

# Supplement to Government Gazette

OF

WESTERN AUSTRALIA.

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THE PRISONS ACT, 1903.

*Regulations.*

322S/13.

Colonial Secretary's Office,  
Perth, 5th September, 1913.

HIS Excellency the Governor in Council has been pleased to repeal the existing Regulations relating to the Management and Control of Prisons of Western Australia, and to approve of the following Regulations in lieu thereof.

F. D. NORTH,  
Under Secretary.

## REGULATIONS RELATING TO THE MANAGEMENT AND CONTROL OF THE PRISONS OF WESTERN AUSTRALIA.

### REPEAL OF EXISTING REGULATIONS.

1. These Regulations shall come into force on the 1st day of October, 1913, and shall supersede all previous Regulations.

### APPLICABILITY OF REGULATIONS.

2. These Regulations shall, as far as possible, and except as otherwise provided, apply to all prisons.

### INTERPRETATIONS OF TERMS AND APPLICATION OF RULES AND REGULATIONS.

3. In these Rules and Regulations the following terms shall, unless the context otherwise requires, have the meanings hereinafter respectively assigned to them, that is to say:—

“Prison” includes any gaol, police gaol, or penal outstation.

“Outstation” means a party or gang of prisoners detached from some gaol to perform some particular work in a locality where it is not intended to form a permanent gaol.

“Officer in Charge” means the Superintendent, Gaoler, Keeper, or other officer in charge of the prison in respect of which the term is used.

“Medical Officer” means the Medical Officer of the gaol, or the District Medical Officer of the district in which the gaol in respect of which the term is used is situated.

“Matron” means the principal or only female officer of any gaol.

“Assistant Matron” means a female officer below the rank of matron.

“Comptroller General” means the Comptroller General of Prisons or other person duly appointed to act on his behalf.

“Minister” means the Minister under whose control gaols are placed for the time being.

“Sheriff” means the Sheriff of Western Australia.

“Officer” includes any person whatsoever other than a prisoner employed in a gaol.

“Warder” includes every disciplinary officer below the rank of Chief Warder, and shall also include Warders acting as Instructors and Schoolmasters.

“Visiting Justice” means a Prison Visitor who is also a Justice of the Peace.

### ORDER BOOK.

4. There shall be kept in each prison an “Order Book,” in which shall be set forth all rules and instructions that may from time to time be made or authorised by the Minister, or by the Comptroller General, providing in detail and in minor matters for the duties of the officers and management of the prison, and once in each month any additions thereto shall be read to the officers, and in like manner, so far as they may be affected thereby, to the prisoners.

## VISITING JUSTICES AND PRISON VISITORS.

5. Visiting Justices, when applied to by the Officer in charge, shall hear and determine all cases awaiting adjudication and hear complaints of prisoners.

It shall be the duty of visitors—

- (1.) From time to time to visit the prison to which they are appointed.
- (2.) To make such reports to the Minister as they may think fit or the Minister require.

5a. Whilst at the prison the Visiting Justice shall hear the complaints of any prisoners who may desire to see him, and shall take such action in reference thereto, under these regulations, as he may deem necessary. He shall, from time to time, inspect the prison in all its parts; examine the clothing, bedding, and rations; and generally satisfy himself that the regulations are properly enforced, and that copies of so much thereof as relates to prisoners are hung in conspicuous places for their information. Any defect in respect to these matters should be brought to the notice of the Comptroller General without delay.

5b. A Visiting Justice shall not directly interfere in, or give instructions with regard to, the management or discipline of the prison, or deal with any case affecting the conduct of the officers; but may report, from time to time, on these matters to the Comptroller General or to the Minister, as he may think necessary.

## OFFICERS GENERALLY.

6. An officer shall not, on any pretext whatever, through favour or mistaken notions of kindness, fail to make an immediate report to the officer in charge of any misconduct or wilful violation of the regulations.

7. An officer shall not take upon himself to punish a prisoner.

8. An officer shall not unnecessarily converse with a prisoner, nor allow any familiarity on the part of a prisoner towards himself or any other officer, nor shall he speak of his duties or of any matters of discipline or prison arrangements within the hearing of a prisoner.

9. An officer shall at all times treat his superiors with respect and his subordinates with courtesy. He shall be respectful to the authorities employed on public works, and shall afford them all proper assistance in authorised works, taking care in so doing not to lose sight of the regulations or special orders which he may, from time to time, have received.

10. An officer shall see that the prisoners in his charge are industrious at all times, and that no disrespect is shown by them to the officers or persons employed in other departments of public works with whom they may be brought in contact.

11. An officer entrusted with keys shall not take them out of the prison, leave them lying about, nor lend them to any officer on any pretext whatever; but shall, when leaving the prison on any occasion, deliver his keys to the officer authorised to receive them, taking from such officer a verbal acknowledgment, without which the officer giving up the keys must not be permitted to leave the prison.

12. An officer shall not remain within the prison after eight o'clock at night, except placed there on duty, or on reserve.

13. All officers shall reside in the quarters provided for them unless otherwise permitted, when they may be required to reside within such distance from the gaol as may be considered convenient.

14. An officer shall not be permitted to receive any visitors within the precincts of the prison; nor when on duty, outside the prison walls.

15. An officer occupying Government quarters shall not permit any person, not a member of his family, or one habitually residing with him, to remain for the night in such quarters without the permission of the Officer in charge. Nor shall he, or any person, keep a school, or carry on any business therein, without special leave; nor shall lodgings be let in such quarters on any pretext.

16. An officer occupying Government quarters must see that every care is taken to keep the same in good order and condition and in a thorough state of cleanliness both inside and in the yards and offices attached. Especial notice is directed to this regulation, as the quarters are, from time to time, liable to be inspected, and any damage or neglect or want of cleanliness will be duly noted. Any damage over and above fair wear and tear will render the officer occupying such quarters liable to be charged with the cost of repairs or renovations.

17. An officer shall not sell, nor shall any person in trust for him or employed by him, sell, or have any benefit or advantage from the sale of any article to any prisoner; nor shall he, or any person in trust for, or employed by him, let, or have the benefit or advantage from the loan or letting, of any article to, or have any pecuniary dealings whatever with any prisoner, or employ any prisoner on his private account; nor shall he correspond with, or hold any intercourse with a prisoner or the friends or relations of any prisoner, unless expressly authorised by the Officer in charge; nor shall he make any unauthorised communications concerning the prison to any person whatever.

18. Any officer who shall bring in or carry out, or knowingly allow to be brought in or carried out, to or for any prisoner, any money, clothing, provisions, tobacco, pipes, letters, papers, or other articles whatsoever, unless in accordance with regulations, shall be forthwith suspended from his office by the Officer in charge, who may cause him to be apprehended and carried before any two Justices of the Peace empowered to hear and determine any such offence, in a summary manner; and any such officer upon conviction of such an offence will be liable, in the discretion of the Justices, to imprisonment for any period not exceeding six months, or to a penalty not exceeding Fifty pounds, or to both such punishments, and, in addition to any other punishment, to forfeiture of his office and all arrears of pay due to him.

19. An officer shall not directly or indirectly have any interest in any contract or agreement for the supply of the requirements of any prison. Nor shall he receive, directly or indirectly, under any pretence whatever, any fee or gratuity or present from any contractor or person tendering for any contract for the supply of goods, or from any prisoner or prisoner's friend, or from any person visiting the prison.

20. An officer shall not use tobacco or spirituous liquors within the prison walls, except under such restrictions as to time and place as may be laid down by the Officer in charge approved by the Comptroller General.

21. All wrangling and disputes about points of duty, etc., between officers are strictly forbidden. Any question of this kind must be referred, at a convenient time, for the decision of the Officer in charge. All complaints by one officer against another must be made in writing, through his immediate superior, to the Officer in charge. Such reports must be delivered within twenty-four hours of the occurrence complained

of, otherwise they will not be received; and if it should be found that such complaints are frivolous or vexatious or arise from a spirit of ill-feeling, malice, or revenge, a minute thereof is to be entered in the "Officers' Misconduct Book," and a full report made to the Comptroller General.

22. Any officer having any grievance connected with his duty or office must state the same respectfully in writing, for the decision of the Officer in charge, or, if necessary, for an appeal to a higher authority. Any other proceedings on the part of such officer for this purpose will render him liable to be dismissed, or to such minor penalty as the case may deserve. All wrangling or discussion about private matters between officers, within the prison or elsewhere, while on duty, is also strictly forbidden.

23. Any officer communicating intelligence respecting the prison, its arrangements, proceedings, etc., to prisoners, prisoners' friends, or to any other persons, or who makes communications, without proper authority, to other departments, will be deemed to be not trustworthy, and liable to instant dismissal.

24. Notwithstanding anything to the contrary in these Regulations, an Officer may communicate to the members of any union to which he belongs such information as is necessary to enable action to be taken on the part of such union to obtain by lawful means the redress of any grievance under which such officer is suffering in connection with his official position. For the purpose of this regulation "Union" means any society formed for the protection of officials employed in prisons whether such society be incorporated or registered or not.

25. Any officer disabled from the regular performance of duty by illness, must give, or send, immediate notice to the officer in charge, who shall have power to give sick leave upon the report of the Medical Officer, for a period not exceeding one week. The sick leave may be renewed weekly upon a similar report; but if, at the end of one month, reckoned from the date of first leave, the officer has not resumed duty, and is not in health to perform it effectually, he will be liable to lose his pay unless under special authority. An officer going on the sick list after tendering his resignation shall receive no pay for such period, unless his sickness is caused by accident or incurred whilst in the execution of his duty. An officer who is suspended from duty, and afterwards restored to his office, shall be entitled to full pay for the time during which he has been suspended; but should his suspension result in dismissal he shall not be entitled to any pay for the period of suspension. Any officer who, in the course of one year, shall have been in the aggregate more than one month absent from duty on account of sickness (except under special authority), or who is not in health to perform his duties properly, shall be examined by the Medical Officer, whose report shall be laid before the Comptroller General who may, if he deems necessary, recommend the discharge of the officer reported on.

26. At Fremantle Gaol officers and their families are entitled to free medical attendance and medicine, and such attendance will be given them by the Medical Officer. At other gaols only those officers as prescribed in the medical regulations are entitled to free attendance.

27. Officers on the permanent staff stationed on the Goldfields, or in the tropical part of the State, are entitled to medical attendance and medicine, but if admitted to a Government Hospital they must pay three-fourths of the ordinary rates per diem for maintenance.

28. No officer is entitled to medical attendance at public cost in a district where no medical officer is stationed.

29. All officers shall be careful not to allow any prisoner under their charge to be employed directly or indirectly for the private benefit or advantage of any person or persons, or in any way not in conformity with the regulations, except the matron of the Fremantle Gaol, who is entitled to the services of one female prisoner.

30. Officers are specially prohibited from writing anonymously or otherwise in the public prints, or from publishing anonymously or otherwise, in any form, communications or matters bearing upon or having relation to the business of the prison.

31. All communications to the heads of the Departments, or to any public officer, shall be made in writing and transmitted through the immediate superior officer of the writer. All correspondence for the Comptroller General must pass through the office of the officer in charge.

32. The utmost care shall be taken by every officer to guard against accidents by fire, from the lights, furnaces, etc. It is the duty of an officer to report immediately any danger of such accidents that he may observe in any part of the prison, and to use all possible means to prevent the same. No lights or fires are to be kept burning unnecessarily or unattended. No light is at any time to be carried about the prison unless it be enclosed in a lantern, and each officer coming on duty during the night must examine all parts of the prison in the vicinity of his special charge, to satisfy himself that all is safe from fire.

33. A default sheet shall be kept for every officer, upon which shall be entered all instances where the officer has been punished or reprimanded for any fault.

34. No person will be accepted as a candidate for the position of warder who is unable to produce satisfactory references, and who does not fulfil the following conditions, viz.:—Age 25 to 35, not less than 5 feet 7 inches in height and of proportionate build, and of sound health. Applicants should attend personally at the Comptroller General's Office and fill in the necessary application form in their own handwriting.

#### *Probationary Warders.*

35. (a.) If selected for employment, a period of twelve months will be served as Probationary Warders, during which term their services may be dispensed with at any time. Warders are paid for every day, including Sundays and public holidays. It must be distinctly understood by probationary, in common with all other classes of warders, that appointments are not to any particular prison, but to the Service generally, and that transfers from one establishment to another may take place at any time. Implicit adherence must be given to the rules, regulations, and general orders.

(b.) During the probationary term of service an examination must be passed to the satisfaction of the Comptroller General in the following subjects:—

	Full Marks.
Handwriting (to be tested by writing from dictation not less than 50 words) .. .. .	50
Spelling .. .. .	50
Arithmetic (first four simple rules) .. .. .	50
Duties of a Warder, including writing of reports and the General Rules and Regulations ..	100

Not less than 150 will constitute a pass.

(c.) While the passing of such examination will be obligatory within the period above referred to, no person will be placed on the Permanent Staff

who does not receive V.G. (Very Good) from the officer in charge under whom he serves, for conduct and ability.

(d.) This regulation shall not necessarily apply to Warders temporarily employed at prisons other than the Fremantle Gaol.

36. Every officer must understand that his appointment is to prison service generally, and not to any particular prison, and that he is liable to be transferred to any other institution.

37. Scale of annual leave and holidays to disciplinary officers:—

- (a.) Officers in charge and all other officers, including trade instructors—Three weeks' annual leave.
- (b.) Temporary officers employed for one year and under two years—Two weeks' annual leave. Two years and over, three weeks annual leave.
- (c.) Permanent and temporary officers, without regard to length of service, Christmas Day and Good Friday, so far as the requirements of the service will permit.
- (d.) Officers stationed north of 25 degrees S. latitude may take, in lieu of annual leave, biennial leave for a period of two months if they so desire. An officer taking biennial leave will be granted a free return saloon passage for himself, wife, and children to Fremantle, and such additional time as may be necessary to cover the ordinary time taken in travelling to and from Fremantle.
- (e.) Long service leave will be granted on the terms and conditions prevailing under the Public Service Act and Regulations for the time being.

#### CLASSIFICATION AND DUTIES OF OFFICERS.

38. The classification will be as prescribed from time to time by the Minister.

##### *Superintendent of Fremantle Gaol.*

39. The Superintendent of Fremantle Gaol shall:—

- (a.) Have charge of Fremantle Gaol, male and female sections, and such of its out-stations as may be established.
- (b.) Be the medium of communication between prison officers attached to Fremantle Gaol and the Comptroller General.
- (c.) Be responsible for the discipline, training, instruction, and general efficiency of the officers and will report on the suitability of applicants for appointment.

##### *Officer in Charge.*

40. The officer in charge of a prison shall:—

- (a.) Enforce the whole of the regulations when not inapplicable to his particular prison. He is responsible to the Comptroller General for the discipline, management, and safe custody of the prisoners under him; the care of all Government buildings and other property pertaining to the prison; the economical expenditure of stores; and that the labour of the prisoners is used to the best possible advantage for the Government, according to the description and quantity of work which may be at his disposal.

(b.) See that all regulations, orders, and instructions made, given, or issued for the management of the prison or the guidance of the officers, are strictly carried out; and that all necessary books are kept, and such returns furnished as the Comptroller General may require.

(c.) Be the medium of communication between the superior authority and the officers and prisoners under his charge, and shall forward without delay, to the Comptroller General, any report or complaint he may receive, addressed to such superior authority, with his report or remarks thereon.

(d.) Hear all reports that may be made to him at stated times weekly, and shall take care that any prisoner having a complaint to make or a request to prefer shall have ample facilities for so doing. Redress any grievance, or take such other steps as he may consider necessary in each case.

(e.) Personally keep a book or journal, in which he shall note any occurrence of importance which may happen in the prison. Such book to be laid before the Comptroller General upon his visit.

(f.) Personally visit every ward, division, premises, and works of the prison daily, if possible. He must be present at one muster daily, and shall occasionally visit the prison at uncertain hours by night, such visit being recorded.

(g.) In cases of misconduct have power to suspend any subordinate officer but must report the particulars without delay to the Comptroller General.

(h.) On each visit of the Comptroller General he shall report all irregularities which may have occurred in the prison since the last visit. In the event, however, of any serious irregularity, accident, or other extraordinary occurrence, he shall at once communicate with the Comptroller General by telephone, telegraph, or other rapid means.

(i.) Have power to place a prisoner guilty of breach of regulations, or other disorderly conduct, in close confinement until the arrival of the Comptroller General or a visiting Justice, to whom the circumstances of the case shall be reported. In cases of urgent necessity a prisoner may be placed in irons by the officer in charge, who must report the case to the Comptroller General or a visiting Justice.

(j.) When a prisoner is suffering from injury or severe illness likely to terminate fatally, the officer in charge shall order that proper steps be taken to secure the prisoner visits from the minister of the religious persuasion to which such prisoner may belong; and communicate his condition to his relatives, if their addresses are known or can be ascertained.

(k.) On the death of a prisoner see that notice is at once given to the Coroner of the district, who shall hold an inquest on the body, and to the Comptroller General, and if practicable, to the friends or relatives of the prisoner. He must give orders that the body be decently covered when placed in the coffin and cause the death to be registered and the funeral properly

conducted in accordance with the conditions of contract for the time being. He shall endeavour to secure the services of a minister of the religious persuasion of the deceased, at the grave.

- (l.) See that all prisoners are treated with strict impartiality, and that any persons visiting the prison for any purpose are treated with civility.
- (m.) Take every precaution for the safe custody of prisoners in his charge, and give orders for the daily examination of all cells, doors, bars, bolts, locks, wards, buildings, and grounds; and shall use every possible precaution to prevent escape of prisoners. Also adopt proper precautions against fire.
- (n.) See that all supplies required for the prison are properly maintained, and shall be held responsible for the custody of all stores and other Government property supplied for use in the prison, and shall cause monthly returns to be rendered of the receipt and issue of all rations and other stores on prescribed forms and propose any saving or reduction in expenditure that may appear, to be practicable.
- (o.) Give all necessary directions for the receipt and discharge of prisoners. Take charge of the warrants of commitment, and be held responsible for the due discharge of prisoners at the expiration of their sentences.

41. The private cash of prisoners of all classes whether brought into the prison at the time of the prisoners' reception, or received by the officer in charge during the prisoners' detention, shall be entered in a book provided for that purpose and at country and police gaols after being held for one month, shall be paid to the credit of the Colonial Treasurer by the nearest clerk of Court or Treasury cashier who will refund on the discharge of prisoners any amount due to such prisoners. The officer in charge will pay to any prisoners discharged during the month any money due to such prisoners which he may hold. At Fremantle, moneys should be paid in daily, through a bank.

42. No prisoner shall be discharged nor transferred without being first seen by the officer in charge or such officer as the former may appoint. Prior to such discharge or transfer, the Prisoners' Property Book shall be searched to ascertain if there be any property on charge belonging to a prisoner about to be discharged or transferred. The prisoner shall be told the result of such search and of the disposal of the property if such have occurred in case it should not have been returned to him.

43. The Comptroller General shall, with the approbation of the Minister, subject to the approval of the Governor, appoint an officer or officers to discharge the duties of officer in charge whenever the officer in charge is necessarily away from the prison owing to ill-health or leave of absence; and during such necessary absence the officers so appointed shall have all the powers and discharge all the duties of the officer in charge as shall be assigned them respectively. Before leaving, the officer in charge shall personally hand over the charge of the prison to the officer or officers appointed to relieve him.

#### *Out-stations.*

44. Every out-station shall be placed under the charge of an experienced officer, with such assistants

as shall be deemed necessary. The officer in charge shall be responsible in all respects for the good order and conduct of the station. He shall be expected to keep the prisoners fully employed during working hours and to see that his assistants are diligent and attentive to their duties.

45. The officer in charge shall see that his station is kept supplied with a sufficient stock of rations, as per dietary scale, of standard quality, with proper tools, equipment, clothing and bedding. He shall be responsible for the safe custody and correct issue of all stores placed in his charge.

46. The officer in charge shall each evening not later than 8 p.m. after muster, securely lock up the building provided for the accommodation of his party and shall visit the building again through the night, his final visit not being earlier than 11 p.m. He shall count the prisoners in their beds at each visit.

47. The officer in charge of an out-station is directed to call the roll every hour during Sundays and holidays until lock-up time and he shall report as an absconder any man found to be absent.

48. The officer in charge of an out-station shall not allow any dogs to be kept at the station under his charge.

49. The officer in charge of an out-station shall insert in his weekly occurrence sheet all visits made to the station under his charge by any clergyman or other person visiting it for the purpose of affording religious instruction to the men. He shall also insert all visits made to the station by the visiting Justice.

50. The most prompt and immediate information shall be given to the police in the event of any prisoner escaping from an out-station, or any robbery being committed; information to be given to every police patrol passing the station. Officers must exert themselves to the best of their ability in recapturing absconders but under all circumstances immediate information is to be sent to the nearest police station.

51. The officers attached to an out-station shall be allowed to have wood and water delivered to them free. Prisoners detailed for this duty shall not be employed as officers' servants upon any pretext whatever.

52. The officer in charge shall furnish returns as follows:—

- (1.) Weekly return of men transferred to or from his party.
- (2.) Weekly occurrence sheet.
- (3.) Weekly distribution.
- (4.) Monthly ration return.
- (5.) Monthly tool list.
- (6.) Quarterly return of receipt and issue of clothing and stores.

#### *Medical Officer, Fremantle.*

53. The Medical Officer shall attend at the gaol every morning, and shall also attend whenever called on by the officer in charge. He shall also:—

(a.) Examine all prisoners who may wish to see him, and shall order such of them as he may consider require it to be placed on the "Sick-list" and shall prescribe such regimen and medicine as he may think necessary in each case.

(b.) Recommend prisoners to be exempted from labour, or to be employed at light labour, or in such manner as their cases may demand.

(c.) Provide free of cost, proper and sufficient medical attendance, surgical treatment, advice, etc. (except major operations) to all officers of the department in his district and their families as shall be entitled to the same, upon application.

(d.) Medically examine every prisoner upon reception and record his state of health and other circumstances connected therewith as may be necessary.

(e.) Inform the officer in charge of any particulars he may become acquainted with in regard to a prisoner's body which may assist in identifying him.

(f.) From time to time, examine all the prisoners under his care and report to the officer in charge if, in his opinion, the health of any of them is likely to suffer from the mode of discipline or labour to which they are subjected.

(g.) Examine the prisoner before corporal punishment is inflicted, and certify whether or not he is fit to receive such punishment. He shall be present at every infliction of corporal punishment which may take place within the gaol.

(h.) No serious operation shall be performed without his consent and a previous consultation with another medical practitioner.

(i.) Give every prisoner undergoing punishment by solitary confinement close medical observation.

(j.) Without charge, examine and report to the officer in charge as to the state of health of persons selected for appointment to the disciplinary staff of the gaol. He shall examine all warders before appointment to the permanent staff.

(k.) Make periodical inspection of the gaol at least once in every three months, in company with the officer in charge and, if possible, with the visiting Justice, and shall duly report to the officer in charge any matters connected with the sanitary condition of the gaol and its offices that he thinks worthy of notice, alteration, or improvement.

(l.) Keep a journal in which he shall enter day by day, in the English language, an account of the state of each patient under his care, the name of the disease under which he is suffering, and the description of the diet and medicine he orders for such patient.

(m.) Upon the death of any prisoner, the Medical Officer shall enter in his journal the following particulars, viz.:—

- (1.) At what time the deceased was taken ill;
- (2.) When the illness was first brought under his notice;
- (3.) The nature of the disease;
- (4.) When the prisoner died;
- (5.) An account of the appearance after death (in cases where a *post-mortem* examination is held) together with any special remarks that appear to him to be required.

(n.) Keep such other books, and make such returns and reports as may be required by the Comptroller General.

54. Medical Officers at country stations shall visit the prisons as frequently as possible, and when called upon by the officer in charge.

#### *The Chaplains.*

55. The chaplains of Fremantle Gaol shall have the spiritual charge of all prisoners whose names are returned to them by the officer in charge as having described themselves as members of their respective denominations. All Protestants, in the absence of other approved arrangements shall be in the charge of the Anglican chaplain.

56. The chaplains shall attend at the gaol and hold divine service for men every week day morning and on Sundays in the morning and afternoon; and for women once every Sunday, and on such other occasions as may be arranged. They will hold a short service at Rottnest Island as often as convenient.

57. The chaplains shall be expected to enter into communication with the prisoners of their own denominations as far as may be practicable, especially with the worst characters, and to endeavour to exercise a softening and reforming influence upon them. They shall studiously avoid interfering with prisoners not returned to them or not in their charge.

58. The chaplains shall visit all prisoners sick in the hospital, and shall, when practicable, hold a short service daily. They shall also visit prisoners confined in solitary cells or under other punishment.

59. Protestants of various denominations shall be included with the Anglicans in attending divine service, in the absence of other approved arrangements.

60. On the death of a prisoner, the chaplain to whose persuasion the deceased belonged shall attend the funeral and read the burial service, due notice of the time of the service being given by the officer in charge. The Anglican chaplain shall, in the absence of other approved arrangements, officiate at the burial of all Protestants.

61. The chaplains shall have control of the library provided for the prisoners, and are empowered to requisition for any further supply of books they may consider necessary to take the place of worn-out volumes or to supplement the library. They shall also inspect all books, magazines, or other printed matter in the library. They will mutually confer as to the purchase of new books. A well-conducted prisoner may be appointed from time to time to be "library orderly," to assist the schoolmaster and librarian. The church organist and choirs shall be under the direction and control of the respective chaplains, who shall, as vacancies occur in the choirs, nominate prisoners to fill them, subject to the approval of the officer in charge.

62. Nonconformist, Hebrew, and other recognised ministers of religion may hold services for prisoners of their religion at times approved of and authorised by the Comptroller General, and under such regulations as he may consider necessary.

#### *Chief Warder, Fremantle.*

63. The Chief Warder or other officer next in authority to the Superintendent shall have charge of the gaol during the temporary absence of the Superintendent. He shall be responsible to the Superintendent for the due order and discipline of the gaol, and shall report to that officer any irregularity that may come under his notice.

64. The Chief Warder shall, under the Superintendent, have charge of subordinate warders, and shall take care that they are properly instructed in their duties and in the use of their arms. The Chief Warder shall also perform such other duties as may be assigned to him by the Superintendent, and shall be responsible to the Superintendent for the safe custody of the prisoners; that they are properly searched; and that all trafficking and illicit communication is prevented.

65. He shall give his constant attention to the security of the gaol, and will be responsible for the proper maintenance of cleanliness and order in all departments thereof. He shall see that all cells, whether occupied or not, are strictly examined once every week, and kept clean, and that prisoners who are considered dangerous do not occupy adjoining cells.

66. He shall be present at and conduct all musters. He shall at uncertain times visit the gaol at night, and inspect the officers on night duty frequently.

67. When prisoners are allotted to parties for work outside the gaol walls, the Chief Warder must

exercise judgment and discretion in such distribution; and particularly take care that no prisoners are thus employed who are considered likely to abscond or misbehave. The Chief Warder must visit such outside parties twice a day where practicable, and shall see that a sufficient guard is sent out with all labour parties.

68. He shall take the best means at his disposal to make Chinese and other foreign prisoners acquainted with the regulations, allotting them, as far as possible, with prisoners of their own nationality who speak English and are able to interpret.

69. He shall frequently visit the sentries and officers in charge of prisoners inside the gaol at their places of work during labour hours. He shall instruct the officers in charge of divisions to thoroughly inspect the same at last muster and satisfy themselves as to the security of all prisoners located there, and that all regulations are complied with, and report same to the Superintendent.

70. He shall every evening report to the Superintendent the result of his daily observations in the discharge of his duties.

71. He shall duly and efficiently carry out all orders given to him by the Superintendent, and shall at all times assist that officer in maintaining proper order and discipline in all parts of the gaol.

#### *Principal Warders.*

72. A Principal Warder shall rank next in authority to the chief warder.

73. Principal warders shall take precedence of all ordinary warders, and shall perform such duties as may be allotted to them by their superior officers; and in the absence of officers of a higher grade, shall temporarily take charge of the portion of the gaol or the parties near them, and shall be held responsible therefor.

74. They shall at all times assist the Chief Warder and other superior officers to the utmost of their ability in maintaining proper order and discipline.

#### *Warders.*

75. Before being accepted as a warder on the permanent staff, all persons appointed on probation must be examined by the Medical Officer of the gaol, and be duly passed by him, with regard to general health and physical capability.

76. The warders shall carry out with vigilance and zeal all orders they may receive from their superiors. They shall, in addition to their ordinary duty, be liable to be called on, by day or night, to perform duties exigencies of the service may require.

77. They shall not be eligible for promotion to rank of principal warders unless they shall satisfactorily pass an examination in arithmetic, the spelling of a list of prison terms, the preparation of short reports and station returns, and general knowledge of the duties of an officer.

78. They shall have charge of, and be responsible for, all tools and implements of any kind which are in use in any of the parties or works which they supervise, and shall keep proper account of the same.

79. They shall keep account of all work performed, as well as of the conduct of the prisoners under their charge, and shall make such returns and reports as may be required by the officer in charge.

80. When in charge of labour parties they shall be held responsible that the prisoners are industrious and orderly, and that all work is properly executed.

81. They shall not allow any unauthorised person to interfere in any way with the working parties under their control, nor to hold communication with, or

give, or pass anything to a prisoner. They shall promptly order away any person apparently loitering about the gaol or working parties for such purpose. In case of necessity, they shall take proper steps for the arrest of such persons if they refuse to go when so ordered. Should they find any unauthorised articles they will at once take them to the Chief Warder.

82. Warders shall carefully observe the character, habits, and industry of the prisoners under their charge; and, it being of the utmost importance that the officer in charge should be fully informed on these points, the several officers shall carefully and impartially keep such records as may be ordered, and shall consider it to be their duty to afford, at all times, unreserved information on such points.

83. All prisoners, when in association, shall be placed under the control and supervision of warders whose duty it shall be to enforce silence in all cases wherein the regulations require it; to prevent all improper communications between prisoners themselves or between prisoners and civilians. They shall carefully watch the prisoners in their various movements and employments, and use the utmost alacrity and vigilance to prevent escape and shall enforce strict discipline and complete observance of the regulations.

84. On proceeding with prisoners to their labour the warder in charge of each party shall count the number of prisoners therein, as they are told off, and report to the Chief Warder or other appointed officer; after which such warder shall be held responsible for the safe custody and regular conduct of such prisoners on the works, and especially that they do not struggle or in any way get possession of prohibited articles. He shall also properly search the prisoners, both on leaving and returning to the gaol, to ascertain that they have no prohibited articles in their possession.

85. A warder shall pay strict attention to cleanliness of person and dress, and shall at all times, when on duty, wear the officer's uniform (which will be supplied as per scale) according to the rank.

86. Should a warder's uniform become shabby before the expiration of the term of service fixed for each garment, the officer in charge may, with the authority of the Comptroller General, compel such warder to pay for new garments to replace those condemned.

87. Should an officer neglect or refuse to deliver up his uniform upon resignation, dismissal, or retirement from the service, the value thereof, calculated upon the then unexpired term of service therefor, may be deducted by the officer in charge from any pay due to such warder, provided always for sufficient reasons the Comptroller General may remit any portion of the service for which any article was issued.

88. A warder whose services shall be dispensed with for other reasons than that of misconduct, shall be entitled—if permanently engaged—to a month's notice or to a month's pay; if temporarily engaged, unless for a specific period—to two weeks' notice or to two weeks' pay. A warder permanently engaged, leaving of his own accord, must give notice in writing a month previously; if temporarily engaged, two weeks previously, or forfeit a sum not exceeding one month's pay and two weeks' pay respectively, unless the Minister shall otherwise direct.

89. A warder on leaving the service shall immediately vacate the quarters he has occupied, and return any article of uniform the period of wear for which shall not have expired.

90. A warder, unless under circumstances of emergency, shall not enter a prisoner's cell at night unaccompanied by another warder.

91. A warder on being relieved from any particular duty, or transferred to another, shall point out to his successor all matters of special importance connected with his duties and explain any directions of the officer in charge, medical officer, or other superior officer, affecting any particular prisoner or portion of the gaol which has been under his charge.

92. A warder shall be watchful to detect and prevent any persons secreting prohibited articles, etc., for the prisoners on the works or elsewhere about the gaol, and shall immediately report any such occurrence. He shall especially guard against the clothes of workmen, or others, being left lying about in places accessible to the prisoners, and shall report at the earliest opportunity any suspicious circumstances of this kind, or the loitering of improper or suspicious persons about the gaol or the works that he may have observed.

93. A warder in charge of a ward, or other part of the gaol, shall set cleaners to work in the halls, cells, passages, etc., and cleaners shall always be required, after work, to produce the brushes, brooms, etc., with which they may have been furnished. The officers shall expedite this necessary work so that it may be completed at the time fixed by the officer in charge.

94. Especial care shall be taken that no ladders, planks, wheelbarrows, ropes, chains, implements, or materials of any kind likely to facilitate escape are left unsecured at any time in the yards or elsewhere. All such articles when not in use shall be kept secured in their proper places. A warder shall report immediately any instance of such articles being left unsecured in neglect of this rule, whether it occurs in his own department or otherwise.

95. Should more than one warder be detailed for any particular duty, or two or more be together on duty at any particular place, the command shall devolve upon the senior unless specially ordered otherwise, and he shall be responsible that all the provisions of these regulations are duly observed by all officers and prisoners under his charge.

#### *Armed Warders or Sentries.*

96. When on duty under arms, warders shall be responsible that their arms are properly loaded, and shall be careful in handling them that no accident may occur. At such times they must invariably wear belts, and pouches containing six rounds of ammunition, and shall take care that the ammunition properly fits the arms they carry. They shall not deface their arms or accoutrements, or make any alteration in them without authority. Where Winchester or repeating rifles are supplied, belts and pouches need not be carried.

97. Upon a prisoner leaving his allotted place, or making movements indicative of any attempt to escape, or to commit an assault on any officer, or upon another prisoner or any other person, with any instrument or weapon, the armed warder on guard shall at once sound an alarm with his whistle, and if necessary, fire his rifle to attract attention. Any guard, gaoler, warder, police officer, or other person lawfully charged with the custody of any prisoner under sentence of death or penal servitude or imprisonment for any term, may fire upon any such prisoner while attempting to escape from any prison or other place, or while attempting to assault any guard, gaoler, warder, police officer, or other person aforesaid, or any other prisoner: Provided that such

firing shall appear to be necessary to prevent the escape of such prisoner, or the assault committed or attempted by such prisoner was of a character apparently dangerous to the life or likely to cause bodily harm to the person assaulted or threatened. An armed warder or sentry shall not permit any prisoner to approach nearer to him than ten paces; nor shall he allow any prisoner to go beyond the prescribed limits of his work or party without permission having been granted.

98. Upon any prisoner passing or attempting to pass the prescribed boundary of his work or party, it is the duty of the armed warder or sentry to challenge him by at once calling aloud, "Stand!" On this challenge being repeated twice and the prisoner neglecting or refusing to stand, the officer shall immediately give the alarm with his whistle, and it shall be lawful for him to use his firearms in case of inability to prevent the prisoner's escape by any other means.

99. Should a prisoner escape, the armed warder or sentry and the officer in charge shall give the alarm loudly upon their whistles, and the former shall fire his rifle, if necessary, to attract attention. The warder in charge of any party working outside the gaol shall not, in the event of escape as above, leave his party without orders, but shall at once muster the remaining prisoners under him, and march them back into the gaol and report and await further orders.

100. A warder on armed duty must at all times be alert and vigilant. He may sit down for five minutes at intervals of thirty minutes. Whilst abstaining from using his firearms without absolute necessity, he must remember that it is his duty to prevent escape either by individual attempts or a general riot leading to such attempts; to protect unarmed officers in case of assault, and to render aid in quelling disturbances. In this, and similar cases, where no hard and fast rules can be laid down, an officer must be guided by his judgment and intelligence.

101. Warders who commit any of the following offences are liable to reprimand, fine, reduction in rank or rank and pay, or dismissal, according to the gravity of the offence, provided that no officer is punished without a proper enquiry being held as hereinafter provided:—

Coming late on duty, unless a medical certificate or some other good and sufficient reason is adduced.

Coming on duty in a slovenly condition.

Neglecting to search a working party properly, whether going out or coming in.

Allowing a prisoner to be out of sight while upon the works without special permission.

Leaving tools or prison property not properly secured.

Leaving, or permitting to be left, unsecured, articles likely to facilitate escape.

Holding private conversation with a prisoner.

Permitting strangers to converse with a prisoner, without special authority.

Permitting persons employed on the works to converse with prisoners unnecessarily.

Using slang or improper language to a prisoner.

Swearing.

Conversing on public or private topics in the hearing of prisoners.

Wrangling.

Allowing a prisoner to have a key belonging to the Gaol, or access to one.

Leaving the doors of workshops, cookhouse, bakehouse, etc., open or unlocked for the night.

Leaving prisoners in any of their places at any time without authorised supervision.

Allowing any prisoner to enter the cookhouse, bakehouse, laundries, workshops, etc., without proper authority.

Leaving keys about the premises or not at the proper place.

Leaving cells unlocked when prisoners are inside.  
 Leaving wards unlocked after prescribed hours of locking.  
 Neglecting to hand keys to proper officer on leaving the Gaol.  
 Neglecting to notify immediately the confinement of a prisoner in cells for refractory conduct.  
 Neglecting to properly search a prisoner sentenced or taken in the refractory cells, in order to prevent the practicability of suicide or escape.  
 Sleeping on duty.  
 Sitting down while on night guard.  
 Leaving working parties without authorised supervision.  
 Smoking on duty, or within the prohibited parts of the Gaol.  
 Not keeping the night lights properly trimmed.  
 Permitting conversation during silence hours.  
 Absence from appointed posts without permission.  
 Entering a prisoner's cell at night without the presence of a second officer, except in case of urgency.  
 Confining a prisoner in the refractory cells without sufficient cause.  
 Neglecting to communicate on relief, all matters of importance connected with the division, prisoners, etc.  
 Employing a prisoner in acts of private service.  
 Disorderly or uncleanly condition of wards, cells, divisions, etc.  
 Disorderly or unclean condition of prisoners.  
 Not issuing rations correctly and at the prescribed time.  
 Not issuing clothing, necessaries, etc., correctly and at regular times.  
 Returning clothing, etc., to store, incorrectly or torn, or damaged, without proper reports.  
 Neglecting to report the sickness of a prisoner.  
 Neglecting to report a complaint of a prisoner.  
 Neglecting to report an offence against the regulations by a prisoner.  
 Making up prisoners' conduct books improperly, carelessly or with partiality.  
 Want of vigilance on duty.  
 Any act of neglect, carelessness or inefficiency.  
 Disobedience.  
 Drunk on duty.

Fines may be deducted from the next pay due to the officer fined, and a monthly statement of such fines transmitted direct to the Accountant, Colonial Secretary's Department.

*Storekeeper or Officer in Charge of Stores.*

102. The Storekeeper, Fremantle Gaol, and the officer in charge at other prisons shall have charge of all public property brought into store after purchase or manufacture, and shall be held responsible that it is kept in good order, and preserved from damage by weather, or other cause. He shall make no issues therefrom, except on requisition approved by the Comptroller General, or under his authority, by the officer in charge. He shall keep all necessary books, and furnish such returns as may be required.

103. No article, whether food, bedding, clothing, or any other description, shall be received into the prison until it has been examined to ascertain that it contains nothing contrary to the regulations; and the admission of any article which may appear likely to be used for an improper purpose shall be refused.

104. All articles sent to the prison by contractors are to be at once inspected and if of an inferior quality or unsuitable for the purpose for which they may be required they shall not be received but returned, with written statement of cause thereof. Rations and perishable goods shall be dealt with in accordance with conditions of contract. The storekeeper shall enforce a strict adherence to contract in all supplies received for the service of the department.

105. The storekeeper or other officer in charge of stores shall keep a separate account of the quantity and value of all materials issued for the manufacture of articles in the various workshops and also of the

various articles returned to store as the produce of such manufacture. The trades instructor to whom the material is issued is responsible to the storekeeper that it is economically and profitably used according to a scale to be approved by the Comptroller General.

106. The storekeeper, or other officer in charge of stores, shall prepare and submit for approval of the Comptroller General a schedule of prices to be charged for articles manufactured or produced in the prison, such prices being based upon the cost of raw material, supervision, value of prisoners' labour, upkeep, wear and tear of machinery and tools, and incidental element affecting the same.

107. Every article made of Government materials within the prison or grown upon a prison reserve, or in any way produced or procured at the cost of the State, is hereby declared to be public property, and is to be taken into charge and dealt with accordingly. All articles that can be so treated shall be branded with the Government brand as directed, before being issued from the store for general use.

108. No article whatever of public property, except fixtures in Government quarters, is on any pretence, to be taken into private use. No Government materials shall be allowed to be used in making any article for private purposes, unless authorised by the Comptroller General.

109. The storekeeper or officer in charge of the stores shall be responsible for the correct use of rations, day by day, according to prescribed scale of diet. Also for all stores and materials, whether for general use or for manufacture or repairs of articles, as may be demanded by requisitions approved as laid down by regulation.

110. The storekeeper shall keep a clear and exact account of all goods received and placed in his charge, and of the disposition of each and every article; and shall in all cases obtain receipts for all stores issued, such receipts to be duly kept available for reference.

111. He shall attend to the proper preservation of stores in hand, and maintain by constant supervision the stock of all articles necessary for efficient supply of the institutions dependent on it. He shall satisfy himself that due order and regularity are strictly observed and maintained by his subordinates.

112. In order to exercise an effective control and economy in the use of public property entrusted to officers, the storekeeper or other officer in charge of stores at each prison shall keep a loan ledger of all articles of furniture, utensils, tools, machinery, and requisites of all kind in use in the various parts of the prison, and shall prepare lists in duplicate of the articles in the immediate charge of each responsible officer, who shall sign such lists, one to be retained by himself, and the other by the storekeeper. The officer in whose immediate charge the articles are is not to be relieved of that charge until his successor has taken the goods over and signed for them, or until they have been returned to the store.

*Schoolmaster.*

113. At any prison at which a schoolmaster is appointed, that officer shall act as librarian, under the instructions of the chaplains. He shall every day (except Sunday) give instructions for two hours in the morning and for the same time in the afternoon according to the system of the Education Department of this State, to all juvenile, youthful, or other male prisoners handed over to him by the officer in charge. He shall perform such other duties as the officer in charge may order.

*Trade Instructors.*

114. Trade instructors shall faithfully teach and impart all information concerning their trades to those prisoners placed in their charge, so as to render them efficient workmen.

115. Trade instructors shall keep a correct record of the quantity of material expended, and the amount of labour required, in the manufacture of the various articles made under their supervision. They shall be responsible to the storekeeper or officer in charge of stores for all unexpended material, tools, machinery, and equipment, and that all are kept in the best order and condition.

116. Trade instructors employed with parties of prisoners under the charge of a discipline warder shall not interfere with the discipline of the party. They are expected however, to acquaint the warder of any suspicious actions on the part of the prisoners.

117. Trade instructors shall always do everything possible to meet the requirements of the storekeeper relative to the manufacture of stores.

118. Trade instructors shall exercise full responsibility for the prisoners in their respective workshops, involving the searching of such prisoners on leaving the shop.

119. Trade instructors will be amenable to the regulations generally, and especially to those relating to warders, and will be entitled to the annual leave and holidays mentioned in Regulation 37.

*Gatekeeper.*

120. The officer on duty as gatekeeper shall not open the Lodge entrance gate until he has ascertained who seeks admission and shall admit no person except prisoners and their escort without authority from the Comptroller General or officer in charge. He shall keep a journal in which shall be recorded the ingress and egress of all persons on business, parties of, and individual prisoners and authorised visitors. He will not allow officers on duty to leave the prison until their period of duty is finished, unless on some special duty.

121. He must pay particular attention to officers coming on or going off duty, and must not fail to report to the Chief Warder or other senior officer anything suspicious he may notice, and will allow no officer to go on duty whom he may suspect to be suffering from the influence of drink.

122. The night gatekeepers are, when the prison is closed for the night, in charge, and will pay frequent visits to the posts and patrols, paying particular attention to all bolts, bars, doors, windows, etc., to detect and prevent any attempt at escape.

123. He will in case of necessity or urgency, call up the Chief Warder or Superintendent.

*The Matron, Fremantle.*

124. The matron is charged, under the general authority of the Comptroller General and the supervision of the Superintendent, with the entire control of the female prisoners, and the compartments of the gaol occupied by them. She will permit no male officer to enter the female division except in company with herself. Her duties in other respects will be analogous in their degree to those of the Chief Warder.

125. Female officers will be amenable to the general regulations and to those relating to male officers of corresponding ranks and grades. The senior assistant matron will take charge during the temporary absence of the matron.

*Enquiries against Officers.*

126. All charges will be made on the officers' report sheet and forwarded to the officer in charge by whom the enquiry shall be held and shall be delivered to the officer accused as soon as possible after the alleged offence has been committed. The officer accused must either admit or deny the charge.

If the charge is admitted it will be only necessary to record sufficient evidence to show the gravity of the offence, and to take the statement of the accused in extenuation of the charge.

If the charge is not admitted the witnesses for the prosecution will be called, and their statements recorded in narrative form.

The accused may cross-examine witnesses, and when he has finished the officer holding the enquiry may also re-examine the witnesses.

The evidence of the witnesses will be read to them, and if correct, they will sign the record. Witnesses may have mistakes corrected before signing.

On the conclusion of all evidence for the prosecution and defence the accused should be allowed to make any statement he wishes, in extenuation or otherwise of his case, and the statement being read, if correct, he will sign his name to the record.

Evidence against an officer must be taken in his presence. On the conclusion of the case the officer holding the enquiry will record his finding and sentence.

127. It shall be competent for the officer holding the enquiry to investigate the charge and inflict the following punishments on any subordinate officer charged with an offence:—

- (1.) To suspend any officer from duty pending the decision of higher authority.
- (2.) Caution, reprimand, or inflict a fine not exceeding £1.

128. In the case of serious or aggravated offences against prison discipline, for which in the opinion of the officer in charge the above punishments are inadequate, the full and original notes of the enquiry shall be sent to the Comptroller General, who is empowered to inflict all or any of the following punishments:—

- (a.) He may reprimand or exonerate the officer charged.
- (b.) He may fine any subordinate officers an amount not exceeding £5.
- (c.) He may reduce any subordinate officer in rank, or in rank and pay for any period he may consider necessary; or
- (d.) He may dismiss from the Service such subordinate officer.

129. Any officer against whom a charge has been laid may be suspended from duty by the Comptroller General of Prisons pending the investigation of the charge.

130. If the person charged is an officer in charge the charge shall be investigated and dealt with by the Comptroller General or his deputy.

*Right of Appeal.*

131. All subordinate officers have the right of appeal as follows:—

- (a.) Against the decision of the officer in charge under Regulation 127 to the Comptroller General, whose decision shall be final in such cases.
- (b.) Against the decision of the Comptroller General under Regulations 128 and 129 to the Appeal Board as hereinafter constituted, whose decision shall be final.

*Appeal Board.*

132. (1.) Any person who, being permanently employed at a prison, is:—

- (a.) Fined in a sum exceeding £1;
- (b.) Reduced to a lower class or grade; or
- (c.) Dismissed by the Comptroller General of Prisons for alleged misconduct,

may appeal to an Appeal Board as hereinafter provided.

(2.) No person shall be deemed to be permanently employed within the meaning of this regulation unless continuously employed for at least one year.

(3.) The Appeal Board shall consist of the following persons, that is to say:—

One person to be appointed by the Governor and he shall be the Chairman of the Board.

One person to be appointed by the Comptroller General of Prisons.

One person to be elected by ballot from among their own number by the members of the staff to whom these regulations apply.

Provision shall be made for the appointment or election of a deputy in each case.

(4.) The ballot for the elective member of the Board shall be conducted by the Chief Electoral Officer or some other person acting under his authority.

(5.) The person elected shall hold office for three years, provided that any person elected by the staff as its representative on any Board of Inquiry held prior to the passing of these Regulations shall be deemed the representative of the staff on the Board of Appeal for three years from the date of such election.

(6.) If any member of the Board dies, or by notice in writing to the Comptroller General of Prisons resigns his office, or being the elective member of the Board, ceases to be a member of the staff, his seat shall become vacant, and a successor shall be appointed, or elected, as the case may require, who shall hold office for the residue of the period during which his predecessor would have held the seat had he remained a member of the Board. Provided that when the seat of the elective member of the Board becomes vacant within three months before the date of an ordinary election, the member elected to fill the vacancy shall continue in office until the end of the next succeeding term of three years.

(7.) Every appeal to the Board shall be commenced by a notice in writing signed by the appellant. The appellant shall endorse on the notice of appeal an undertaking to pay any costs that may be awarded against him by the Board, and that in default of payment such costs may be deducted from any salary that may be or become payable to him; and, if the appeal is against dismissal, he shall deposit with his notice of appeal the sum of two pounds as security for the payment of such costs.

(8.) Every notice of appeal shall be lodged with the Comptroller General of Prisons within fourteen days of the date of the decision appealed against. The Comptroller General shall forthwith transmit the notice of appeal, if apparently in order, to the Board and the Board shall hear and determine the appeal within thirty days from the date upon which the notice of appeal was lodged.

(9.) No solicitor, counsel, or agent, other than an employee of the Department, or the recognised secretary of the union to which the appellant belongs, shall appear or be heard on any appeal, but the appellant shall appear in person or by another employee of the Department or the secretary of the union as aforesaid, and the Department by the Com-

troller General of Prisons, or some officer appointed by him in that behalf.

(10.) The Board may confirm, modify, or reverse any decision appealed against, or make such other order thereon as it thinks fit.

(11.) The Board may fix the costs of any appeal, and direct by whom, and in what proportions they shall be payable, and in every case costs shall be awarded against the appellant whose appeal is considered frivolous.

(12.) The decision of the majority of the members of the Board shall be the decision of the Board.

## REGULATIONS RELATING TO PRISONERS.

*Prisoners Generally.*

133. Prisoners at Fremantle shall be classified as follows, and as far as the construction of the prison and the necessities of the works and trades will admit shall be kept apart:—

1st.—Prisoners under sentence of imprisonment with hard labour or penal servitude on first conviction.

2nd.—Prisoners under sentence of imprisonment with hard labour or penal servitude on a second or subsequent conviction.

3rd.—Prisoners under sentence of imprisonment only and who have not previously been convicted.

4th.—Prisoners under sentence of imprisonment only who have been previously convicted.

5th.—Prisoners awaiting trial or on remand who have not been previously convicted.

6th.—Prisoners awaiting trial or on remand who have been previously convicted.

7th.—Debtors and persons imprisoned for contempt of Court or for failing to give security for the peace or for good behaviour.

8th.—Preventive detention class.

Youthful offenders up to 25 years of age shall, as far as practicable, be kept apart from the other prisoners and subdivided according to their disposition, previous history, etc.

“Previously convicted” shall mean “previously convicted in this State or elsewhere.”

134. A convicted prisoner, upon admission to any prison, shall be required to give up his clothing, money, or other property in his possession. He shall then be made to bath himself thoroughly, according to the regulations, and shall be supplied with prison clothing, which he must not in any way alter or destroy, and for which he shall be held responsible whilst it is in his possession and until clean clothing is given in lieu thereof on the regular clothes changing day.

135. The clothes which a prisoner may bring with him shall, if his own property, be kept for him, provided they are worth keeping, or if the term of his sentence does not exceed twelve months, and shall be entered, with his other property, in a book kept for that purpose, which he shall sign, the package being duly addressed, and shall be returned to him on his discharge. In the event of a prisoner's clothing being infested with vermin or worthless, it will be destroyed.

136. A prisoner whose clothing has been destroyed as above will receive other clean clothes in place of them upon his discharge.

137. The clothing of a prisoner under sentence of over twelve months will be confiscated, and he will be provided with a kit of new clothes throughout on his release.

138. Money, tools, or other articles, as approved, the property of a prisoner, will be kept for him, and handed over to him upon his discharge.

139. Every convicted prisoner shall submit himself or herself to be photographed, and to have the prints of his or her fingers, measurements, and other particulars taken and recorded on reception and discharge; and also at any other time when ordered by the Comptroller General.

140. No copy of any photograph of a prisoner taken under these regulations shall be shown, given, or sold to any person or persons other than those whose public duty require it.

141. A prisoner whose sentence shall exceed two months with hard labour must have his hair cut and his face shaved or clipped upon admission. Shaving or clipping shall continue weekly during the term of imprisonment, until within two months prior to discharge, when prisoners may be permitted to grow their whiskers, etc., as they may desire. The hair shall be cut monthly until two months prior to discharge. Razors and scissors shall not be given out by the warder in charge of them until everything is ready for them to be used by the prisoner. These implements must be carefully collected by the warder and locked away immediately shaving, clipping, and hairdressing are over.

142. Every prisoner shall rise immediately on the first bell being rung in the morning, and make up his bedding neatly, according to the general rules, and the system which shall be shown to him by the warder on duty in his ward. Upon cell doors being unlocked each prisoner must take out his chamber pot and dirty water, etc., and empty same at the appointed place; he shall cleanse the utensils thoroughly, and get a supply of clean water in his bucket.

143. Every prisoner shall keep his person, cell, and clothing at all times in the highest state of cleanliness; and shall keep his cell furniture and utensils thoroughly clean, and neatly arranged as directed by the warder on duty.

144. Every prisoner shall, when practicable, bathe once a week, and shall be marched with others to the bath-house upon the appointed day in each week for this purpose, which shall be duly and efficiently performed. Every prisoner shall wash each morning in the water bucket placed in the cell allotted to him, or in the yard, as directed.

145. A prisoner shall not interfere with his bedding during the daytime, until after evening muster. He shall then make down his bed, retire to rest, and preserve perfect order and quiet in his cell. At 8 p.m. the order "Silence" shall be given, and the command rigidly enforced and lights turned out.

146. A prisoner who shall require any assistance whilst in his cell, during the day or night, is permitted to knock at his cell door or sound his call bell when such is provided, for the warder on duty, to whom he must state the reason of his summons, and the warder shall deal with the case as may be necessary. A prisoner making an unnecessary complaint or knocking at the cell door or sounding his call bell without sufficient and proper reason shall be reported.

147. A prisoner shall preserve strict silence at muster, in his cell at all times, and whilst marching to and from his place of labour. When at work in his cell or elsewhere no talking or other noises shall be permitted, except as the nature of the work may require, or in addressing the officer in charge of the party.

148. A prisoner whilst in the exercise yard shall be permitted to engage in such games as approved by

the Superintendent or officer in charge; no prisoner while at exercise or in his cell or elsewhere shall scratch, write upon or deface in any way any of the walls, posts, rails, or other portions of the gaol or its offices, or fittings, or furniture. Any misconduct as above shall be duly reported.

149. A prisoner shall immediately obey all orders he shall receive from the officers, and, though he may consider himself aggrieved, he shall nevertheless obey, but he is permitted afterwards to make complaint to the officer in charge. He shall at once request to have his name entered in the book kept for the purpose.

150. No gaming is permitted, and all officers are empowered to seize any dice, cards, or other instruments of gaming, of which any prisoner may have become possessed, and shall duly report the offender, who shall be liable to be severely punished. The officers shall destroy all such implements of gaming.

151. A prisoner who shall use improper language, or be guilty of swearing, quarrelling, fighting, or making a false statement, or giving a false reply to any question, either verbally or in writing, or any prisoner guilty of an indecent act, or smoking in any prohibited place, or at an improper time, or trafficking in any way, or who shall have money, knives, or any other sharp instrument, or pencil, paper, or writing material of any description not authorised, or any book, or printed paper, or publication in his possession, which has not been properly issued to him, shall be duly reported, and all such articles shall be immediately confiscated.

152. A prisoner is liable to be searched at any time.

153. A prisoner who shall be dissatisfied with the quantity or quality of his rations must complain as soon as the food has been issued to him, and point out cause of complaint before using any portion of such rations. No complaint respecting quantity can be entertained unless made at once.

154. Unused food must not be left on the floor, or other parts of the cells, but must be placed in the food utensils.

155. At all musters every prisoner must be in his proper place in the ranks of the party to which he belongs. Immediately after the ringing of the parade muster bell the prisoners shall be ranged up in file two or three deep, as may be necessary, and shall stand at attention. They shall submit themselves to be thoroughly searched at every parade muster.

156. A prisoner shall not leave the ranks at muster or his place of work during labour hours, without the permission of the officer in whose charge he may be at the time, nor shall any prisoner leave Divine service before being regularly dismissed.

157. A prisoner making any movement, at any time, indicative of an attempt to escape, or to commit an assault on any officer, or upon a fellow prisoner, or any other person, with any instrument or weapon, will render himself liable to be fired on by the armed warder, or other officer in whose charge he may be; and each and every prisoner is hereby cautioned that if he infringes the rule he does so at his own risk and peril.

158. A prisoner shall not approach nearer than ten paces to an armed warder on duty, nor shall he go beyond the prescribed limits of his work or party. Upon any prisoner passing, or attempting to pass, the prescribed bounds above mentioned, he shall be called upon by the officer or guard to stand. On this challenge being repeated twice, and the prisoner neglecting or refusing to stand as ordered, such prisoner will render himself liable to be fired on.

159. A prisoner shall be allowed as much air and exercise as may be deemed necessary for the preservation of health, consistent with security. A prisoner who shall, during the time allowed for exercise, become riotous or disorderly, or make any attempt to escape, or assault the warder on duty in the exercise yard, etc., and who cannot otherwise be controlled, shall be liable to be fired on by the armed warder.

160. Every prisoner is strictly cautioned against holding or attempting to hold any unauthorised communication with any person inside or outside the prison, either by letters, words, signs, or sounds, or in any other manner.

161. A prisoner, if well conducted, shall be allowed to write one letter upon admission and once a month during the continuance of sentence on subjects strictly connected with himself and family. He shall also be allowed to receive one letter a month. Letters must not contain "slang" or improper expressions, and must be forwarded through the prison officials.

162. Every letter, either to or from a prisoner, will be opened and perused by the officer in charge who may withhold the same at his discretion; but shall submit any letter so withheld for the decision of the Comptroller General.

163. No letter will be received or forwarded on account of any prisoner unless the above regulations are complied with.

164. The Comptroller General has power to sanction any departure from these regulations as to the number of letters to be sent or received by a prisoner.

165. A prisoner when approaching, passing, or being passed by the Comptroller General, Superintendent, or officer in charge, medical officer, or the chaplains, shall salute the officer in a proper manner by bringing the hand smartly to the forehead and looking towards him.

166. Every prisoner must be attentive and diligent in performing whatever description of labour may be assigned to him.

167. A prisoner shall on no account be idle during the authorised hours of labour, unless excused by the Medical Officer on account of ill-health, but shall devote himself actively to his work during the day, and upon the degree of industry and good conduct which a prisoner may evince which shall be duly noted and recorded, shall mainly depend the consideration for any marks for which he may be recommended.

168. No conversation by prisoners shall be permitted whilst at labour, except such as may be necessary for the due performance of the work. Any violation of this rule, or any wilfully negligent mismanagement of work shall subject the offender to report.

169. A prisoner who may desire to interview the Comptroller General, Visiting Justice, the Officer in charge, the Medical Officer, or the Chaplains must apply to the officer in whose immediate charge he is, to have his name inserted in the book kept for the purpose, stating, as far as possible, the reason for desiring such interview, and he shall be permitted to see such officer in due course. Prisoners are warned against making frivolous or groundless complaints, as for so doing they are liable to punishment.

170. A prisoner guilty of a breach of any of the regulations or other disorderly conduct may be kept in close confinement until arrival of the Comptroller General or visiting Justices, to whom the circumstances of the case shall be reported. In cases of urgent necessity a prisoner may be placed in irons by the officer in charge, who must at once report the case to the Comptroller General or Visiting Justice.

171. A convicted prisoner shall be permitted to receive one visit from a relative or friend upon admission, and if well-behaved, one visit per month during the term of his sentence. All visits shall be received and carried out in the presence of a warder who shall observe all that may pass. Visitors bringing any article for use of a prisoner shall give it to the warder conducting the visit who shall submit it to the officer in charge for his decision as to its destination.

172. A prisoner at all times during the day, when not at work, shall wear all his usual prison garments; the jacket, vest, and other articles to be neatly buttoned, tied, or fastened in an approved manner.

173. Hats shall not be worn by prisoners inside any of the buildings of the prison.

174. A prisoner reported for misconduct, disobedience, or any wilful neglect of regulations, or of orders, shall be brought before the officer in charge who, if he deem the offence sufficiently serious, shall direct the offender to be taken before the Comptroller General or the Visiting Justice for trial and such award as the offence shall be deemed to deserve.

175. A prisoner sentenced to confinement in a punishment cell for any period of time shall be permitted one hour's out-door exercise each day of his sentence and the rations prescribed in the dietary scale.

176. A prisoner sentenced to "bread and water" shall not be entitled to any out-door exercise during the term of sentence. A "bread and water" sentence shall commence at 4 p.m. on the day the prisoner receives it, and shall continue until 4 p.m. on the day when such sentence expires.

177. A prisoner shall not be permitted to petition the Governor-in-Council or the Minister unless he can adduce some material and well-supported fact in his favour which he was unable to bring forward at his trial and no prisoner is allowed to petition as above without special permission obtained from the Comptroller General. A prisoner whose case has been once considered on a petition shall not be permitted to again petition unless some new matter, having an important bearing on the case, has become known to the prisoner subsequent to the decision on his former application.

178. A prisoner, upon admission, shall be required to declare the religion which he professes. Anglicans, Wesleyans, Presbyterians, and members of other Protestant denominations will be classed together as Protestants. No prisoner will be allowed to change his classification as to his professed religion except with the approval of the Comptroller General.

179. All Protestant and Roman Catholic prisoners will be required to attend Divine service held by the Chaplains every week day morning and twice on Sundays, at hours which shall be properly specified.

180. Hebrews, Mahommedans, and other followers of special forms of belief may, at all proper times and seasons, receive spiritual consolation from their minister and practise the religious exercises of their denomination, always, however, under such restrictions as may be imposed by the Comptroller General.

181. Every well conducted prisoner shall be allowed one book, other than a purely educational work, from the library, according to the professed religion of such prisoner. A volume issued to a prisoner shall be entered in a book kept for the purpose by the librarian. A prisoner shall not be allowed to change his book with a fellow prisoner, and shall not write in, deface, tear, or in any way injure the book issued to him, for which he is held responsible until the regular day for changing books by the lib-

rarian. Prisoners are permitted to make application through the librarian, to the chaplains, and request permission to have any special book which may be in the library. If not in use, such book shall be issued to him with the approval of the chaplains. Hebrews, Mahomedans, and others who can read English shall be allowed to have a book from the library at the discretion of the chaplain in charge.

182. Well-conducted prisoners may be appointed by the officer in charge to attend to various special duties in each prison, such as scavengers, cleaners, cooks, bakers, hospital attendants, barbers, lampmen, orderlies, or writers. They shall be kept under the supervision of the officer in whose immediate charge they shall be placed.

183. The officer in charge shall have power to work, separately, at such labour as he may deem suitable, any prisoner guilty of repeated breaches of discipline and constant disregard of the regulations, and to prevent contamination by any such prisoner may, by order of the Comptroller General, be separately confined during the whole or any part of his imprisonment.

184. A prisoner shall be discharged, as having completed his sentence, upon the following rules, viz. :—

- (a.) When his term of imprisonment expires on a working day, immediately after dinner on that day.
- (b.) When his time expires on a Sunday, Christmas Day or Good Friday, he shall be discharged on the day previous immediately after dinner.
- (c.) When the day arrives on which the prisoner is entitled to his discharge, he shall inform the Chief Warder or officer in charge of the fact at the first muster.
- (d.) In case of remission of sentences, fines paid or sureties entered into, not notified to the Department by 11 o'clock a.m., the discharge will not take place until the following morning. Should that day be a Sunday, Good Friday, or Christmas Day, the discharge will take place on the following day.
- (e.) The day of discharge counts as one day, and the day of commitment or arrest on warrant of commitment in summary cases and, in indictable cases, the day on which the sessions commence, each counts as a whole day.

DIETARY.

185. Prisoners shall be classified according to the undermentioned Schedule for the purpose of diet:—

No. 1 Diet.—For all convicted prisoners during the first three months of their imprisonment

	Males.	Females.
	Ozs.	Ozs.
Bread .. .. .	18	14
Oatmeal .. .. .	3	2
Meat, uncooked, with bone and fat	8	6
Vegetables .. .. .	12	10
Rice .. .. .	0½	0¼
Tea .. .. .	0½	0¼
Sugar .. .. .	1½	1½
Salt .. .. .	0½	0½
Soap .. .. .	0½	0½

No. 2 Diet.—For all convicted prisoners who have completed three months' imprisonment, until completion of twelve months, also prisoners awaiting trial, and on remand, debtors, and those under Civil process and witnesses detained for want of bail.

	Males.	Females.
	Ozs.	Ozs.
Bread .. .. .	18	16
Oatmeal .. .. .	3	2
Meat, uncooked, with bone and fat	12	10
Vegetables .. .. .	12	12
Rice .. .. .	0½	0¼
Sugar .. .. .	1½	1½
Tea .. .. .	0½	0¼
Salt .. .. .	0½	0½
Soap .. .. .	0½	0½

No. 3 Diet.—For convicted male prisoners after completion of twelve months imprisonment, and to all prisoners employed at re-afforestation or other Public Works outside prison walls where they are, or may be exposed to the inclemency of the weather, with the approval of the Comptroller General.

	Ozs.
Bread .. .. .	24
Oatmeal .. .. .	2
Meat, uncooked, with bone and fat	16
Vegetables .. .. .	16
Rice .. .. .	0½
Sugar .. .. .	1½
Tea .. .. .	0½
Salt .. .. .	0½
Soap .. .. .	0½

No. 4 Diet.—Prisoners on bread and water.

	Males.	Females.
	Ozs.	Ozs.
Bread .. .. .	16	16

No. 5 Diet.—Hospital Dietary.

	Males.	Females.
	Ozs.	Ozs.
Bread .. .. .	16	16
Butter .. .. .	1	1
Meat, without bone .. .. .	8	6
Potatoes .. .. .	8	8
Other vegetables .. .. .	4	4
Tea .. .. .	0½	0¼
Sugar .. .. .	1½	1½
Milk .. .. .	6	6
Soap .. .. .	0½	0¼

This diet may be lessened or increased and additional items added as the Medical Officer may order from time to time.

No. 5 Diet.—Hospital Dietary.—Full.

	Ozs. per diem.
Bread .. .. .	16
Meat, uncooked, with bone .. .. .	16
Potatoes or other vegetables, uncooked	16
Rice .. .. .	1½
Tea .. .. .	0½
Sugar .. .. .	1½
Milk for tea .. .. .	6
Soap .. .. .	0½

And such other articles as may be ordered by the Medical Officer.

Spoon Diet.—

	Ozs. per diem.
Bread .. .. .	8
Milk for tea .. .. .	6
Tea .. .. .	0½
Sugar .. .. .	1½
Soap .. .. .	0½

And such other articles as may be ordered by the Medical Officer.

For every prisoner there shall be issued, daily, 1 drachm of washing soda and for every 100 prisoners 1 ounce of pepper.

DIETARY IN PRISONS NORTH OF GERALDTON.  
For Aborigines.

Carnarvon Gaol:	
Bread .. .. .	1 lb.
Meat .. .. .	1 lb.
Tea (3 pints) .. .. .	0½ oz.
Potatoes or other vegetables .. .. .	1 lb.
Sugar .. .. .	1½ oz.
Rice for soup .. .. .	1 oz.
Salt .. .. .	0½ oz.
Soap .. .. .	0½ oz.
Roebourne Gaol:	
Bread .. .. .	1 lb.
Meat .. .. .	1 lb.
Tea (3 pints) .. .. .	0½ oz.
Potatoes or other vegetables .. .. .	1 lb.

Roebourne Gaol—*continued*:

Sugar .. .. .	1½ oz.
Rice for soup .. .. .	1 oz.
Salt .. .. .	0¼ oz.
Soap .. .. .	0½ oz.
Broome Gaol:	
Bread .. .. .	1 lb.
Meat .. .. .	1 lb.
Tea (3 pints) .. .. .	0½ oz.
Potatoes or other vegetables .. .. .	1 lb.
Sugar .. .. .	1½ oz.
Rice for soup .. .. .	1 oz.
Salt .. .. .	0¼ oz.
Soap .. .. .	0½ oz.
Derby Gaol:	
Bread .. .. .	1 lb.
Meat .. .. .	1 lb.
Tea (3 pints) .. .. .	0½ oz.
Potatoes or other vegetables .. .. .	1 lb.
Sugar .. .. .	1½ oz.
Rice for soup .. .. .	1 oz.
Salt .. .. .	0¼ oz.
Soap .. .. .	0½ oz.
Wyndham Gaol:	
Bread .. .. .	1 lb.
Meat .. .. .	1 lb.
Tea (3 pints) .. .. .	0½ oz.
Potatoes or other vegetables .. .. .	1 lb.
Sugar .. .. .	1½ oz.
Rice for soup .. .. .	1 oz.
Salt .. .. .	0¼ oz.
Soap .. .. .	0½ oz.

For Asiatic Prisoners whose sentences do not exceed three months.

	Daily ration.
	Ozs.
Rice .. .. .	20
Bread .. .. .	8
Fish .. .. .	4
Oil .. .. .	0½
Tea .. .. .	0¼
Sugar .. .. .	1½
Salt .. .. .	0¼
Beans or peas .. .. .	4

For Asiatic Prisoners whose sentences exceed three months.

	Daily ration.
	Ozs.
Meat, with bone (three days a week) .. .. .	8
Fish, with bone (four days a week) .. .. .	12
Bread .. .. .	8
Oil .. .. .	1
Rice .. .. .	20
Beans or peas .. .. .	4
Tea .. .. .	0¼
Sugar .. .. .	1½
Salt .. .. .	0¼
Curry (ingredients) .. .. .	0½

MARKS SYSTEM.

186. All prisoners sentenced to hard labour for one calendar month and over will be entitled to earn marks towards remission of sentence.

Prisoners sentenced to hard labour for less than one calendar month will not be eligible to earn marks.

Prisoners sentenced to simple imprisonment and debtors will not be eligible to earn marks.

Prisoners sentenced to a term of imprisonment with hard labour followed by a further term in lieu of fine or sureties, are entitled to earn remission on that portion of their sentence or sentences which carries with it the punishment of hard labour.

No prisoner can earn more than eight or less than six marks per diem, the six represents unit or one day's imprisonment.

Prisoners will be able to earn on each day eight, seven or six marks, according to industry and good conduct. On Sundays they shall be awarded marks in proportion to the number earned during the week.

Prisoners who are not at work by reason of being under punishment are only entitled to receive six marks which denote one day's imprisonment.

Prisoners in hospital will be credited with six marks per diem. A list of prisoners who have lost marks under this rule, and whose illnesses were not caused by circumstances within their control, will be sent to the Superintendent or officer in charge weekly, who will, in consultation with the Medical Officer, award marks as may be determined.

To determine a sentence, the following method will be employed. Multiply the sentence in days by six, which gives the minimum number of marks to be earned; divide that number by eight, which gives the number of days to be served before freedom; *i.e.*, say one year's sentence.  $365 \times 6 = 2,190 \div 8 = 273$ , which is the minimum number of days to be served before release.

Officers in charge of parties will, on completion of each day's work, report to the Principal Warder, or other Senior Officer in writing, any prisoner who has misbehaved himself or has not been diligent, so that the particular mark can be withheld.

If a prisoner for any reason fails to obtain full marks for three successive days, he must be reported for either misbehaviour or idleness, to be dealt with as may be found necessary on enquiry.

The mark and gratuity card will be hung on the wall or door of the cell occupied by the prisoner to whom it belongs for his information.

The mark card shall be entered up daily "before mid-day" by the Principal Warder or other officer detailed by him to do so; it shall also be balanced monthly and sent to the Superintendent or officer in charge so that details can be entered in Mark and Gratuity Ledger.

Any prisoner who alters, obliterates or in any way defaces a card, whether belonging to himself or to another prisoner, will be severely punished.

GRATUITIES IN KIND OR MONEY.

187. Prisoners serving sentences of less than three months cannot earn gratuities. Prisoners serving sentences of three months, and under six months, 3d. for each fifty-six marks earned.

Six months and under 12 months, 7d. for each fifty-six marks earned.

Twelve months and over, 7d. for each fifty-six marks earned, during the first half of their sentence, thereafter 10½d. for each fifty-six marks earned until two-thirds of their sentence are completed, then 2d. for each eight marks earned.

At Rottnest and other outstations the rates of gratuity shall be 1s. 2d. for each fifty-six marks earned, but not to apply to aboriginal natives anywhere.

Gratuities are subject to forfeiture or suspension under Rule 190.

Purchase of Luxuries.

188. Prisoners earning marks and gratuities will be allowed to spend up to one-half of their weekly gratuity on the purchase of such luxuries as the Superintendent may approve, such as fruit, eggs, butter, tobacco, etc., but on no account will liquors be allowed.

Failure to earn full marks entails forfeiture of privilege for that week.

The privilege is subject to forfeiture under Rule 190.

*Tobacco.*

189. Tobacco, pipes, and matches will be issued to prisoners as follows, viz. :—

After first six months and under one year, one-quarter of an ounce per week, contingent on full marks being earned for that week.

After first year and under two years, half ounce per week, contingent on full marks being earned each week.

After two years, one ounce per week, contingent on full marks being earned.

Cooks, bakers, latrine men and incinerator, one quarter of an ounce per diem whilst so employed.

This privilege is subject to forfeiture or suspension under Rule 190.

## PENALTIES.

190. A prisoner found guilty by the Visiting Justice of any breach of these rules and regulations may be sentenced to confinement in a punishment cell, with bread and water, for any term not exceeding seven days; and if such prisoner be a repeated offender against the rules and regulations, or be found guilty of any greater offence (including that of escaping or attempting to escape) he shall be liable to confinement in a punishment cell, and if a male, with or without irons, for any portion of that time not exceeding one calendar month, and to be kept on bread and water for not exceeding fourteen days, or to be kept at hard labour, if not already sentenced to hard labour or to forfeit, in addition to any such punishment, loss of marks or privileges, earned for any period not exceeding one year.

## FEMALE PRISONERS.

191. All the rules and regulations made and provided for male prisoners shall apply in their several stages to female prisoners as far as possible.

192. The daily diet for female prisoners shall be that set forth in No. 1 and No. 2 dietary, Regulation 185.

193. Female prisoners shall at all times appear properly and neatly dressed in prison clothing, and they may be permitted to retain such portions of their private underclothing as the Matron shall consider necessary or desirable.

194. Female prisoners with infants at the breast shall be permitted to retain them until they arrive at such an age as the Medical Officer considers them fit to be removed.

195. The children of prisoners when at an age to be weaned shall, with the consent of the Medical Officer, be removed to an orphanage, or such other available place as the Comptroller General shall decide. In the case of a child under medical treatment such child may be allowed to remain with the mother should the Medical Officer deem it necessary.

## OUTSTATIONS.

196. Prisoners being forwarded or returned to Fremantle Gaol from out-stations shall be escorted by a warder, police officer, or other officer specially appointed to the duty.

197. In case of misconduct on the part of a prisoner at an out-station the officer in charge shall confine him in a cell or room kept for the purpose. If the offence be such as to operate to the prejudice of good order and discipline, the offender is to be brought before the nearest Visiting Justice or other Justice and tried for his offence.

## PRISONERS AWAITING TRIAL OR UNDER REMAND.

198. Every article on a prisoner's person on admission, except necessary clothing, which will be duly searched, shall be taken from him and an inventory made of all money and other valuable effects so taken. This property and any other which shall from time to time be sent to the prison for him shall be entered in a book kept for that purpose, and such entry duly signed by the prisoner. This property shall be returned to the prisoner on his discharge, except where it is ascertained to belong to some other person, or is ordered to be forfeited to the Crown. In the event of the removal of the prisoner to some other place of confinement, such money or other property shall be forwarded with him.

199. All such prisoners shall, upon their first admission to the prison, be thoroughly washed and cleansed and where practicable, examined by the Medical Officer.

200. Prisoners awaiting trial shall be kept separate and apart from convicted prisoners at all times and previously unconvicted prisoners awaiting trial shall be kept apart as far as possible from prisoners awaiting trial who have been previously convicted.

201. The confinement of all prisoners awaiting trial or on remand shall be made as little oppressive as possible, due regard only being had to their safe keeping and to the necessity of preserving the proper government of the prison, maintaining order, and to the physical and moral well-being of the prisoners themselves.

202. They shall be allowed as much air and exercise as shall be possible, consistent with their safe custody, for the preservation of health, and for such purpose, separate exercise yards shall be allotted for the aforesaid classes respectively, as far as conveniences will permit.

203. Prisoners awaiting trial, or on remand may, if they desire it, wear prison dress, and they shall be obliged to do so, if their own clothes are insufficient, or unfit for use, or necessary to be kept for the purposes of justice.

204. Prisoners awaiting trial or on remand may send and receive letters at all reasonable times, subject to the rules regarding the inspection of correspondence, and the officer in charge may withhold any letters to or from such prisoners as he may deem fit and lay them before the Comptroller General for his decision.

205. Such prisoners shall not be compelled to have their hair cut or to shave except on account of vermin or dirt or when the Medical Officer deems it necessary on the ground of health and cleanliness; but at no time shall hair be cut closer than is necessary for cleanliness, etc.

206. The cells, wards, and yards occupied by trial and remand prisoners shall be kept clean by the prisoners themselves. In like manner every such prisoner must keep his furniture and clothing clean and properly arranged in his cell.

207. A prisoner having permission to maintain himself must do so entirely or not at all. Such maintenance to consist of a sufficient quantity of wholesome food, and of clothing, and shall be subject to proper restrictions to prevent extravagance, or improper indulgence and to prevent the admission of spirituous liquors, wine, or fermented liquors; or the introduction of any improper article or instrument calculated to facilitate escape. Such food, clothing, and other necessaries may be paid for out of the funds belonging to the prisoner, in the hands of the officer in charge.

208. No part of any such food, clothing, or other necessaries shall be sold or transferred to any other prisoner; violation of this rule will preclude such prisoner from further permission to obtain food, etc., as the officer in charge may decide.

209. No money shall be stopped from the funds belonging to any prisoner for maintenance by the State, unless legally ordered to be so applied by the Comptroller General.

210. The relatives, friends, or legal advisers of a prisoner under commitment for trial or remand may visit him at all reasonable hours during the week days, at the discretion of the officer in charge, subject to the instructions of the Comptroller General or Crown Law authorities.

211. Except when in conflict with the preceding thirteen regulations, the regulations relating to prisoners generally shall apply to prisoners awaiting trial or under remand.

#### PRISONERS UNDER SENTENCE OF IMPRISONMENT ONLY.

212. Prisoners sentenced to "imprisonment" but not to "hard labour" are in a somewhat different position to ordinary prisoners.

213. Such prisoners shall, on their admission to a prison, be required to give up any money or other valuables in their possession and shall be thoroughly cleansed and bathed and brought before the Medical Officer for inspection.

214. If any prisoner under such sentence shall support himself entirely with food, clothing, and other necessaries he shall be permitted to retain and wear his own clothing, if sufficient and decent, and shall not be required to perform any work beyond keeping his cell, clothing, bedding, and cell utensils in proper order, place, and cleanliness, according to instructions.

215. Prisoners who do not maintain themselves must give up their private clothing upon admission, which, with the money, or other valuables, will be placed in store and returned to them on their discharge.

216. They must wear prison clothing and shall be set to any work or labour within the prison, provided the same be not severe.

217. Such prisoners who do not maintain themselves shall, in all other matters, conform to the regulations made and provided for prisoners under sentence of hard labour.

218. A prisoner under sentence of imprisonment shall not be compelled to be shaved, unless needful for cleanliness or by order of the Medical Officer.

219. Except when in conflict with the preceding seven regulations the regulations for prisoners generally shall apply to prisoners under sentence of imprisonment only.

#### CHINESE PRISONERS.

220. The tails of hair usually worn by Chinese shall be liable to be cut off only in cases where a Chinese prisoner shall be convicted of felony after having previously undergone a sentence for some criminal offence in the State, or when specially recommended by the Medical Officer.

#### PRISONERS UNDER SENTENCE OF DEATH.

221. Prisoners under sentence of death shall be kept in the condemned cells until the sentence be executed or commuted and if in the opinion of the Comptroller General it is necessary, shall be kept in irons. They shall be dressed in prison clothing and shall never be left without a warder or other

attendant detailed for the duty of attending or controlling them. The hair of male prisoners shall be cut close.

222. The friends or relatives shall have access to them at all reasonable hours, at the discretion of the officer in charge, unless countermanded by the Sheriff, but no other visitors unless by special order of the Sheriff will be admitted to them, except the clergyman of the church to which the criminal belongs, and any person whom such clergyman may desire to assist him in his ministrations.

223. No visitors or others shall be allowed to see any prisoner under sentence of death without his or her consent to see them being first obtained.

224. Their diet shall be the ordinary prison allowance and they shall be allowed to walk a short time every day under sufficient guard in one of the gaol yards.

225. Visitors must not say anything to, or in the hearing of a prisoner, which may lead him or her to think there is any possibility of the sentence being commuted or in any way altered.

226. Every person claiming to visit a condemned prisoner as his legal adviser must be a barrister-at-law, attorney or a solicitor or authorised clerk of an attorney or solicitor. Such persons may have free access to the condemned, subject to permission of the officer in charge.

227. These regulations must be made known to any person visiting the prisoner and a strict compliance with them shall be the condition on which alone the visit shall be permitted.

228. Except when in conflict with the preceding six regulations the regulations relating to prisoners generally shall apply to prisoners under sentence of death.

#### DEBTORS AND PERSONS CONFINED FOR NON-COMPLIANCE WITH THE ORDER OF ANY COURT TO PAY A SUM OF MONEY NOT BEING A FINE OR PENALTY FOR AN OFFENCE OR AN AWARD UPON ANY CIVIL PROCESS.

229. Every person coming within the above description will be allowed to maintain and clothe himself and for this purpose may receive, at proper hours, a reasonable supply of food, clothing, and other necessary articles, subject in all cases to detention and examination, to prevent the introduction of fermented or spirituous liquors or other prohibited articles.

230. No gaming will be permitted under any pretence. Dice, cards and anything used for purposes of gaming which may be found in the possession of any debtor will be seized and destroyed.

231. No visitors to such person will be admitted before 10 a.m. or after 4 p.m. on week days and not at all on Sundays, except by special permission of the Comptroller General or Visiting Justice.

232. Every prisoner is required to keep himself clean in person and clothing and if he is unable to obtain changes of clothing he shall be compelled to wear the ordinary prison dress.

233. For the purpose of cleanliness, the hair of such person shall be compulsorily cut, should the officer in charge so order.

234. Every such person may send or receive letters. Should the officer in charge, however, suspect improper correspondence, he may open and peruse any such communications and detain any suspected letter or letters for the decision of the Comptroller General.

235. Every such person must make up his own bedding according to instructions and keep his cell and utensils therein clean and in proper order. Singing, whistling, and all loud noises are strictly prohibited.

236. A prisoner of this class shall not be permitted, under any circumstances, to communicate with a prisoner of another class, either in writing or by signs, or in any other manner, nor shall such person be permitted to give, or send to any such prisoner food, clothing, or any articles whatever.

237. A prisoner of this class receiving prison rations will not be allowed to purchase or receive other food from outside, but must confine himself to the rations supplied by the Government.

238. Every such person shall, in all cases, conform to the rules and regulations and at once obey any orders given him by a warder for the due performance thereof.

239. Any breach of these rules or any disorderly or improper behaviour on the part of such person shall be at once reported and dealt with by the Comptroller General or Visiting Justice.

240. Except when in conflict with the preceding eleven regulations, the regulations relating to prisoners generally shall apply to persons in this division.

#### MISDEMEANANTS OF THE FIRST DIVISION.

241. A misdemeanant of the first division—

- (a.) May supply his own food, clothing, and other necessary articles, subject in all cases to detention and examination to prevent the introduction of prohibited articles.
- (b.) May receive or purchase not more than one pint of malt liquor or half-pint of wine or spirit in twenty-four hours.
- (c.) May wear his own clothing.
- (d.) Shall be provided with at least one separate cell or room.
- (e.) Shall be permitted to receive once a fortnight not more than three friends or relatives at one time, for not more than half an hour.
- (f.) May write one letter and receive one letter in each fortnight.
- (g.) The Comptroller General may prolong visits or allow additional visits and letters to such reasonable extent as he may deem desirable.
- (h.) In all other respects the general prison regulations and especially those regulations relating to debtors shall apply, except in so far as they conflict with the foregoing to all misdemeanants of the first division.

#### MISCELLANEOUS.

##### *Punishment Cells.*

242. A prisoner guilty of gross misconduct or violence, who has been ordered by the officer in charge to be detained, shall be placed in the punishment cells.

243. Every prisoner confined in the punishment cells shall rise each morning upon the sound of the first warning bell, make up his bedding, and clean his cell, according to prescribed rules. The bedding shall be placed outside the cell door after unlocking time, and taken in again each afternoon.

244. The cell doors shall be unlocked during winter months (1st May to 31st August) at 6.30 a.m., and the rest of the year at 6 a.m.

245. The bedding for prisoners serving sentences of bread and water shall be, according to season: Summer—September 1st to April 30th, one blanket and one rug. Winter—May 1st to August 31st, a mattress, two blankets, and one rug. The dietary shall be: bread, 8 ounces morning and afternoon. Prisoners in this class will be allowed to have a bucket and a pannican of water in the cell.

246. For prisoners sentenced to a term of confinement in a punishment cell or who may be detained, the bedding shall be a mattress, two blankets, and one rug, and the dietary as prescribed in Regulation No. 185.

247. A prisoner shall be allowed to keep a pannican of water and cell bucket in his cell, also Bible, prayer and hymn book.

248. Every prisoner shall keep his cell perfectly clean and in good order, and articles in their correct places in the cell.

249. Notice shall be given by the officer in charge of the punishment cells to the chaplains, with names and punishments of prisoners who may be confined as above.

#### *Life Sentences.*

250. A life sentence or a death sentence commuted to one of life shall be deemed to be a fixed period of twenty years, for the purpose of determining the time at which under the prison regulations the prisoner may be released. This regulation will not involve a limitation of but will be an addition to the right of a prisoner to petition under existing regulations.

Particulars will be submitted to the Comptroller General as to the conduct, mental and physical condition of all such prisoners on the completion of five, ten and 15 years' imprisonment and the Medical Officer shall state his opinion as to the effect of imprisonment on such prisoner.

#### ROUTINE.

##### 251. *Time Table.*

From 1st May to 31st Aug.	From 1st Sept. to 30th April.	Particulars.
6·15 a.m.	5·45 a.m.	Warning bell; prisoners rise and fold beds.
6·30 a.m.	6·0 a.m.	Officers muster; unlock cells, etc.
7·0 a.m.	6·30 a.m.	Breakfast bell rings.
7·30 a.m.	7·0 a.m.	Divine service.
7·55 a.m.	7·25 a.m.	Muster for work.
11·40 a.m.	11·40 a.m.	Out parties fall in and return to gaol.
11·50 a.m.	11·50 a.m.	Prisoners muster; dinner.
1·10 p.m.	1·10 p.m.	Prisoners muster; work.
From 1st April to 30th Sept.	From 1st Oct. to 31st March.	
4·40 p.m.	5·10 p.m.	Out parties fall in and return to gaol.
4·50 p.m.	5·20 p.m.	Prisoners muster; supper.
7·30 p.m.	7·30 p.m.	Muster; all cells, etc., locked for the night and all cell lights out.
7·30 p.m.	7·30 p.m.	Night officer comes on duty.
7·30 p.m.	7·30 p.m.	Hand bell; prisoners go to bed.
8·0 p.m.	8·0 p.m.	Night officer commands silence.

These hours may be varied in country gaols by the Comptroller General when found necessary.

THE CRIMINAL CODE AMENDMENT ACT,  
1911.

*Preventive Detention.*

252. Persons subject to preventive detention shall be classified as follows:—

(a.) *Males*—

Unskilled Labourer,  
Skilled Labourer,  
Artisan,  
Professional or Clerks.

Rates of remuneration to be as follows:—

Unskilled Labourer, 8s. per week;  
Skilled Labourer, 10s. per week;  
Artisans, Professional, or Clerks, 12s. per week.

(b.) *Females*—

Unskilled,  
Skilled,  
Proficients,

in any of the following industries:—Dress-making, Knitting, Laundry or Domestic service, and shall be paid at the following rates, contingent on full marks being earned:—

Unskilled, 4s. per week;  
Skilled, 6s. per week;  
Proficients, 8s. per week,  
whilst so employed.

253. Every person subject to preventive detention shall, if he has no trade or calling, be put to some trade and taught either Tailoring, Shoemaking, Carpentry, or Smithing. Males shall commence as labourers, and may be promoted from class to class as they become proficient, on a certificate by the Trade Inspector approved by the Superintendent.

254. Every person subject to preventive detention who, through old age or physical infirmities, is unable or unfitted for work shall, for the purposes of these rules, be classed as unskilled labourers, and treated accordingly.

255. Any person subject to preventive detention may be required to teach other persons, subject to such detention, the particular trade or calling in which he or she is proficient, and refusal to do so will be punishable by loss of marks or earnings.

256. Persons subject to preventive detention shall, so far as the accommodation of the place of confinement permits, be treated as a separate class, and may have their cell lit up for one hour longer than as prescribed in the case of prisoners under sentence, and may dine together if accommodation permits, and will be allowed such recreation and games as the Superintendent approves, and they shall receive the

diet prescribed as Number 3 under the Prison Regulations.

257. Every person subject to preventive detention shall be subject to the ordinary prison rules and regulations except so far as the same are modified by these regulations, but cannot earn marks towards remission of sentence.

*Special Treatment.*

258. There shall be a progressive stage treatment through which all persons under preventive detention must pass, *i.e.*—

*1st Stage.*—Such persons in this stage shall wear ordinary prison clothing; illiterates shall attend school, and perform such work as the Superintendent decides; they may write one letter and receive one visit per month, and purchase such luxuries as the Superintendent approves.

This stage shall last one year, or until 2,920 marks have been earned, provided that any such person may be detained longer in this stage if through lack of attention he or she has not progressed sufficiently in their studies or trade.

*2nd Stage.*—Such persons in this stage shall dress and be treated in the same manner as persons in the 1st stage, but may be supplied with technical books dealing with the trade or calling which they are learning; they may also be permitted to purchase one paper weekly.

This stage shall also last one year or until 2,920 marks have been earned, but may be extended for a longer period if necessary.

*3rd Stage.*—Such persons in this stage shall, in addition to privileges of the 1st and 2nd stages, be allowed at their own expense to decorate their cells, and may in addition be allowed to write and receive two letters, also two visits per month.

This stage will also last one year or until 2,920 marks have been earned, but may be detained longer if necessary.

*4th Stage.*—Such persons in this stage shall, in addition to the privileges of the three preceding stages, wear a distinctive dress assimilating to civil attire, as may be approved by the Comptroller General.

They shall continue to earn marks until released or allowed out on conditional license.

Approved by His Excellency the Governor in Executive Council, this second day of September, 1913.

BERNARD PARKER,  
Clerk of the Council.