Personal files of the offices of the Chief Protector of Aborigines
- Rottnest Island records.



Artwork on exercise yard, 2 Division, Main Cell Block.

The personal files compiled over decades by the Aborigines and Native Affairs Departments hold information and documents from a wide range of government agencies. The extent of the surveillance and oppression of Aboriginal people, both during prison time and in their daily lives is as shocking as it is revealing. Other relevant records include:

- Annual Reports of relevant Government departments
- Genealogies (Bates, Tindale, Radcliffe-Brown)
- Mission records
- Newspapers
- Parliamentary papers
- Royal Commission reports.



Left: 'Why Emu Cannot Fly', Peter Cameron. Fremantle Prison Collection.

Misspelling of names

Aboriginal prisoners have been wrongfully arrested because of "mistaken" identity, or their names incorrectly recorded in several ways. The incorrect recording of prisoner details and the customary practices around "gifts" resulting in "exchanges" of prisoner identity plaques were also noted in the Royal Commission of 1883 regarding Aboriginal prisoners held at the Rottnest Island Prison (Broome, F, 1884). In the words of Superintendent W.D. Jackson who succeeded Superintendent Vincent in 1867, "I find a great difficulty, on first arrival at Rottnest, in knowing the individuals who come to Rottnest and applying the warrants to the proper persons. Eventually, I believe, I get the right men for the right warrants" (Witness statement Royal Commission 1883). Further, Green (2011) also notes this "difficulty in identifying" Aboriginal prisoners as expressed later by Superintendent Timperley in 1887. The many and various English phonetic recordings of Aboriginal names also present challenges for the researcher, which requires cross referencing a wide range of sources using various spellings. Research has shown that a degree of uncertainty exists concerning the identities of many Aboriginal prisoners both men and women.

Where to start researching specific people

Aboriginal History Research Services: Personal and family files are held by Aboriginal History Research Services Unit based in the State Library of WA and under the auspices of the Department of Local Government, Sport and Cultural Industries. This is an extremely useful resource in tracing records that reveal the experiences of Aboriginal prisoners sent to Fremantle Prison. https://ahwaportal.dlgsc.wa.gov.au/online-catalogue/

AIATSIS: Australian Institute of Aboriginal and Torres Strait Islander Studies website has resources to help with researching Aboriginal family history https://aiatsis.gov.au/family-history

Carrolup Mission: records can be found on the Find and Connect (history and information about Aboriginal orphanages, children's Homes and other institutions) website https://www.findandconnect.gov.au/guide/wa/WE01142

Newspapers Resources: Relevant historical information on Aboriginal people relating to Fremantle Prison can be accessed online through the Trove website (https://trove.nla.gov.au/newspaper/) and in person through microfilm copies of newspapers held at State Library of WA https://slwa.wa.gov.au/

State Records Office WA: holds records from Colonial and State government agencies that document interaction with Aboriginal people throughout the 1800s and 1900s. The office is in the State Library of WA and material can also be accessed online (https://www.wa.gov.au/organisation/state-records-office-of-western-australia/aboriginal-history). Material is identified in different ways, including agency, series, or consignment number. This document referenced the consignment number of records used for research.

Photographs of prisoners: The use of photographs in prison records began in the late 1890s and were in regular usage from 1904 onwards. Many photographs of both men and women prisoners contain personal information on the reverse sides, which included the many aliases and spellings of prisoner names. During this research in late 2022, a box of photographs of women prisoners was found at Bandyup Women's Prison and is being catalogued by State Records of Western Australia. The photographs are powerful artefacts of high quality, both in form and content, and often record prisoners over some decades. The photographs were used in Police Gazettes and in Fremantle Prison record sheets. The Prison record sheets with photographs include details of the various names and spellings; age; height; the Country the prisoners are from, a physical description and a list of convictions. The historical photographs and information sheets provide valuable information to descendants of Aboriginal prisoners and their families.

Records of Missions and Religious Institutions: Some records are held by the State Records Office WA (https://www.wa.gov.au/organisation/state-records-office-of-western-australia), but many are kept by the originating institution, or religious body.

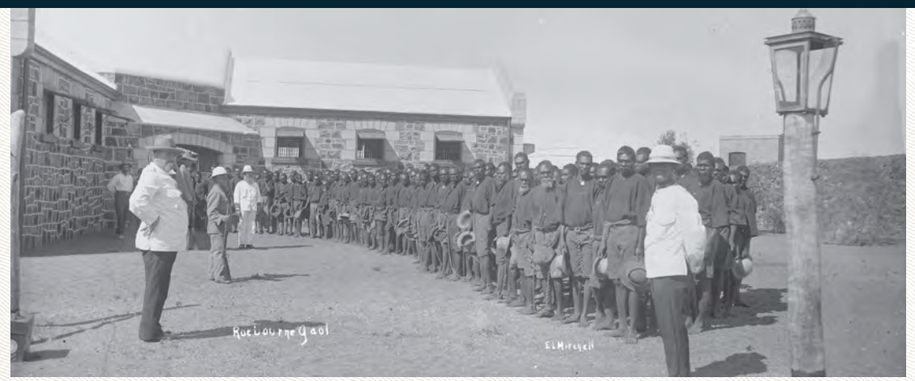
Storylines: is an Indigenous online archive managed and hosted by the State Library of Western Australia. https://slwa.wa.gov.au/collections/aboriginal-collections/storylines

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APPENDIX II. TIMELINE OF FREMANTLE PRISON, LEGISLATION AND ROYAL COMMISSIONS



Aboriginal prisoners in chains c. 1902. State Library of Western Australia <slwa_b4746643_1:021609PD>



Roebourne Gaol, c. 1910. State Library of Western Australia <slwa_b2949840_1:013989PD>

1829

1829 ***Western Australian Act*** (UK) gave effect to the settlement of Western Australia on 'wild and unoccupied lands'.

1841 ***An Act to Constitute the Island of Rottnest a Legal Prison*** (repealed 1903).

1849 ***Aboriginal Native Offenders Act*** allowed whipping and imprisonment for summary offences.

1859 Fremantle Convict Establishment officially opens 31 December.

1867 Convict Establishment renamed Fremantle Prison.

1874 ***The Aboriginal Native Offenders Act*** allowed for two Justices of the Peace to impose a maximum of six months imprisonment for summary offences.

1875 ***Capital Punishment (Amendment Act)*** condemned Aboriginal people liable to public execution.

1880s

1880 ***The Wines, Beer and Spirit Sale Act*** prohibited the sale, supply to or possession of alcohol by Aboriginal people except as wages by a publican.

1883 ***Aboriginal Offenders Act*** included mixed descent in definition of 'Aborigine'.

1886 ***The Aborigines Protection Act 1886 (WA)*** – Permit Resident Magistrates to indenture children 14-21 years as "apprentices" to white settlers.

1886 Control of Fremantle Prison transferred to WA Colonial Government.

1886 *Royal Commission into the Condition and Treatment of Aboriginal Prisoners at Rottnest Island Prison.*

1888 Prisoners transferred from Perth Gaol.

1889 Female Division is constructed.

1900s

1892 ***Aborigines Offenders Act (Amendment Act)*** allowed whipping of Aboriginal prisoners instead of or in addition to prison.

1892 ***Masters and Servants Act.***

1893 ***Aboriginal Offenders Act (Amendment Act)*** increased the maximum sentencing allowed by Justice of the Peaces.

1895 Superintendent of Fremantle Prison forwarded an estimate of accommodation for 40 Aboriginal prisoners to the Sheriff.

1897 ***Aborigines Act.***

1898 *Royal Commission into the penal system*.

1902 ***Criminal Code Amendment Act*** – repealed the Aboriginal Offenders Act 1883. Subsequent amendments to the 1902 Act restored enormous powers to Magistrates and Justices of the Peace to deal with alleged breaches and impose punishments on Aboriginal offenders and increasing rates of incarceration in gaols.

1902 ***Gaols Act*** declared any lock up *or* ***place of detention*** of accused before trial to be a police goal under the meaning of the Act. Moore River Native Settlement and Carrolup were two such places used to detain prisoners who were still under sentence.

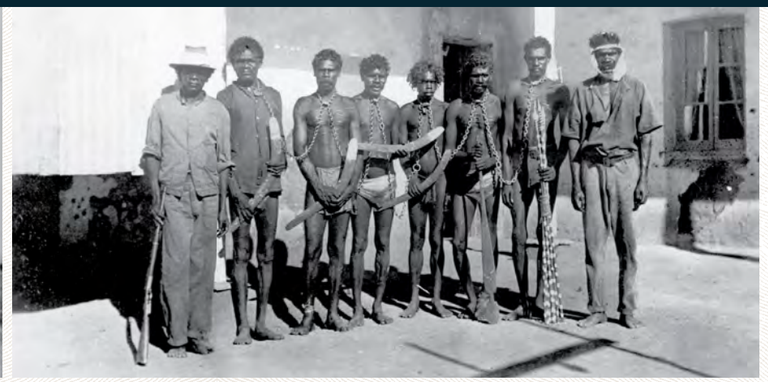
1903 ***Prisons Act*** amendment to the 1902 Gaols Act.

1903 Official transfer of prisoners to Fremantle from Rottnest (from 1904 Rottnest became an outstation of Fremantle prison and both Aboriginal and non-Aboriginal prisoners were incarcerated there up until the early 1930s).

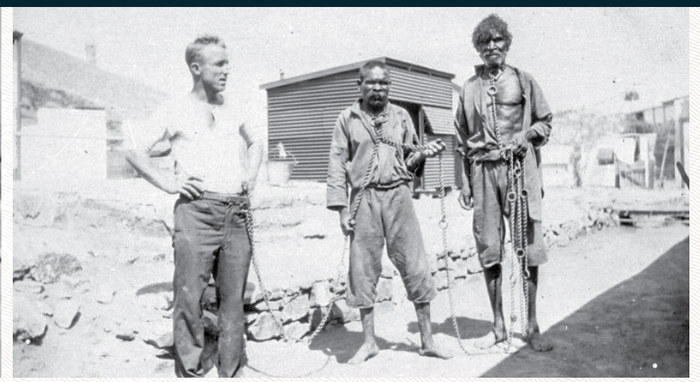
Fremantle Prison **Royal Commission**



Aboriginal prisoners working in Roe Street, Roebourne, c. 1910. State Library of Western Australia <slwa_b4773213_1:5795B/1>



Aboriginal prisoners at Halls Creek, 1920s. State Library of Western Australia <slwa_b2226078_1:012416D>



Aboriginal prisoners in chains with a white man holding the end of the chain, thought to be in Wyndham, c. 1930. State Library of Western Australia < slwa_b4747505_1:4383B/41>

1900s

1904 *Royal Commission into the Condition and Treatment of the Natives of the North and North West of the state.*

1905 ***1905 – 1936 Aborigines Acts***

1905 217 of 682 prisoners were of Aboriginal descent. (*The West Australian*, 26 September 1906, p. 36).

1911 *Royal Commission Into the administration and conduct of the Fremantle Prison and matters incidental thereto.*

1911 ***Licensing Act*** prohibited the supply of alcohol to full or mixed descent Aboriginal people. This was repealed in 1970.

1911 ***Criminal Code Amendment Act.***

1930s

1935 *Report of the Royal Commissioner Appointed to Investigate, Report and Advise upon Matters in Relation to the Condition and Treatment of Aborigines.*

1936 ***Native Administration Act*** made the Commissioner of Native Affairs the legal guardian of all legitimate and illegitimate *`native' children to the age of 21 `notwithstanding that the child has a parent or other relative living'.* All marriages of Aboriginal people had to be approved by the Commissioner of Native Affairs. This Act also resulted in a significant increase in the imprisonment of Aboriginal people for "breaches of the Native Administration Act 1936". The Certificates of Exemption applied for under this Act and issued to Aboriginal people stipulated strict conditions under which they were granted. The Commissioner of Native Affairs had the powers to revoke the certificates also resulting in prison sentences for so called "breaches".

1940s – 1960s

1941 ***Native Administration Act (Amendment Act)*** restricted the right of Aboriginal people to move from north to south of the State across the 20th parallel of south latitude. Commonly known as the "Leper Line".

1944 ***The Natives (Citizenship Rights) Act*** gave limited rights to Aboriginal people who could prove, among other things that they had adopted a 'civilised life' and did not associate with Aborigines.

1949 ***Commonwealth Electoral Act*** granted Aboriginal people who had completed military service the right to vote in Federal elections.

1954 **Native Welfare Act** (amendment 1963).

1962 ***Commonwealth Electoral Act*** gave Aboriginal people over 21 the right to enrol and vote at Federal elections. Western Australia passed laws that meant that Aboriginal people could vote for the first time.

1960s – 1990s

1930 – 1965 Aboriginal Prisoners were segregated from the rest of the prison population as part of an unofficial practice by administrators and prison staff.

1950s Aboriginal prisoner population surged to approximately 40 per cent.

1973 *Royal Commission into Fremantle Prison: Report of the Royal Commission upon Various Allegations of Assaults and Brutality to Prisoners… And of Discrimination against Aboriginal or Part Aboriginal Prisoners.*

1991 *Royal Commission on Aboriginal Deaths in Custody 1987-1991.*

1991 Fremantle Prison closes.

Fremantle Prison **Royal Commission**

1905 – 1936 Aborigines Acts

Most Sections of the *1905 – 1936 Aborigines Acts* resulted in the criminalisation and imprisonment of Aboriginal men, women and juveniles who were under the so called "protection" of the Chief Protector/Commissioner of Native Affairs. The police force in WA was the primary government apparatus for applying the laws set out in the legislation. The police were also the designated "protectors" of Aboriginal people providing rations, blankets and medical needs to Aboriginal people all over the state of WA at the various regional and remote gaols. The various amendments to the Acts over the period of some 40 years increased the powers of the Chief Protector of Aborigines and the Commissioner of Police rather than diluted or diminished them. Listed below are some of the Sections of the *1905 – 1941 Aborigines Act* which directly impacted Aboriginal people:

Section 12 (1905 – 1936) This section of the Act legislated that reserves and settlements be set aside for the welfare of Aboriginal people could be designated as a detention site and its "inmates" treated as prisoners. This section was instrumental in creating missions, reserves and the lock hospitals as extensions of the carceral system for Aboriginal people in WA.

Section 15 (1905 and 1936) This section made it a criminal offence for an Aboriginal person to leave or remain at a reserve or settlement, without permission by authority of the Chief Protector/Commissioner of Native Affairs. It was also illegal for anyone to assist "inmates" to leave reserves and settlements.

Section 25 (1905) and 26 (1936) This section was one of the primary forms of legislation resulting in large numbers of sentences (usually six months hard labour) given summarily to Aboriginal workers, especially in the pastoral industry.

> *Any [A]boriginal who, without reasonable cause, shall neglect or refuse to enter upon or commence his service, or shall absent himself from his service, or shall refuse or neglect to work in the capacity in which he has been engaged, or shall desert or quit his work without the consent of his employer, or shall commit any other breach of his agreement, shall be guilty of an offence against this Act.*

Section 35 (1905) and 38 (1936) allowed the employment and custody of Aboriginal prisoners outside prison.

Section 37 (1905) and 40 (1936) allowed the removal of Aboriginal camps from 'near the limits of any town or municipal district'.

Section 38 (1905) and 41 (1936) allowed convictions for being present in towns.

> *Any justice of the peace or police officer may order any [A]boriginal found loitering in any town or municipal district, or being therein and not decently clothed, forthwith to leave such town or municipal district. Any [A]boriginal neglecting or refusing to obey such order shall be guilty of an offence against this Act.*

Section 39 (1905) and 42 (1936) Prohibited areas were proclaimed in any areas, particularly in and around towns, which excluded Aboriginal People and made them trespassers subject to arrest.

Section 42 (1905) Breaches to permissions to marry by the Chief Protector/ Commissioner for Native Affairs.

Section 45 (1905/11) and 48 (1936) Supplying alcohol to Aboriginal people in 1905 was amended in 1911 to also make it an offence for an Aboriginal person to receive alcohol.

Section 47 (1936) conviction for person 'who entices or persuades a native to leave any lawful service without the consent of a protector shall be guilty of an offence against this Act'.

Section 55 (1905) allowed for arrest of Aboriginal without a warrant and gave sweeping powers to police.



Fremantle Prison closure ceremony, 1991.

Fremantle Prison Collection.

Aboriginal People Never Ceded Sovereignty
Always Was, Always Will Be Aboriginal Land

The Wirrin Yira Koorl Steering Committee



FREMANTLE PRISON

The Convict Establishment