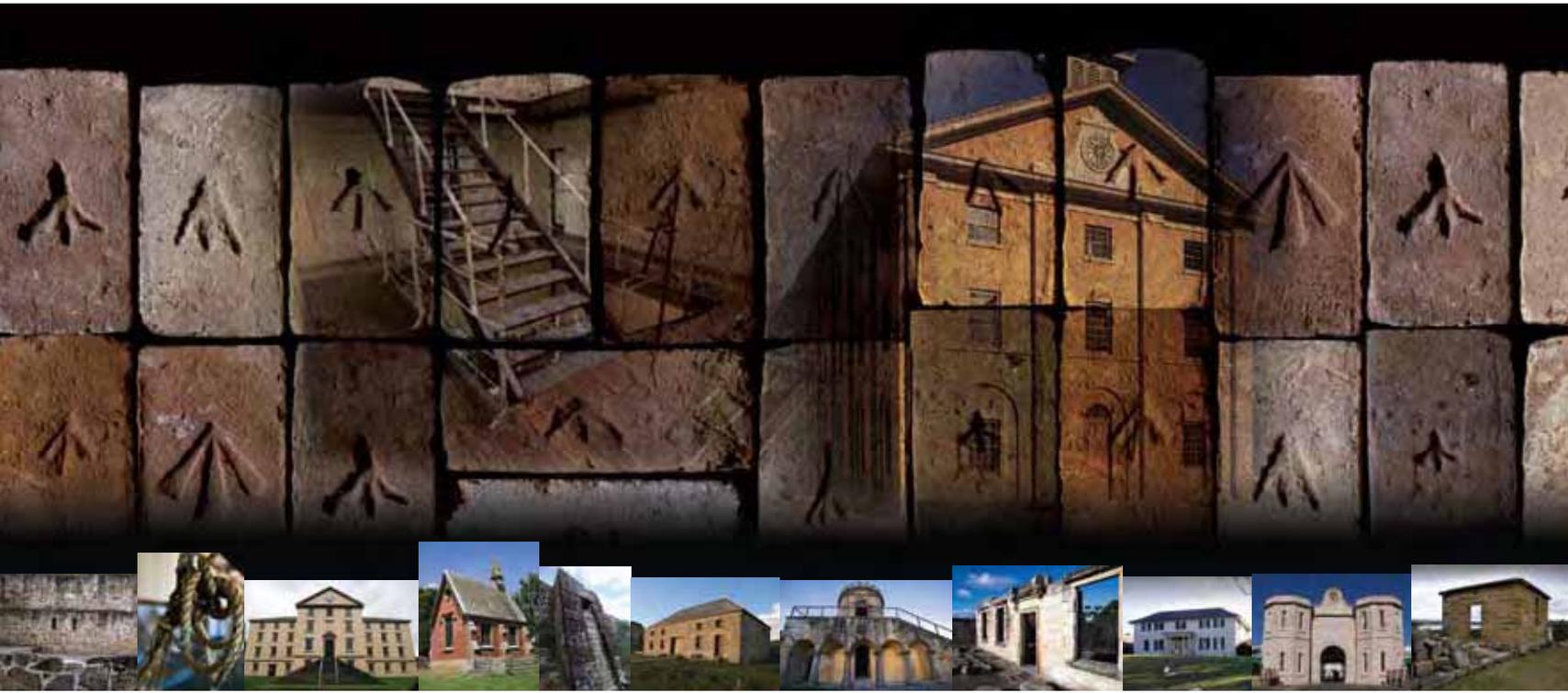


AUSTRALIAN CONVICT SITES

WORLD HERITAGE NOMINATION





Australian Government

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EXECUTIVE SUMMARY

The *Australian Convict Sites* is the name of the nominated property and comprises 11 sites across the continent of Australia. The sites are representative of the global phenomenon of convictism and its association with global developments in the punishment of crime in the modern era. The 11 sites are the pre-eminent examples of Australia's rich convict history with more than 3,000 convict sites remaining around Australia. This is unique in the world today.

The nominated sites are: Kingston and Arthur's Vale Historic Area (Norfolk Island); Old Government House and Domain (New South Wales); Hyde Park Barracks (New South Wales); Brickendon–Woolmers Estates (Tasmania); Darlington Probation Station, (Tasmania); Old Great North Road (New South Wales); Cascades Female Factory (Tasmania); Port Arthur Historic Site (Tasmania); Coal Mines Historic Site (Tasmania); Cockatoo Island Convict Site (New South Wales); and Fremantle Prison (Western Australia).

The property is nominated under criteria (iv) and (vi) for its outstanding universal significance as:

- an exceptional example of the forced migration of convicts - an important stage of human history (criterion iv); and
- an extraordinary example of global ideas and developments associated with the punishment and reform of the criminal elements of humanity during the Age of Enlightenment and the modern era (criterion vi).

In 2007 the importance of the Australian convict memory to all humankind was recognised when some of Australia's convict records were included in *UNESCO's Memory of the World Register*.

The *Australian Convict Sites* have a high level of integrity and authenticity and fully meet the requirements of the *UNESCO Operational Guidelines to the Implementation of the World Heritage Convention*. A world class management system, entitled the *Australian Convict Sites strategic management framework* (2008), will ensure the full protection and conservation of the property. The framework comprises a ministerial agreement which incorporates legislation, conservation management plans, community engagement and a range of policies covering each of the convict sites across three levels of government. Each of the 11 sites is listed on national and State or Territory heritage registers which ensure their protection under the various laws and policies. The framework will ensure the preservation, conservation, presentation and transmission to future generations of the heritage significance of the *Australian Convict Sites*.

KEY TERMS

For full glossary see Appendix A.

Assignment

A system that allocated or 'assigned' convicts to work for colonial authorities or free settlers.

Colonial authorities

The civil administration of a penal colony.

Convict

A person subjected to transportation after being convicted of a crime by a judicial authority and those who re-offended before completing their sentence.

Convictism

The system of penal transportation and systems to manage and control convicts in the colonies.

Convict gangs

A form of secondary punishment where convicts laboured on public works such as roads, prisons and churches.

Convict 'stain'

Hostility to, embarrassment about or rejection of a country's convict past.

Emancipist (commonly known as an 'ex-convict')

A convict freed by absolute or conditional pardon after serving all or part of their sentence.

Exile

A person banished from their country or location of residence, usually as a result of their political or religious activities or for crimes or acts against the state.

Forced migration

All forms of involuntary movement of people from their home country. The main types include slavery, indentured labour and convictism.

Panopticon

A model prison designed by Jeremy Bentham based on a circular architectural design to maximise surveillance and control of prisoners.

Penal colony

A place where convicts were transported to serve out their sentences for a crime committed in their home state.

Penal transportation

The forced removal of convicts from their country of origin to a different country or place, usually a penal colony, in order to serve out their sentences.

Secondary punishment

A sentence given to punish convicts for offences committed during the journey to or after arrival in a penal colony. Punishments could include being sent to a road gang, penal station or female factory.

Ticket-of-leave

A form of parole available to well-behaved convicts before their original sentence expired. A ticket-of-leave allowed convicts to work for themselves until the end of their sentences.

PART 1

IDENTIFICATION OF PROPERTY



LOCATION – 1.A, 1.B, 1.C, 1.D, AND 1.F

The nominated property comprises 11 sites within the country of Australia (1.A).

The name of property for the ensemble of sites is the *'Australian Convict Sites'* (1.C).

Table 1.1: Name of sites, location details and size of sites and buffer zones

NAME OF SITE	STATE, PROVINCE OR REGION (1.B)	GEOGRAPHICAL COORDINATES (1.D)	AREA (1.F) (to nearest .00 hectare)	BUFFER ZONE	TOTAL
Kingston and Arthur's Vale Historic Area ('KAVHA')	Norfolk Island	S 29° 03'12" E 167° 57'31"	225.00	See Part 5.D	225.00
Old Government House and Domain ('Old Government House')	New South Wales	S 33° 48'35" E 150° 59'42"	37.25	29.03	66.28
Hyde Park Barracks	New South Wales	S 33° 52'10" E 151° 12'45"	0.50	1.66	2.16
Brickendon–Woolmers Estates ('Brickendon–Woolmers')	Tasmania	S 41° 37'30" E 147° 08'30"	233.52	322.08	555.60
Darlington Probation Station ('Darlington')	Tasmania	S 42° 34'54" E 148° 04'12"	361.00	1968.28	2329.28
Old Great North Road	New South Wales	S 33° 22'42" E 150° 59'40"	258.64	135.08	393.72
Cascades Female Factory ('Cascades')	Tasmania	S 42° 53'37" E 147° 17'57"	0.60	7.09	7.69
Port Arthur Historic Site ('Port Arthur')	Tasmania	S 43° 08'52" E 147° 51'05"	146.00	1216.51	1362.51
Coal Mines Historic Site ('Coal Mines')	Tasmania	S 42° 59'1" E 147° 42'59"	214.00	138.47	352.47
Cockatoo Island Convict Site ('Cockatoo Island')	New South Wales	S 33° 50'51" E 151° 10'19"	20.00	47.22	67.22
Fremantle Prison	Western Australia	S 32° 03'18" E 115° 45'13"	6.00	18.00	24.00
		Total	1502.51	3883.42	5385.93

CURRENT TITLE	CONVICT ERA TITLE	DESCRIBED IN NOMINATION AS
New South Wales	New South Wales	NSW
Tasmania	Van Diemen's Land	VDL
Western Australia	Swan River Colony	WA

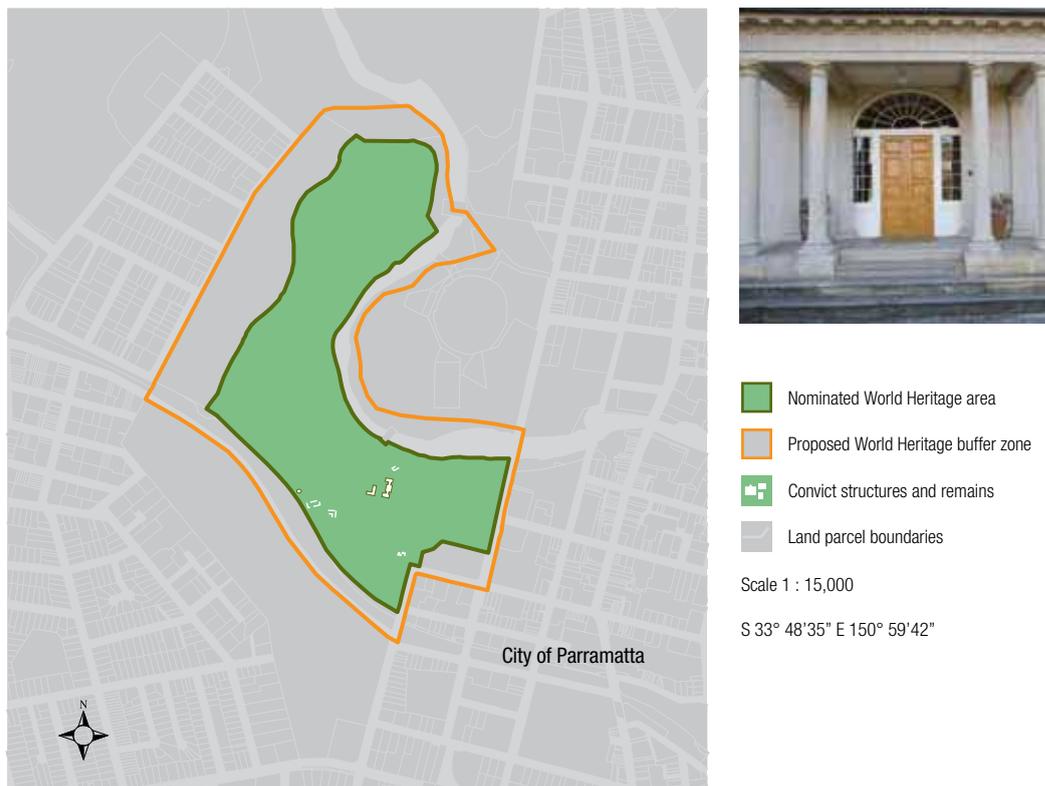
1.E MAPS AND PLANS

1.E (i) Table 1.2: a topographic map showing the boundaries of the nominated property and buffer zone of each site. See 5.D for an explanation of the buffer zones.

Kingston and Arthur's Vale Historic Area, Norfolk Island



Old Government House and Domain, NSW





Hyde Park Barracks, NSW



- Nominated World Heritage area
- Proposed World Heritage buffer zone
- Convict structures and remains
- Land parcel boundaries

Scale 1 : 4,000

S 33° 52'10" E 151° 12'45"

Brickendon–Woolmers Estate, Tasmania



- Nominated World Heritage area
- Proposed World Heritage buffer zone
- Convict structures and remains
- Land parcel boundaries
- Water courses

Scale 1 : 25,000

S 41° 37'30" E 147° 08'30"

Darlington Probation Station, Tasmania



- Nominated World Heritage area
- Proposed World Heritage buffer zone
- Convict structures and remains
- Land parcel boundaries
- Ocean

Scale 1 : 60,000

S 42° 34'54" E 148° 04'12"

Cascades Female Factory, Tasmania



- Nominated World Heritage area
- Proposed World Heritage buffer zone
- Convict structures and remains
- Land parcel boundaries

Scale 1 : 3000

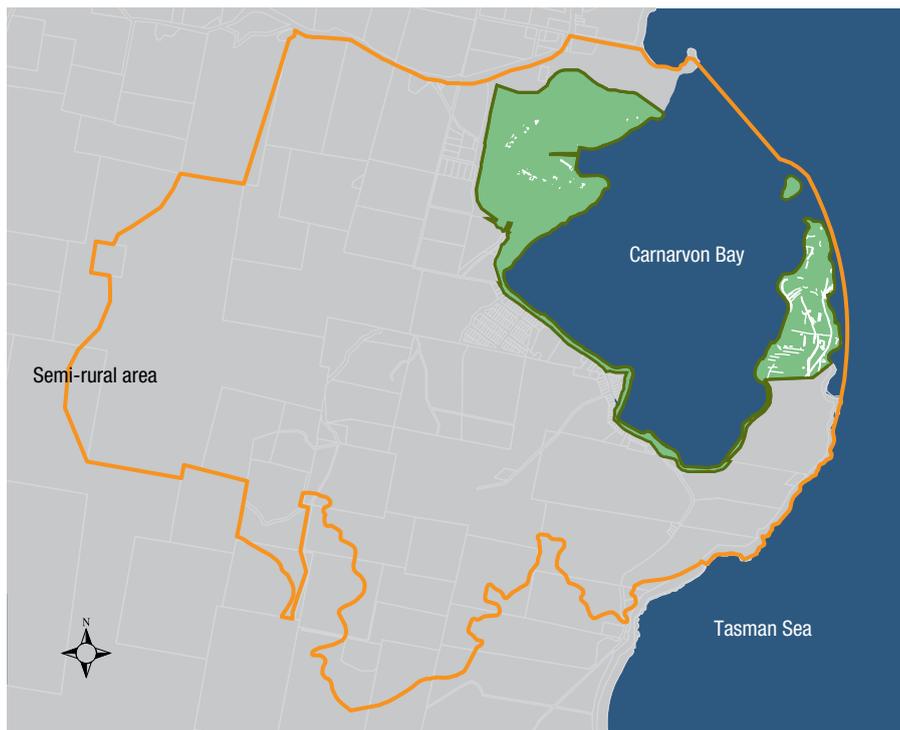
S 42° 53'37" E 147° 17'57"

Old Great North Road, NSW



- Nominated World Heritage area
- Proposed World Heritage buffer zone
- Convict Structures
- Land parcel boundaries
- Old Great North Road
- Finch's Line
- Water course

Port Arthur Historic Site, Tasmania



- Nominated World Heritage area
- Proposed World Heritage buffer zone
- Convict structures and remains
- Land parcel boundaries
- Ocean

Coal Mines Historic Site, Tasmania



- Nominated World Heritage area
- Proposed World Heritage buffer zone
- Convict structures and remains
- Land parcel boundaries
- Ocean

Scale 1 : 15,000

S 42° 59'1" E 147° 42'59."

Cockatoo Island Convict Site, NSW



- Nominated World Heritage area
- Proposed World Heritage buffer zone
- Convict structures and remains
- Land parcel boundaries
- Ocean

Scale 1 : 28,000

S 33° 50'51" E 151° 10'19"



Fremantle Prison, Western Australia



-  Nominated World Heritage area
-  Proposed World Heritage buffer zone
-  Convict structures and remains
-  Land parcel boundaries

Scale 1 : 5,000

S 32° 03'18" E 115° 45'13"

1.E (ii) Location of nominated convict sites within Australia.



1.E (iii) Pictorial site maps showing the individual features of each site are shown after Part 2.B.



PART 2

DESCRIPTION

The 11 sites that constitute the 'property' are spread across Australia, from Fremantle in the west to Kingston and Arthur's Vale in the east, a distance of 5,500 kilometres, and from Old Great North Road in the north to Port Arthur in the south, a distance of 1,500 kilometres. Australia's rich convict history is well represented by approximately 3,000 remaining sites distributed across several States and Territories. The assessment to establish the most representative sites drew on a wide body of research to locate a complete representation of all the significant elements which together express all the elements of outstanding universal value. The sites span several climatic zones (from Mediterranean in the west to temperate in the south and sub-tropical in the mid-north), cover four time zones and are connected by a network of maritime routes throughout the Indian, Southern and Pacific oceans. Each of the sites represent key elements of the forced migration of convicts and is associated with global ideas and practices relating to the punishment and reform of the criminal elements of society during the modern era.



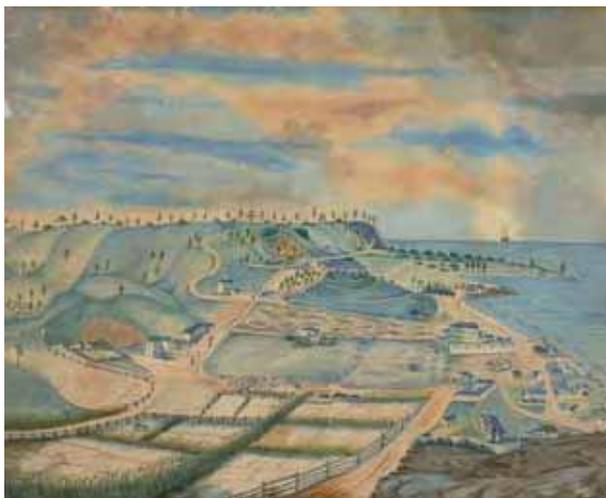
2.A DESCRIPTION OF PROPERTY

Kingston and Arthur's Vale Historic Area (KAVHA) Norfolk Island (1788–1814 and 1824–55)

The site is on Norfolk Island, an outposted penal station of New South Wales (NSW) over two periods, the second as a place of punishment for re-offending convicts. Some female convicts were sent there in its earlier years but the overwhelming number of convicts were male. KAVHA comprises more than 40 buildings, groups of buildings, substantial ruins and archaeological remains set within 225 hectares of relatively undisturbed land. All structures were constructed by convicts from limestone quarried on the island or with local timber. The site encompasses an exceptional landscape that has survived largely unchanged since the convict era. KAVHA demonstrates the use of penal transportation to expand Britain's geo-political spheres of influence, punish criminals, deter crime in Britain and rehabilitate criminals. The site is also associated with global developments in the punishment of crime during the 19th century including Commandant Maconochie's 'mark system'.

The layout of the site reflects the strategic spatial placement of buildings that separated colonial authorities from convicts. This demonstrated both the real and symbolic power of authorities to scrutinise and control the convict population. A complex of military and administrative buildings is elevated on the rise along Quality Row. These include military compounds, offices and cottages for civil and military personnel and a Commissariat Store. There is a clear view from these buildings down to the convict precinct on the foreshore. The pre-1850s Georgian style buildings (some partly reconstructed) survive in a streetscape setting. The Old Military Barracks includes barracks, officers' quarters, privy and guard room surrounded by a compound perimeter wall with observation towers. The larger New Military Barracks, built to accommodate the increasing number of soldiers, also includes barracks, officers' quarters and archaeological remains of the military hospital. Government House is strategically located with a commanding view over both the military/administrative complex and the convict precinct. It was the residence for commandants during the convict period and has been restored to its 1830s condition.

The convict precinct lies along the sea front which was under the eye of the authorities on the hill. It comprises two Prisoner Compounds and industrial structures (including ruins and archaeological sites) where convicts were accommodated, worked, incarcerated and sometimes executed. One compound includes



1835 painting of the penal settlement of Norfolk Island showing agricultural work by convicts.

Reproduced courtesy of: National Library of Australia. T Seller, Settlement at Norfolk Island, pic-an6570405.

the Protestant Chapel and footings of the Prisoners' Barracks, Sentry Post, Guard Houses and the Roman Catholic Chapel enclosed by a perimeter wall with a gate archway. Adjacent to this is the second compound comprising the New Gaol surrounded by a perimeter wall. The platform, layout and ruins of the five pentagonal wings remain. A group of structures on the foreshore was where most of the industrial activities were undertaken by convicts to produce goods required by the penal colony. Key buildings include the Landing Pier, Pier Store, Royal Engineer's Office and Stables, Settlement Guard House, Police Office, Constable's Quarters, Crankmill, Blacksmiths' Compound, Double Boatshed, the Salt House, Lime Kilns and the archaeological site of the Lumber Yard, Mess Yard and Quarries. There are also extensive convict-built roads, water channels and bridges and nine underground silos to store grain for the colony. A cemetery for convicts and free people includes many graves and headstones of convicts. Arthur's Vale is an extensive valley which was largely used for gardening and agriculture by convicts. It retains the convict dam and vestiges of agricultural buildings, barns, small cottages, gardens and cropping patterns from the convict era. Today the site operates as an historic, administrative and recreational site with several museums and government buildings.



Administrative and military settlement along Quality Row overlooking the Prisoners' Compounds and Pier Precinct along the waterfront.
Reproduced courtesy of: KAVHA Management Board.



The Commissariat Store and New Military Barracks in foreground with Convict Barracks and Prisoners' Compound with New Gaol in background.



From left to right; Prison Compound, Royal Engineer's Office and Stables, Double Boatshed and Crankmill.



Constable's Quarters.

Old Government House and Domain Parramatta NSW (1788–1856)

The site on the Parramatta River (20 kilometres from Sydney Cove) was an important place used by governors who administered the colony of NSW during the convict era. It demonstrates the forced migration of convicts to rehabilitate criminals and integrate them into the penal colony. The site also illustrates the success of the NSW penal colony and is associated with the large-scale introduction of transportation by the major European powers in the modern era.

The site is also an extensive landscape comprising five buildings and extensive archaeological remains. Key buildings include Old Government House, Garrison Building (Officers' Quarters), Female Convict Servant's Quarters and archaeological remains of the Redoubt (Military Post), roads and convict allotments and huts set in over 37 hectares of relatively undisturbed parkland (the Domain). The footings of the 1788 residence for the first Governor at Parramatta are visible.¹ Old Government House (1790–1856) is a two-storey rendered brick building in Georgian style. A Classical timber portico of c.1816 is attributed to convict architect Francis Greenway. The layout of the house and elements of the land reflect patterns of the penal colony's administration under 12 governors, as well as lives of the convicts who worked for them. The drawing and dining rooms symbolise the important 'command centre' role that Old Government House played during

the convict era.² The drawing room was where governors made decisions about key aspects of convicts' lives and kept convict records. Governor Macquarie often conducted penal colony business in the drawing room including making decisions about convicts and ex-convicts. The dining room was where Macquarie entertained ex-convicts to demonstrate his commitment to his emancipation policies and to provide an example to colonists. Old Government House has been restored to represent the Macquarie period and includes a collection of original furniture.³ The Garrison Building and Female Convict Servants Quarters, located behind the house, are single-storey brick buildings in Old Colonial Georgian style. The Redoubt archaeological site lies in a defensive position in front of Old Government House overlooking the archaeological remains of convict roads, convict allotments and huts. Other features from the convict era include the single-storey rendered brick Governor's Dairy (containing remnants of an emancipist's cottage) and Governor Brisbane's convict-built Bath House.

The surrounding parkland comprises archaeological sites of Governor Brisbane's Observatory, the Lumberyard and the Crescent where convicts laboured at agricultural and industrial work. Today, Old Government House is a museum and public park. A large collection of documentary records survive in public archives.⁴



The Governor's Dairy built by ex-convict George Salter on land granted in 1796. The building was later extended by Governor Macquarie.

Reproduced courtesy of: David Wallace ©.



c.1798 image of 1793 Old Government House on hill showing row of convict huts and allotments (left) and punishment stocks (foreground, right).

Reproduced courtesy of: Mitchell Library, State Library of New South Wales Q99/C.



Old Government House with portico attributed to convict architect Francis Greenway.



Main entrance to Old Government House leading to two principal rooms, the drawing room and dining room. The entrance is part of Governor Macquarie's 1816 extensions.



A view of Government House at Parramatta in 1805 before Governor Macquarie's extensions.

Reproduced courtesy of: Mitchell Library, State Library of New South Wales. PXD388v.3 no3b.

Hyde Park Barracks Sydney NSW (1819–48)

The site in the business district of Sydney was initially built to provide accommodation for male convicts who worked outside the barracks during the day. It later became a place of confinement for male secondary offenders. Hyde Park Barracks is an example of the use of the transportation to rehabilitate and integrate convicts into the penal colony, particularly during the era of Governor Macquarie. The site illustrates the success of the NSW penal colony and is associated with the large scale introduction of transportation by the major European powers in the modern era.

The site comprises eight convict buildings and a significant collection of convict artefacts and records. The convict barracks was designed to accommodate up to 600 convicts but at times held around 1,400. The site comprises the main barracks building and seven associated buildings within a stone perimeter wall. The barracks was designed by convict architect Francis Greenway during Governor Macquarie's era. It is a three-storey brick Georgian style building with a timber-shingled gabled roof. A pediment on the front of the building has an inscription commemorating Macquarie's role in its construction. A large central clock was an important feature of the barracks symbolising rigid regimes to manage and control convicts. Convicts who did not adhere to

the strict time-bound routines of the barracks such as compulsory attendance at musters or religious services could be flogged or denied rations.

Each floor of the barracks has a central corridor and a cross corridor that lead to six large dormitories and six smaller rooms where convicts were housed. One of the rooms has been restored showing the layout of canvas hammocks strung from wooden rails. The barracks is enclosed by a three metre high stone perimeter wall and the entrance is flanked by the Clerk's and Constable's Lodges. Five buildings form the northern perimeter wall. These buildings were used as accommodation for new arrivals (also used as a magistrate's Bench 1829-30), Quarters and Office of the Deputy Superintendent of Convicts, cells for refractory convicts, a Store and Bakehouse. The interiors of these buildings have been modified for use as administration buildings and a café. An open gravelled area surrounds the barracks. Parts of this area were used for musters and searching convicts returning from work. Hyde Park Barracks operates as a museum today and houses a vast collection of archives and artefacts including convict tools, convict clothing, correspondence, regulations, parliamentary papers and photos and drawings.⁵



Watercolour painted by convict artist Joseph Lycett looking towards Hyde Park Barracks.

Reproduced courtesy of: Mitchell Library, State Library of New South Wales.



Entrance to Hyde Park Barracks showing main gate and the barracks building.



Clock with Governor Macquarie inscription on pediment.

Western Facade, Hyde Park Barracks Museum
© Jaime Plaza



The hallway leading to dormitories where convicts were held at night.



Reconstruction of canvas hammocks where up to 60 male convicts slept in one of the 12 dormitories.

Brickendon–Woolmers Estates Tasmania (1820–50s)

Brickendon and Woolmers are two neighbouring estates on the Macquarie River in northern Tasmania (known as ‘Van Diemen’s Land’ during the convict era) where convicts were assigned to ‘private masters’ to undertake agricultural work. The site is representative of the use of penal transportation to expand Britain’s geo-political spheres of influence and to rehabilitate criminals and integrate them into a distant penal colony. It is also associated with global developments in the punishment of crime in the 19th century including Lieutenant-Governor Arthur’s ‘open air panopticon’. The two estates have been managed and worked by descendants of a single family for over six generations. Each estate comprises a homestead, buildings, farming structures and fields built and worked by convicts from the early 1820s until the late 1850s. The suite of structures represents the living and working conditions of assigned convicts and the vast majority remain in their original form.

Brickendon Estate is a farming landscape comprising 20 timber or brick buildings set in 420 hectares of farming land with convict-built roadways. Brickendon Homestead is a two-storey painted brick Old Colonial Georgian country house in a garden setting with stables and cottages for the coachman and gardener. Brickendon Homestead was the residence of the ‘private master’ and his family who had male and female convicts assigned to them for the duration of the convicts’ sentences. Female convict servants lived in one wing of the homestead and worked mainly as domestic servants. An extensive set of pre-1850s convict-built farm structures where male convicts worked lies one kilometre from the homestead. These structures include: the Pillar Granary; two Suffolk Barns; Cart Shed; Smoke House; Poultry Shed; Brick Granary; Woolshed; Stables; Blacksmith’s Shop; and Cook House and archaeological remains of the Convict Single Men’s Quarters, Carpentry Shop, Stables, Hay Shed and the Overseer’s Cottage.

Other farming structures include a Farm Cottage/Dairy, the Original Homestead, Outhouse and underground drainage systems. A small elegant Chapel located prominently at the centre of the farm was for the sole use of convicts. All of the early 1800s field systems that were worked by convicts survive along with around 30 kilometres of hawthorn hedge ‘fences’ planted by convicts.⁶ Many crops (such as barley and wheat) have been grown continually on the estate since the convict era and the landscape has altered little since that time. There is also a large collection of farming equipment and tools, diaries, photos, paintings, maps and drawings from the convict era. Brickendon Estate is still owned and worked by the Archer family.

Woolmers Estate, also owned by the Archer family until 1994 and now owned by a private trust, comprises more than 18 buildings and structures in a rural setting of 13 hectares. Woolmers Homestead, a large two-storey building with a flagged veranda, was the home of the ‘private master’. The homestead was extended in 1843 with a two-storey Italianate addition and remodelled kitchen and service wing. Female convicts lived in the attic above the residence and worked in the home and the nearby Kitchen (also the Servant’s Quarters), Provisions Store and Bakers Cottages all of which retain their original form. Male convicts worked away from the main homestead in the fields, Farm Stables, Cider House, Woolshed, Blacksmith’s Shop, Coach House and Stables and Pump House. Convict era Workers’ Cottages, Coachman’s Cottage and Shed and Coach House and Stables are also on the estate. The archaeological site of the Male Convict Barracks is believed to be located towards the bottom of the hill. A Chapel (now an apple packing shed), centrally located on the estate, was for the sole use of convicts. A vast collection of artefacts and written materials has survived from the convict era and remain in the homestead.



1830s map of Brickendon Estate.

Reproduced courtesy of: Richard and Louise Archer.

Convict-built Smokehouse (left), Chapel (middle) and original 1820 Homestead (right) at Brickendon Estate.



1822 Blacksmith's Shop, Woolmers Estate.



1831-41 Blacksmith's Shop, Brickendon Estate.



1830s-40s painting showing Woolmers Estate where convicts shaped the agricultural landscape under the assignment system.

Reproduced courtesy of: Richard and Louise Archer.



Historical photograph showing church for the reformation of convicts.

Reproduced courtesy of: Richard and Louise Archer.

Below: 1819 convict-built Woolmers Homestead where private 'masters' lived. Female convicts lived upstairs in this building.



Darlington Probation Station Maria Island, Tasmania (1825–32; 1842–50)

The site on Maria Island off Tasmania's east coast was initially a convict station and later became a probation station for male convicts. Darlington is representative of the use of penal transportation to rehabilitate criminals and integrate them into the penal colony. It is also associated with global developments in the punishment of crime in the modern era, including the shift away from corporal punishment to psychological punishment. The site comprises 14 convict buildings and substantial ruins in a layout that reflects the key features of the probation system in VDL.

The bushland setting of 361 hectares has survived relatively unchanged since the convict era. Most of the buildings are Old Colonial Georgian style and are simple and functional with plain, whitewashed brick walls and very little decoration. Unlike most penal stations, the accommodation for the civil and military officers was in close proximity to the convict compound where convicts lived and worked, reinforcing the focus on surveillance and rehabilitation. Officers' accommodation included quarters for the Assistant Superintendent, Senior Assistant Superintendent and Superintendent. The Mess Hall (also used as the school room and Roman Catholic chapel), the Protestant Chapel, Clergyman's Quarters and Visiting Magistrate's Quarters are centrally positioned within the compound. The entrance to the convict compound is strategically surrounded by some of these buildings, serving as a constant reminder to convicts that adherence to regulation, religious instruction and schooling were the keys to reform. The architecture and the relationship between the buildings reflect the operation

of the classification system including the different living and working conditions of the three classes of convicts. Surviving buildings and archaeological remains that housed or punished convicts include: the remains of the Separate Apartments (for the worst behaved, third class convicts); the Convict Barracks (for second and first class convicts); and the ruins of the Solitary Cells (for the short-term punishment of convicts from any class). Smith O'Brien's Quarters provided separate housing for the small number of political prisoners and was situated next to the Officers' Cottage. The Bakehouse/Clothing Store and Cookhouse/Bread Store complete the convict compound which formed a perimeter around the muster ground.

Remaining buildings which demonstrate the varied labour of convicts include the Convict Barn, Miller's Cottage and Mill ruins and the substantial ruins of the Oast House/Hop Kilns, Lime Kilns, Brickfields and Grain Mill, which were situated away from the main station. The two-storey Commissariat Store is located close to the jetty for the easy transfer of stores from boats and the ruins and archaeological remains of the Hospital, Surgeon's Quarters and Religious Instructor's Quarters lie behind it. A cemetery on the hillside with the graves and headstones of colonial authorities and their families faces out to sea. Convicts were buried away from the station near the Brickfields but no grave markers have survived.⁷ A collection of artefacts that detail the lives, conditions and experiences of convicts is housed in some of the buildings. Today, Darlington operates as a recreational and historical site within the Maria Island National Park.



The layout of the probation station focused on close surveillance and the rehabilitation of convicts through a strict regime of hard labour, religious instruction and education.

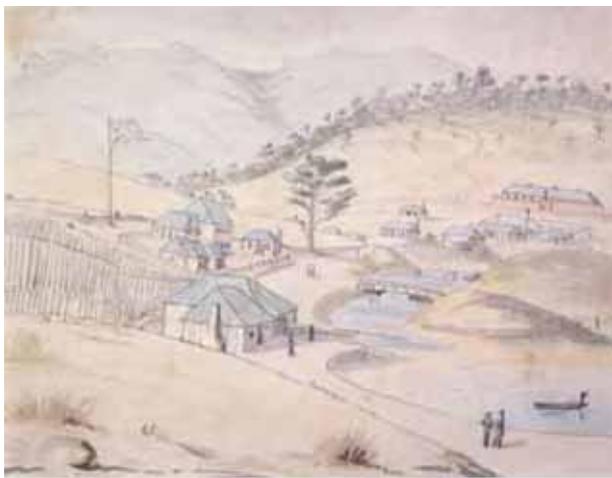
Reproduced courtesy of: Tasmaniana Library, State Library of Tasmania. Settlement on Maria Island.



Commissariat Store 1825, located close to the jetty for easy transfer of supplies for the convict station.

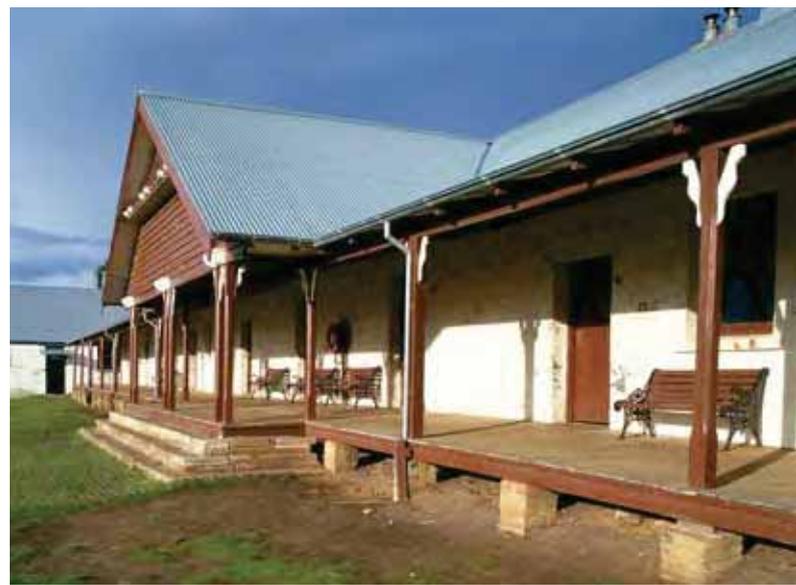


Aerial view of Darlington today showing convict village in island setting.
 Reproduced courtesy of: Tasmaniana Library, State Library of Tasmania.



Darlington today has maintained the key features of the probation system in VDL.

Reproduced courtesy of: Allport Library and Museum of Fine Arts, State Library of Tasmania.
 Robert Neill, unsigned and undated.



Convicts were classified according to their behaviour. First and second class convicts slept in six large dormitories in the Convict Barracks.

Old Great North Road NSW (1828–35)

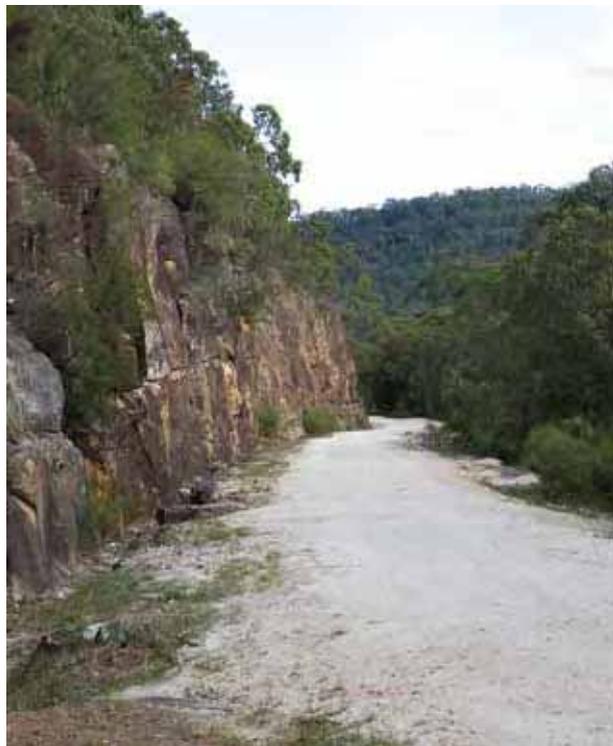
The site near Wiseman's Ferry is a 7.5 kilometre portion of the Great North Road (250 kilometres long) constructed by male convicts. The road landscape incorporates a 2.5 kilometre section of Devine's Hill and a five kilometre road called Finch's Line (abandoned before completion) in a natural bushland setting undisturbed since the convict era. Old Great North Road is an example of the use of penal transportation: for British empire buildings; to punish criminals and deter crime in Britain; and to rehabilitate criminals for integration into the distant penal colony. The site also illustrates the success of the NSW penal colony and is associated with the large-scale introduction of transportation by the major European powers in the modern era.

The Great North Road was part of a network of 'Great Roads' that was designed to mirror the Great Roads of England. The layout of the site reflects the operation of convict road gangs to punish re-offending convicts and revive the fear of transportation while expanding and

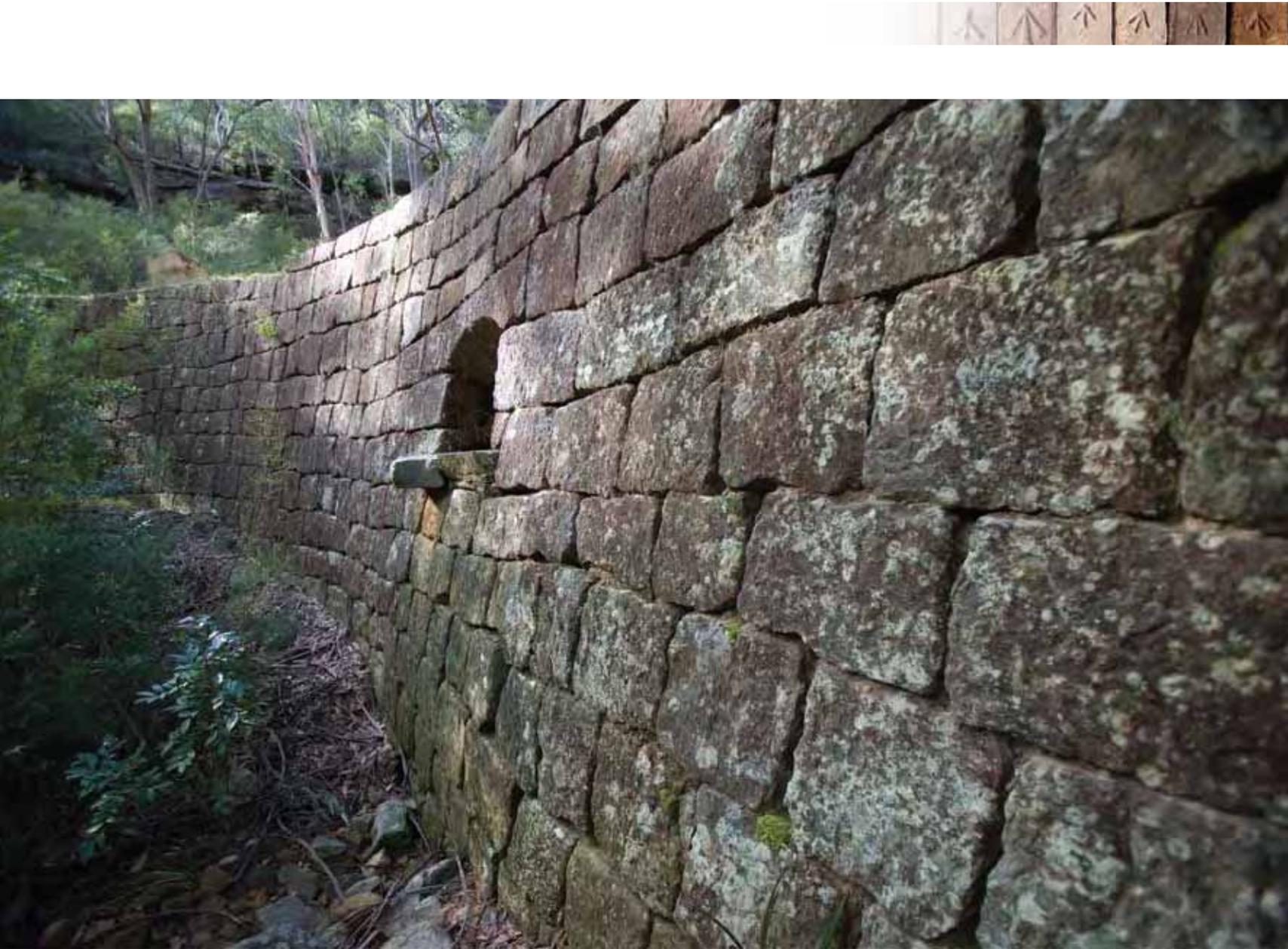
linking settlements at the same time. Thousands of sandstone blocks of various sizes were quarried by hand from cliffs. They were then shaped, dressed and assembled to form massive retaining walls, spillways, gutters, culverts, buttresses and intricate drainage systems, most of which remain. Off-cuts and rubble were used to form the road itself. Along the road, quarry sites remain showing triangular shaped marks from hand-drilling and individual sandstone blocks show pick marks. Remains and ruins of the convict built Devine's Hill stockade and a stone hut built beside the road are visible. These provided the temporary housing for convicts at night, as the road progressed. A rock cut drinking basin, Powder Cave, mile markers and an abandoned store of sandstone blocks also remain. There are numerous examples of convict graffiti including a portrait, initials and various words cut into the rock surfaces. Today, Old Great North Road is a recreational and historic site within a national park.



Old Great North Road is a rare intact example of early colonial road engineering undertaken by convict labour.



Old Great North Road's original setting has a strong sense of place and character from the convict days.



Convicts quarried thousands of sandstone blocks from cliffs to form massive retaining walls.



1833 watercolour. Convict road building gangs aimed to inflict harsher punishment for convicts as well as expand the colony into new frontiers.

Reproduced courtesy of: National Library of Australia. C Rodius, Convicts building road over the Blue Mountains, NSW 1833, pic-an6332110.



The convicts of the No. 25 Road Party gang marked their presence in the rock wall. Graffiti were often used as a form of resistance against penal servitude, and sometimes as a mark of pride in their work.

Cascades Female Factory Hobart, Tasmania (1828–56)

The site in Hobart comprises three of the original five compounds (yards) of Cascades Female Factory which accommodated, punished and aimed to reform female convicts. Cascades is an example of the use of penal transportation to: expand Britain's geo-political spheres of influence; to punish criminals and deter crime in Britain; and reform female convicts. The site is also associated with the rise of segregated prisons for female criminals during the 19th century. The factory was in an isolated location, separated and hidden from the main colony at the bottom of a cold valley. The original infrastructure of the factory made it almost totally self-sufficient. It included a hospital, nursery, laundries, cook houses, offices, administrators' apartments, separate convict apartments, solitary cells, assorted workshops, stores and a church. The yards were successively developed as the population of female convicts increased.

The layout of the site reflects the different treatment and conditions of between three and six classes of convicts. Yard 1 originally comprised seven inner yards separating different classes of female convicts (see Part 3.A), the Chapel, Hospital, Nursery, Constable's and Overseer's Apartments (second floor) and 12 solitary punishment cells. Yard 3 comprised offices and two apartment blocks with 28

separate apartments on each of the two levels. The Separate Apartments were built following the introduction of the probation system and were considered a crucial part of the institutional discipline and reform of female convicts.

Yard 4 was specifically for the care of convicts' babies and children from 1850 onwards and comprised a two-storey building to house 88 women and 150 children.⁸ The yard was divided by an inner wall. The cottages occupied by the Matron and Sub-matron of the nursery were situated in the outer part of the yard.

Today, the site comprises three adjoining yards (Yards 1, 3 and 4), the Matron's Cottage (Yard 4) and substantial ruins of a perimeter wall. Each yard is approximately 60 metres long and around 42 metres wide. The height of the perimeter wall varies throughout each yard with a maximum height of 5.5 metres. The Matron's Cottage is a single-storey brick residence with its original four rooms. There are also extensive surface and sub-surface archaeological remains of convict era buildings and structures. The Cascades Female Factory Archaeological Collection comprises over 2,000 artefacts, some of which are on display in the Matron's Cottage. Today, Cascades operates as an historic site and small museum and gallery.



Archaeological excavations revealed the separate apartments where female convicts were kept.



The original five yards with the Nursery and Matron's Cottage in the foreground.

Reproduced courtesy of: Archives Office of Tasmania, NS1013-45.



Massive 5.5 metre perimeter walls surrounding Yard 1 where female convicts lived and worked.



One of the perimeter walls separating the yards, showing the location at the bottom of a valley, with Mt Wellington in the background.



Matron's Cottage from which the Matron overlooked and monitored every activity of the women and their babies.

Port Arthur Historic Site Tasmania (1830–77)

The site on the south side of the Tasman Peninsula was a timber-getting station for a very short period before becoming a penal station for the punishment of male secondary offenders. Port Arthur is an example of the use of penal transportation to: expand Britain's geo-political spheres of influence; punish criminals and deter crime in Britain; and reform criminals. The site is also associated with global developments in the punishment of crime during the 19th century including Lieutenant-Governor Arthur's 'open air panopticon', a special prison for male juvenile convicts, and the 'separate system'.

Port Arthur comprises more than 30 convict-built structures and substantial ruins in a picturesque and relatively undisturbed landscape of 136 hectares. The extensive suite of structures and their layout reflect the importance of the penal station, its self-sufficiency and the evolution of penal practices over several decades. The civil and military buildings form two groups at either end of the station. Elevated above the convict precinct are the Church, Parsonage and houses for the Visiting Magistrate and Roman Catholic Chaplain reflecting the pivotal role of religion. The houses of the Junior Medical Officer, Accountant and Government Cottage are also located in this area. At the other end of the penal station are the Commandant's House, Officers' Quarters, Guard Tower, Watchmen's Quarters and ruins of the Senior Military Officer's Quarters, Law Courts and the Military Barracks.

Convicts were housed in the Prisoner Barracks (archaeological site), the Separate Prison and the Penitentiary. The crucifix shaped and cut sandstone Separate Prison comprises 50 cells arranged in three corridors, two punishment cells ('dumb cells') and 12 exercise yards that radiate to the periphery of the prison. Within the Separate Prison is the Chapel where

individual standing berths ensured convicts could only see the Chaplain. The Separate Prison was the place where refractory convicts were subjected to new forms of psychological control. The four-storey Penitentiary accommodated 484 convicts; 136 in separate cells and 348 in two tiers of sleeping berths in dormitories. Also in this area are the Asylum and Farm Overseer's Cottage and ruins of the Paupers' Mess and Hospital. A political prisoner was housed at Smith O'Brien's Cottage.⁹ Point Puer boys' prison, situated on a narrow peninsula opposite the main station, includes several standing ruins and numerous archaeological features.

Many other elements of the site reflect the operation of the penal station as a major industrial complex. The productive yet harsh industrial activities of convicts are evidenced in the Dockyard, Master Shipwright's House, Clerk of Works' House, Lime Kiln and Dairy. There are also archaeological remains of workshops, sawpits, a quarry and stone yards and of Government Farm where convicts undertook agriculture to sustain the station. The Isle of the Dead contains the convict era cemetery where around 1,000 convicts, military and civil staff and their families are buried.¹⁰ Over 80 headstones remain, some designed and created by convicts. Convict and free people's graves are separated reflecting a symbolic hierarchy. Port Arthur has a large collection of artefacts, documents, photos and other materials relating to the convict era.¹¹ The site now operates as a museum and historic site.



Aerial view of Port Arthur today.

Below: Isle of the Dead contains around 1,000 graves of convicts and free people.



1838 historical plan for the boys establishment at Point Puer.

Reproduced courtesy of: Archives Office of Tasmania, CS05-36



The Port Arthur Historic Site showing the Penitentiary, Watchmen's Quarters, Law Courts and Hospital.



1836 Guard Tower.



Historical photograph of the four-storey Penitentiary.

Reproduced courtesy of: Archives Office of Tasmania, NS1013/1602

Coal Mines Historic Site Tasmania (1833–48)

The site on the north side of the Tasman Peninsula was a coal mine for refractory male convicts. The Coal Mines is representative of the use of penal transportation to expand Britain's geo-political spheres of influence and to punish criminals and deter crime in Britain. The site is also associated with the abolition of transportation and the rise of domestic penitentiaries in Britain.

It comprises over 25 substantial building ruins as well as remains of coal mining activities in an undisturbed bushland setting of around 214 hectares. The key remaining features of the mining operation include four areas of surface workings/shafts, associated coal stockpiles, coal dumps/mullock heaps, machinery footings, quarries, trial shafts, brick kilns and adjoining clay pits, lime kilns and tanning pits. Several underground solitary punishment cells remain in one of the coal shafts but are no longer visible or accessible. Two quarries show pick marks where convicts mined and extracted the stone by hand and a number of dressed stone blocks quarried for buildings lie abandoned. The alignments of many of the roads and tramways powered by convicts to transport the coal remain between the main settlement, the coal mine sites and coal jetties. There are also remains of the original Coal Wharf and sites of three coal jetties.

The layout of the main convict station shows the separation of buildings used by military and civil officers from areas where convicts were housed, confined and worked. The ruins of the Superintendent's House, Military Barracks and Senior Military Officer's House overlook the main

convict station. The Prisoner Barracks ruin was originally two large stone buildings that housed up to 170 convicts within a fenced compound.¹² Underneath the barracks remain 16 solitary punishment cells made of sandstone blocks which created a dark, sound proof and poorly ventilated environment. There are also archaeological remains of over 100 Separate Apartment cells built to segregate convicts at night. Another 36 alternating Solitary Punishment Cells were built below the Separate Apartments; 18 of these remain. The Officers' Quarters and the Assistant Superintendent's House were located within the convict precinct to provide surveillance. The site also includes houses for the Surgeon, Coxswain, Commissariat Officer and Catechist. The Chapel (which also functioned as a school house) is prominently situated in the heart of the main station. Remains of the Bakehouse, Workshops, and the Engineer's Store are also visible. Archaeological remains of the Commissariat Store and Jetty are located on the waters edge for ease of loading and unloading stores. Archaeological remains of a Semaphore Station are visible on the hill behind the Main Settlement. The Coal Mines now operates as an historic site.



Opening of the main coal shaft where convicts laboured in stifling underground conditions.

Reproduced courtesy of: Port Arthur Historic Site Management Authority.



c.1843 map showing the layout of the main convict settlement.

Reproduced courtesy of: Archives Office of Tasmania, 30/4575.



Remains of Prisoner Barracks and Chapel overlooking the water where coal was loaded onto boats. Reproduced courtesy of: Tourism Tasmania © Joe Shemesh.



The main settlement showing the Prisoner Barracks, Chapel and Engineer's Store.

Reproduced courtesy of: Archives Office of Tasmania, NS 1200/5.



Three of 16 Solitary Punishment Cells underneath the Prisoner Barracks.



Aerial view of the main settlement.

Reproduced courtesy of: Tourism Tasmania © Joe Shemesh

Cockatoo Island Convict Site NSW (1839–69)

The site was a penal station for re-offending male convicts established on an island in Sydney Harbour within easy reach of Sydney town. Cockatoo Island typifies the use of penal transportation to expand Britain's geo-political spheres of influence and to punish criminals and deter crime in Britain. The site is also associated with the abolition of transportation and the rise of domestic penitentiaries in Britain.

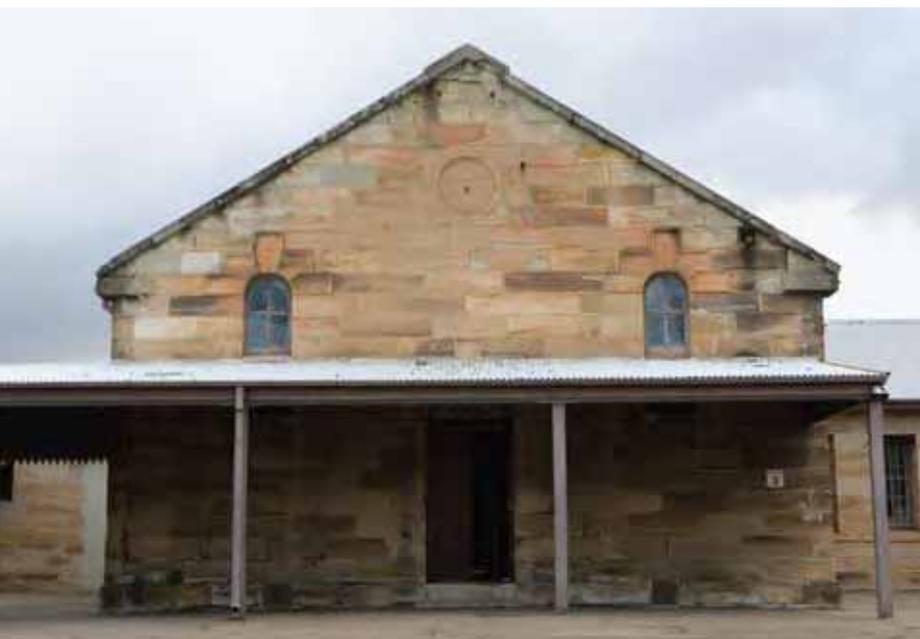
It comprises 13 convict-built structures in an island setting located on a raised sandstone plateau surrounded by quarried cliffs dropping to a levelled surrounding area. The buildings are made from sandstone blocks quarried by convicts on the island. The layout of the station shows the segregation of military and administrative functions from areas where convicts worked and were housed. The Superintendent's Residence is on the elevated part of the plateau above the Prisoner Barracks and convict work areas. On the lower side of the plateau, the Prisoner Barracks and Hospital form three sides of an open courtyard. The barracks, initially built to accommodate no more than 328 men, actually housed up to 500 men. The convict Mess Hall and the Kitchen run along the fourth side of the courtyard. The Mess Hall was also used as a school and chapel. The Prisoner Barracks area is surrounded by the Military Guard House, two Free Overseers' Quarters, Military Officers' Quarters and the Guard House Kitchen. The Military Guard House was used to police convicts and

also to protect the colony at Sydney Cove. The cut-out corner remains of an underground isolation cell for the punishment of recalcitrant convicts are located on the cliff face. On the water's edge is Fitzroy Dock, an excavated sandstone dry dock. It is 114 metres in length with sides lined and stepped with convict-cut sandstone masonry blocks. The nearby Engineers' and Blacksmiths' Shop was built by convicts to support the dock. A series of underground bottle shaped sandstone silos averaging 5.7 metres deep and 6 metres wide were hand cut by convicts out of solid rock. Today, Cockatoo Island is an historic site.

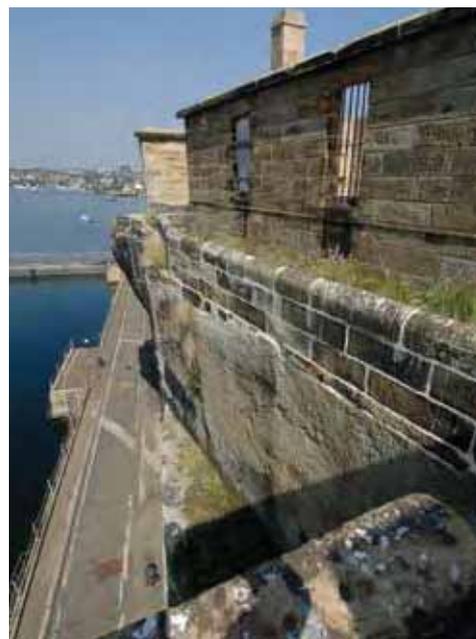


Cockatoo Island pre 1870 showing a ship in Fitzroy Dock.

Reproduced courtesy of: Mitchell Library, State Library of New South Wales.



Mess Hall and Kitchen, also used as a school and chapel for convicts.

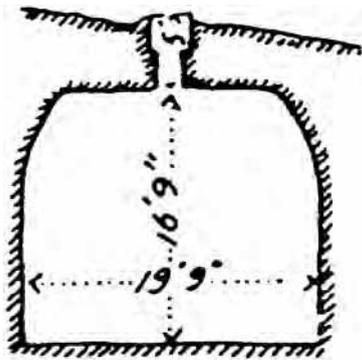


Remains of an underground isolation cell.

Reproduced courtesy of: A Jacob for Sydney Harbour Federation Trust.



Military Guardhouse retaining original gun racks.



Plan of an underground silo from the convict era, measuring 5.7 metres by 6 metres.

Reproduced courtesy of: J S Kerr. (1984: 43).



Sandstone grain silo hand cut by convicts, exposed on the edge of the cliff.

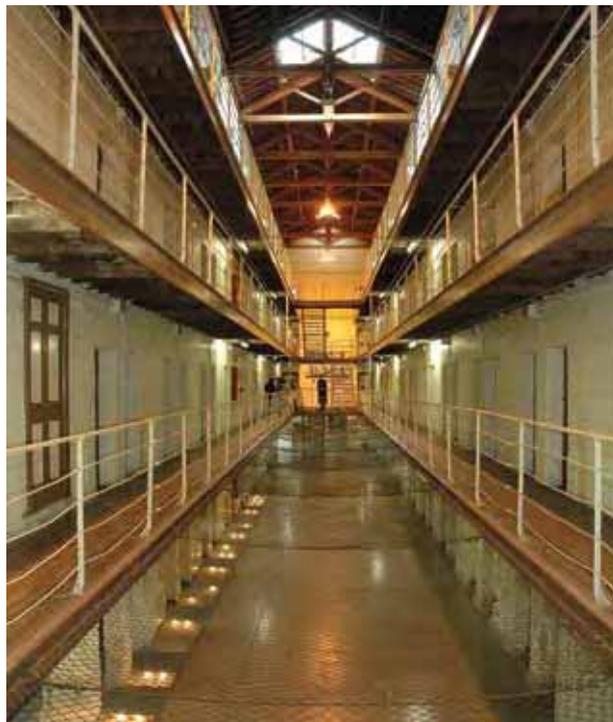
Reproduced courtesy of: A Jacob for Sydney Harbour Federation Trust.

Fremantle Prison WA (1852–86)

The site was a convict barracks and prison for male convicts. Fremantle Prison is representative of the use of penal transportation to expand Britain's geo-political spheres of influence and to punish criminals and deter crime in Britain. The site is also associated with the abolition of transportation and the rise of domestic penitentiaries in Britain.

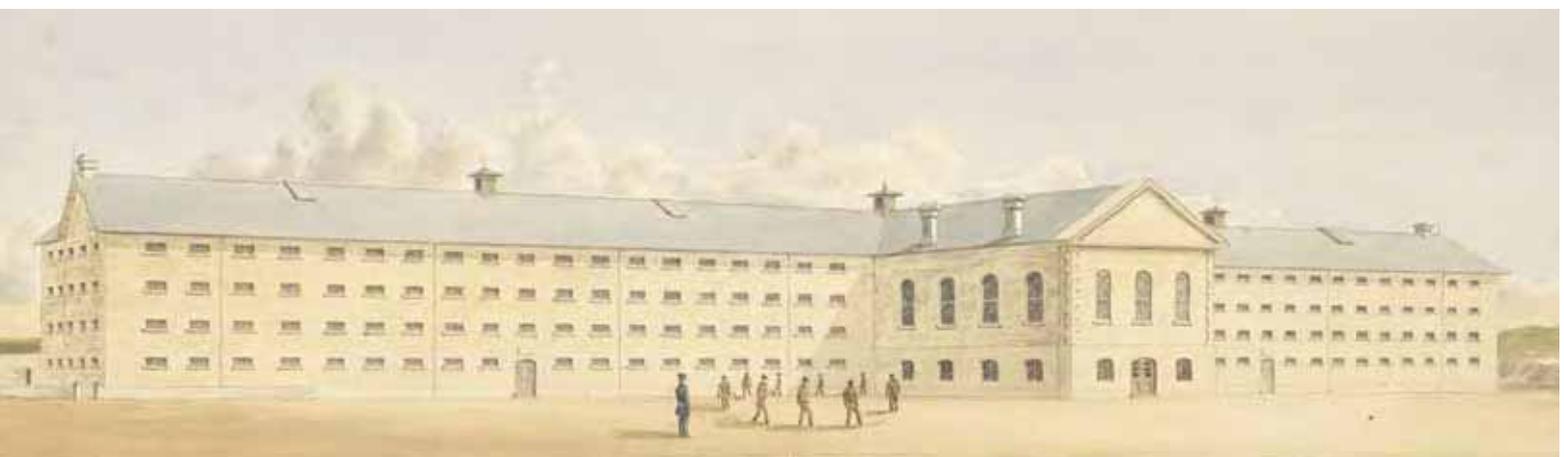
Fremantle Prison comprises 16 intact convict-built structures surrounded by a 6 metre high limestone perimeter wall. Eight of the buildings are located within the perimeter wall and eight just outside. Nearly all buildings are constructed from locally quarried limestone. The design of the prison was modelled on the modified panopticon design of Pentonville in Britain and has features that reflect the penal principles of the 'Separate System'. The Main Cell Block is 145 metres long and four-storeys high. It held 570 men: 240 in dormitory rooms (known as 'Association Rooms') and 330 in separate cells of 2.1 metres by 1.2 metres. Illicit artwork by a convict sentenced to transportation for forgery has survived in one of the cells. The Church of England Chapel is situated in a prominent position in the projecting wing in the centre of the façade. It retains murals and stencilled internal wall patterns painted by convicts. The Roman Catholic Chapel in contrast is located in a former association ward designed for communal accommodation for convicts. Behind the main block is a single-storey Refractory Cell Block consisting of 12 punishment cells and six 'dark cells' with no light. Seven separate exercise yards located along the eastern elevation of the Main Cell Block surround these cells. The Hospital is located at the north-east corner of the prison compound. Two workshops within an enclosing wall occupying the south-east corner were the place where convicts trained in various trades and skills. The Gatehouse complex surrounds the entrance to the prison. It comprises the Military Guardhouse, Warder's

Guardhouse and Gatehouse Courtyard. Adjoining the western perimeter wall on the outside of the prison compound are the Convict Warder's Guardroom, stables and several two-storey residences built to accommodate the Gatekeeper, Superintendent, Deputy Superintendent, Chaplain (first and second residence) and Surgeon. Several buildings house the artefacts and artistic records of the convicts who were incarcerated there. The site now operates as a museum and historic site.



Interior of one wing showing elements of Pentonville design with front facing cells along galleried walkways.

Reproduced courtesy of: Fremantle Prison Collection.



Main Cell Block of Fremantle Prison in 1859 showing convicts and a guard.

Reproduced courtesy of: National Library of Australia, H Wray, Convict prison, Fremantle, W. Australia pic-an5758270.



Fortified Gatehouse entrance to the prison.



Main Cell Block of Fremantle Prison today.

CONVICT BIOGRAPHIES



Reproduced courtesy of: Mitchell Library, State Library of New South Wales.

William 'Billy' Blue (c.1767–1834)

'Billy' Blue was a chocolate-maker convicted of stealing raw sugar and sentenced to seven years transportation. After over four years in convict hulks in England, he was transported to NSW. In 1805 Blue married an English-born convict; they had six children. He worked as a waterman and collected and sold oysters and

other items. He found favour with both government officials and the public, to whom he endeared himself with his whimsical style and banter. Blue was appointed harbour watchman and constable by Governor Macquarie in 1811. These titles enabled him to acquire a new home overlooking Sydney Harbour, which became a local landmark known as 'Billy Blue's Cottage'. In 1817 Blue was granted a farm of 80 acres (32.4 hectares), at the southernmost tip of the north shore of Port Jackson which became known as Billy Blue's Point. As a landowner on the north side of the harbour, he saw the potential for operating a boat service to the site and quickly built up a fleet of ferries. Macquarie light-heartedly dubbed him 'Commodore'; Blue became known as 'The Old Commodore'. In 1818 Blue was charged with theft but refused to plead guilty. As a result he lost his position as harbour watchman and constable and was imprisoned for a year. In 1823 Blue petitioned the governor to be granted 'in his old age the peaceable enjoyment of his premises and ferry'. The governor found in his favour, authorising him to 'have the Use and Occupation of his ferry'. By 1833 he and his family were reported as keeping a ferry-boat and cultivating vegetables and fruit for the Sydney market. Several streets in North Sydney are named after Blue and the site of his northern ferry terminus remains known as Blues Point today.¹³

Ann Wilton (Drayson) (1819–68)

In 1843 live-in housemaid Ann Drayson was convicted of stealing £100 and several yards of ribbon from her employer. She was sentenced to transportation for ten years and spent six months in Millbank experimental prison in London before arriving in VDL. Drayson was sent to Cascades Female Factory before being assigned as a servant. She gave birth to a daughter at Cascades in 1846. The child may have died or was possibly adopted out and given another name. With five years still to serve, Drayson married John Wilton, a free settler, labourer and a widower with two children. They had met while working as servants and had eight children. In 1858 the family rented a house and Ann died in 1868 aged 49. John, now 56, married for a third time to an 18 year old and had two more children, fathering 12 in total.¹⁴



Reproduced courtesy of: Government Printing Office collection, State Library of New South Wales.

Francis Greenway (1777–1837)

Greenway was an architect in private practice in Bristol when in 1812 he was found guilty of forging a document. He was sentenced to death, later changed to transportation for 14 years. He arrived in Sydney in 1814 and was shortly followed by his wife and three children. Greenway was allowed much freedom due to his much sought after skills. He opened a private practice immediately after his arrival. Greenway was given a ticket-of-leave and during 1815 he occasionally advised the government on its public works. His first work for the government was the design of a lighthouse in 1817. Governor Macquarie was so pleased with it that he granted Greenway a conditional pardon. Greenway continued to design buildings including Hyde Park Barracks, a new government house, several churches and a large female factory at Parramatta. Macquarie opened the barracks with great ceremony and a special feast for convicts, using the occasion to grant Greenway an absolute pardon.¹⁵

Walter Paisley (c.1813–unknown)

Paisley was 13 years old when he was convicted for breaking into a house. His brother and four friends lowered him through a window but when the burglary went wrong, they ran off, abandoning him. He was sentenced to seven years transportation and was sent to the juvenile establishment at Point Puer, Port Arthur. Over the next five years, 44 charges were entered against his name in the convict records. Many of these charges resulted in sentences to solitary confinement. On average he spent two and a half days of every month at Point Puer locked up in the dark on a diet of bread and water. When some of his friends were sentenced to solitary confinement Paisley amused them by sitting outside their cells and reciting stories. For this he was locked up for a week. When in solitary confinement he refused to be quiet, singing, blaspheming and shouting obscenities. As time went on Paisley's conduct became increasingly rebellious. He destroyed his work in the carpenter's shop, struck another boy with a spade, punched the schoolmaster and threatened others with a stolen lancet. After being caught with a chicken from the Superintendent's garden, he attacked one of the boys who had provided evidence against him. Despite his conduct, Paisley acquired carpentry skills while at Point Puer. A wooden boat handcrafted by Paisley remains. He was released from Point Puer in 1838 shortly before his sentence expired. The following year he was arrested for burglary and was sentenced to life imprisonment, the first four years to Port Arthur where, as a 'bad character', he was to be strictly watched. He was charged on another six occasions mostly for misconduct and disobedience of orders. He was discharged to the Colonial Hospital in Hobart in April 1844 and thereafter sent to a nearby invalid station.¹⁶

Mary Reibey (Haydock) (1777–1855)

Mary Haydock, aged 13, arrived in Sydney from England in 1792 having been convicted of horse-stealing and sentenced to seven years transportation. She served her sentence assigned as a nursemaid and in 1794 Haydock married Thomas Reibey, a landholder and merchant. After his death in 1811 she was left with seven children and complete control of numerous businesses. Mary became a prosperous businesswoman in her own right with interests in trading vessels and property. Gradually retiring from active business, Mary began to take an active interest in the church, education and charity. In 1825, she was appointed one of the governors of the Free Grammar School. Mary died in 1855, a wealthy and respected member of colonial society. Her three sons followed their parents' lead and established mercantile and shipping ventures in Tasmania, and her grandson was archdeacon of Launceston and Premier of Tasmania. Mary's face now appears on the Australian \$20 note.¹⁷

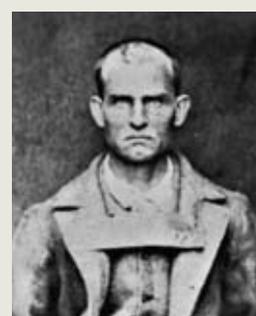
Joseph Lucas Horrocks (c.1805–65)

Horrocks was convicted of forgery in London in 1851 and sentenced to transportation for 14 years. He arrived at Fremantle Prison in 1852 where he gained experience as a medical practitioner. Horrocks had no formal medical training other than skills acquired while working as a sick berth attendant in the Royal Navy. However, the scarcity of medical officers led him to apply for the post of medical attendant. His duties were to attend the medical needs of officers, 'ticket-of-leave men' and sick Aborigines. Horrocks gained a reputation for generosity to the poor in supplying prescribed drugs at low costs and was soon widely known as 'Doc'. In 1853 Horrocks was granted a 'ticket-of-leave' and set up a business as a storekeeper and postmaster. In 1856 he was given a conditional pardon. He was granted 100 acres of land and was instrumental in the development of the local copper mine. In the first ten years the mine produced ore worth £40,000. Horrocks had stone-walled cottages built to accommodate the miners at low rentals and employed several building tradesmen, three cooks, an engineer, a blacksmith and a bootmaker in addition to 30 miners. He experimented with agriculture, cultivating crops such as tobacco, hops, fruit and wheat. Horrocks encouraged his tenants to grow their own vegetables, believing that the lack of fresh fruit and vegetables was a prime factor in the high incidence of scurvy. Horrocks' reputation was such that many men travelled to him to seek work. Although mining jobs were limited, Horrocks started a sustenance scheme for the unemployed to collect stones and build walls leading towards the village. He went on to further improve the lives of his tenants by lobbying for improved conditions for convicts, initiating the development of a schoolhouse and WA's first inter-denominational church. He also began agitating for a railway and organised the construction of a local road, employing men and supplying tools at his own cost. The small settlement of Horrocks is named after him.¹⁸



Convicts smoothed pennies and engraved on them notes to loved ones at home, often conveying their distress. This one shows a bird with a chain around its neck.

Reproduced courtesy of: Jane Townshend, Powerhouse Museum.



Convicts John Boyle O'Reilly, James Wilson and Thomas Hassett c.1867. Taken from Mountjoy Prison, Dublin.

Reproduced courtesy of: Kevin Cusack, USA.

Fenian convicts at Fremantle Prison

The Irish Republican Brotherhood (known as the Fenian movement) was a secret society that flourished during the 1860s. Its prime objective was to overthrow the British rule in Ireland. In 1866 John Boyle O'Reilly was found guilty of assisting soldiers to join the movement. His death sentence was commuted to transportation for 20 years. He sailed with 280 convicts, 62 of them 'Fenians', to Fremantle in January 1868. Their arrival signalled the end of transportation to Australia. O'Reilly escaped on an American whaling boat in 1869 and became a respected citizen and editor of a newspaper in America. Over the years sufficient funds were raised from Irish people, both in America and Australia, to finance a daring plan to free the 'Fenians' who remained imprisoned at Fremantle. They bought a cargo ship, refitted it as a whaler named *Catalpa* and registered as a whaling company. Agents successfully posed as businessmen to gain people's confidence. They arranged contact with the eight remaining Fenian prisoners at Fremantle Prison and planned the escape. Two men missed out on the escape because they were confined for insubordination. The remaining six left their work parties and two horse drawn buggies were arranged to take them to the beach where the whaleboat was waiting. The police later tracked down the ship and requested to be let on board to check for escapees. The ship's master claimed they were in international waters under the American flag, and challenged the police Superintendent to create a diplomatic incident if he dared. The police reluctantly let the *Catalpa*, with the escapees on board, sail away. In August 1876 the *Catalpa* arrived triumphantly in New York, carrying the 'Fenian' escapees. Their arrival sparked celebrations in the United States and Ireland.¹⁹

2.B HISTORY AND DEVELOPMENT

Penal transportation

The transportation of criminal offenders to penal colonies dates back to the early 17th century and occurred in many parts of the world until the abolition of transportation to French Guiana and the Andaman Islands in 1938. Britain, France, Spain, Portugal, the Netherlands, Russia and Argentina transported criminals to penal colonies across the globe (see Part 3.A). The primary motivating influences for the rise and spread of the transportation system included: geo-political ambitions which were advanced by using convicts to build or expand colonies across the globe; the punishment of an increasing population of criminal offenders to deter crime in the home state; and the reform of the criminal elements of society.

Deterrence was one of the major factors leading to the introduction of transportation to Australia.²⁰ The preamble to Britain's *Transportation Act 1718* made it clear that transportation was to be a severe punishment and deterrent to crime.²¹ Following the cessation of transportation to America (1775), Britain had to find a new way to deal with her large population of criminals.²² The government was pressured to resume transportation to a new destination or to establish a new national penitentiary system.²³ For some, transportation was an ideal system that would rid the country of hardened offenders, detach them from malign influences and instil the habit of work.²⁴ Others, such as penal reformer Jeremy Bentham, condemned transportation and advocated new model prisons across Britain (see criterion vi and Appendix D). Nevertheless, in 1787 Britain resumed transportation and established a new colony of New South Wales (NSW). During the late 18th /early 19th centuries, 'Botany Bay' was often used to refer to the whole of NSW, and as a pejorative metaphor for the convict system. The reformation of criminals and geo-political pressures were also important driving forces (see Part 3.A).

British transportation to Australia was the world's first conscious attempt to build a new society on the labour of convicted prisoners.²⁵ Around 166,000 men, women and children were transported to Australia over 80 years between 1787 and 1868.²⁶ Most convicts were transported from Britain but several thousand were also shipped from Canada, America, Bermuda and other British colonies.²⁷ This massive movement of people involved 806 ships and thousands of people to manage the convicts.²⁸ Australia was a vast continent inhabited by Aboriginal peoples with their own cultural, social and economic traditions and practices. It was a land with no vestiges of European civilisation, with no economic or physical infrastructure. The new colonies were at the other side of the globe, a huge distance not only from the home country but from any other European settlement. The operation of establishing the new penal



'Portrait of a convict' showing convict uniform.

Reproduced courtesy of: Allport Library and Museum of Fine Arts, State Library of Tasmania. Portrait of a convict, Peter Fraser.

colonies was a major undertaking by the British government. The scale and nature of this forced migration of convicts was an unprecedented experiment in history, then and since.²⁹ The convict population was diverse comprising men, women and children. In total 25,000 (almost 16 per cent) were women and thousands were children aged between nine and 18. The remainder were largely ordinary British men overwhelmingly from the working class (including a small number of political prisoners) who brought a great range of skills to the colony (see Appendix B).

Table 2.1: Main convict colonies 1788–1868

COLONY	TRANSPORTATION PERIOD	NUMBER OF CONVICTS RECEIVED
NSW	1788–1840	80,000
Norfolk Island ^a	1788–1814	1,000–2,000
VDL ^b (Tasmania)	1825–1855	at any one time
WA	1803–1853	75,000
	1850–1868	10,000

^a Part of NSW between 1788 and 1844 and administered by VDL from 1844 until 1855.

^b Part of NSW from 1788 until 1824.

The convict system continued to function in each of the colonies for several decades after the official abolition of transportation. Afterwards, many convicts continued to be sent to Australia under the 'exile system' after serving part of their sentence in British prisons. Many penal stations and female factories (including Cockatoo Island, Port Arthur, Fremantle Prison and Cascades) continued to operate as part of the transitional machinery for convicts serving out their sentences after the end of transportation.

Convict systems in Australia

From the start of transportation until its abolition, debate raged in Britain and the Australian colonies over whether the primary objective was harsh punishment to deter crime in Britain or the reformation of criminals.³⁰

The differing and sometimes competing objectives resulted in an uneasy coexistence of systems designed to inflict severe punishment and efforts to generate reform. A diverse suite of systems and schemes evolved in the penal colonies and varied over different times and places. These included the assignment system, the gang system, penal stations, female factories, the probation system, the penal bureaucracy, and systems of entitlements and privileges. Under these regimes convicts could face pain, isolation and suffering as well as opportunities through education, trade, religious instruction and privileges to build new lives after completing their sentence.³¹ Well-behaved convicts could serve out their sentence with relatively good treatment which could include gaining trade experience and better conditions, working as an overseer of other convicts or obtaining a pardon with a land grant. Convicts found guilty of misdemeanours, or through bad luck, could experience severe treatment and conditions and end up in a road gang or a penitentiary (see Appendix B).

The majority of convicts experienced numerous convict systems at different places around the colonies. A convict could be assigned to a free settler, re-offend and be sentenced to a convict road gang, be transferred to a probation station or re-offend again and be sent to a penal station. Convicts were regularly transferred, demoted, promoted and re-assigned and travelled within and between the colonies during their sentence. Individually and collectively, the *Australian Convict Sites* demonstrate the range of convicts' experiences under the various systems of control, punishment and reform.³²



Convict William 'Billy' Blue became a notable landowner after completing his sentence. See page 40.

Reproduced courtesy of: Mitchell Library, State Library of New South Wales.



The contrasting colours of the convict uniform, with the trousers showing broad arrows, worn by secondary offenders in VDL between 1822 and 1855.

Reproduced courtesy of: Convict uniform and two caps, NLA pic-an6393471-11.

"In some of the uninhabited parts of these provinces there are numbers of the venomous reptiles we call rattle-snakes: felons-convict from the beginning of the world...some thousands [of snakes] might be collected annually and transported to Britain. There I would propose to have them carefully distributed in St. James Park, in the Spring Gardens and other places of pleasure about London; in the gardens of all the nobility and gentry throughout the nation; but particularly in the gardens of the prime ministers, the lords of trade, and members of Parliament, for to them we are most particularly obliged."

Influential abolitionist and founding father of the United States of America Benjamin Franklin, 1751, using witty language on how the American colonies should repay Britain for 'dumping' criminals on their soil.³³

Aboriginal population and convicts³⁴

The establishment of penal settlements as part of the broader process of British colonisation of the continent had a significant impact on the Aboriginal population. Australia was a vast continent inhabited and settled solely by Aboriginal people for over 45,000 years. They developed their own cultural, social and economic traditions and practices, and shaped the landscape in ways unseen by Europeans. The setting up and expansion of penal colonies led to large-scale disruption, outbreak of diseases, conflict and resistance. This resulted in the alienation and death of large numbers of Aboriginal people and their communities including impact on their culture, land and resources. Throughout the convict period, interactions and relationships occurred between convicts and Aboriginal people that were both constructive and destructive.

Convicts were used to build infrastructure and buildings in the towns and were at the forefront as pioneers building roads and opening up the outer regions of the colonies for free settlers. These activities had a major impact on the Aboriginal population. Convicts also played an important role in protecting private property of free settlers, the military and colonial authorities against attacks from local Aboriginal people. In the early years of settlement, there was resistance from Aboriginal communities and individuals, and attacks against them by the military and convicts. From the early 1820s, there was a rapid expansion of free settlement and farming. Land clearing and building activities had a major impact on Aboriginal communities' livelihood and traditional way of life. Attacks escalated on both sides, resulting in many deaths. At the same time, Aboriginal

people had an important influence on British colonisers and convicts. Aboriginal people transmitted their language and knowledge about the land and its resources. They helped locate sources of food and water and this was critical, particularly during times of scarcity.

Aboriginal people were used as trackers to capture escaped convicts and were rewarded by colonial authorities. A number of convicts attacked Aboriginal people without official sanction by the colonial authorities. Several convicts were charged and sentenced or executed for these attacks. Convicts were also officially ordered to participate in expeditions to attack Aboriginal people or to round them up and move them to other lands. Aboriginal people attacked convicts to defend themselves or as reprisals for encroachment on their lands, property, or women. Some convicts were accused of stealing Aboriginal women. There are also accounts of positive interactions between convicts and Aboriginal people including: escaped convicts living in Aboriginal communities or being helped by Aboriginal people; and Aboriginal people meeting road gangs and seeking to 'trade' their goods. There were also accounts of consensual relationships between convicts and Aboriginal women.³⁵ Colonial authorities greatly feared these relationships as they were seen to threaten the moral fabric and well-being of the new society. Also, venereal disease introduced by European settlement became widespread and led to many deaths. Enlightenment ideals influenced several governors' treatment of Aboriginal people. Governor Macquarie invited Aboriginal people to ceremonial feasts near Old Government House at Parramatta and established the Native Institution to educate them in European ways.



1826 painting showing the 'annual feast' with Governor Darling, local Aboriginal people and convicts. Convict-built St John's Church (middle) and Old Government House (in the distance, right).

Reproduced courtesy of: National Library of Australia, A Earle, The annual meeting of the native tribes at Parramatta, New South Wales, the Governor meeting them, NLA pic-an2820681.



1836 painting showing Hyde Park Barracks behind the perimeter wall in Sydney Town.

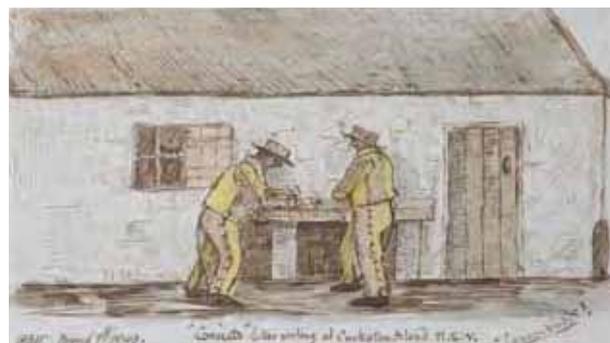
Reproduced courtesy of: National Library of Australia, R Russell, Prisoners' Barracks, Hyde Park, pic-an5924561

New South Wales penal colony (1788–1840)

The first penal colony in Australia was established at Sydney Cove in NSW in 1788 and an outpost was established at Norfolk Island shortly afterwards. Initially, there was little formal management of convicts and most found their own accommodation. Starvation threatened the colony, but convict farming under Governor Phillip's direction at Parramatta and Norfolk Island ensured the new colony's survival. Convicts were put to work on public works including agricultural activities, road-building, churches and convict structures. Following the end of the Napoleonic wars in Europe in 1815 transportation to NSW increased dramatically. Many male and female convicts were assigned to free 'masters' to work for the duration of their sentence or were assigned to public works for colonial authorities. Assignment was the major experience of convicts transported to NSW. From 1819 onwards, large barracks were built to bring male convicts under greater control. From the early 1800s female factories were established to manage and control female convicts. Gradually, penal stations were set up along the eastern seaboard of the continent.

From 1819 to 1821 a British inquiry, headed by Commissioner Bigge (the Bigge Inquiry), investigated the penal colony and its administration. Part of Bigge's task was to determine ways of making transportation a more effective deterrent to potential British offenders and to recommend ways of segregating convicts from the free population. Bigge's report had a considerable impact leading to the establishment of distant penal stations, increasing the

severity of punishment and tightening the surveillance of convicts.³⁶ Secondary punishment became more extreme and Norfolk Island was re-established as a penal station in 1825 as the ultimate deterrent for convicts with little hope of redemption. Re-offending convicts could find themselves labouring in a chain gang such as on the Great North Road, confined in a penal station or executed. Well-behaved or fortunate convicts could be assigned to a kind master, learn skills or a trade and eventually earn a pardon. In 1837 a British parliamentary inquiry, the Molesworth Committee, concluded that transportation was expensive, brutalising and akin to slavery.³⁷ Transportation to NSW was abolished in 1840, by which time the colony had received around 80,000 transported convicts. Thousands of convicts continued to serve out their sentences for several decades in NSW. Cockatoo Island, amongst others, continued as a place of convict punishment until 1869.



Convicts writing letters home. Cockatoo Island, March 1st 1849.

Reproduced courtesy of: Mitchell Library, State Library of New South Wales

Van Diemen's Land penal colony (1803–53)

In 1803 Britain established a penal colony in VDL as an extension of the NSW colony. An important factor in this decision was the need to thwart French colonial ambition in the area. As in NSW, the majority of convicts were initially under minimal restraint and laboured during the day, mostly on public infrastructure. Between 1817 and 1824 most convicts went into private assignment and some were retained by the colonial authorities for public works. Following the Bigge Inquiry, penal stations were established for recalcitrant convicts. Redemption and reformation were consistent objectives throughout penal colonies in VDL. However the degree to which they were practised varied dramatically. Initially, the vast majority of female convicts were assigned to free settlers. From the early 1820s a system of female factories was established across the colony to manage and control female convicts. From 1840 all convicts from Britain were transported to VDL. The probation system was introduced to replace the assignment system and became the main experience for male convicts in VDL from that time. The gradual reformation of convicts through hard labour, segregation, religious instruction and progressive freedom was the aim of the new system. The limited success of the probation system and the alleged high incidence of homosexuality contributed to the abolition of transportation in 1853. Around 75,000 convicts were transported to VDL and many thousands continued to serve out their sentences for several decades following abolition (see Part 2.B).

Western Australia penal colony (1850–68)

WA was established as a free colony in 1829 without convicts. The colony struggled for 20 years with an acute labour shortage and slow economic progress. The transportation of male convicts to WA was introduced in 1850 to save the failing colony. Convicts provided a dramatic boost to the population which increased by 400 per cent over the next 18 years.³⁸ The youngest convict transported to WA was 13 years old. Fremantle Prison was built to house convicts who worked outside the prison during the day on public infrastructure. Convicts constructed roads, bridges, jetties and many public buildings. They were also hired out to free settlers to work in agriculture and mining in regional areas.³⁹ A small number of British convicts and their warders (around one shipload) originally transported to Bermuda were sent to WA in 1862–63 following closure of Bermuda Convict Establishment and in response to free settlers' demand for labour in WA. Convicts made a significant and lasting contribution to the economic and physical growth of WA, establishing it as a viable and productive colony. Transportation to WA ceased in 1868 officially marking the abolition of British transportation to Australia. The convict system remained in operation in WA until 1886 when the British government formally handed over Fremantle Prison to the colonial administration. Approximately 10,000 male convicts were transported to the colony. Convicts continued to serve out their sentences at Fremantle Prison until 1906.



Photograph of convict working party returning to Fremantle Prison in 1870.

Reproduced courtesy of: Fremantle Prison Collection.



Convicts rest while being watched by a military guard. Early 1800s.

Reproduced courtesy of: Allport Library and Museum of Fine Arts, State Library of Tasmania

Assignment system (early to mid 1800s)

Assignment was the dominant experience of male and female convicts from the early years of the penal colonies in NSW and VDL until 1840.⁴⁰ Convicts formed the vast majority of the labour force in these colonies throughout this period. The assignment system initially operated informally and evolved into a highly formalised system with legal frameworks and administrative institutions from the late 1820s onwards.⁴¹ It aimed to: secure the social control of the convict population; provide cheap labour for public infrastructure and for free settlers; and build skills and economic self-sufficiency for convicts following their



1835 drawing. A young artist looking for work enjoys the wit of the convict servants in their hut.

Reproduced courtesy of: R Glover, A young artist after labour, NLA pic-an4623117.

emancipation. Later, the dispersal of convicts away from 'evil associations' with other convicts and towns was also an important objective.⁴² Cheap and secure convict labour was in high demand due to the shortage of free labourers and skilled artisans in the colonies. Private masters were a critical component in the transportation system, responsible for turning convicts into industrious workers and well-behaved individuals. They had to provide: accommodation, food and suitable work; foster moral reformation through religious instruction and be a good role model. With good conduct, convicts could progress through stages to attain a ticket-of-leave or a conditional or absolute pardon.⁴³ Many convicts were treated compassionately, enjoyed better conditions than free workers in Britain, and gained skills that provided opportunities once released.⁴⁴ Unsatisfactory convicts were returned to the authorities and replaced by others.⁴⁵ Convicts could be punished for misconduct or criminal activities which could send them backwards to hard labour, imprisonment or execution.⁴⁶ Ill-treatment by their masters could result in their reassignment to other settlers.⁴⁷ Some masters were harsh, abusive or violent and female convicts were often subjected to sexual abuse. Assigned female convicts who fell pregnant were often returned to female factories for punishment, regardless of the circumstances.

The Molesworth Committee denounced the assignment system claiming it operated like a lottery, leaving the fate of convicts to the character and temperament of individual masters. Some faced a harsh and degrading servitude at the hands of brutal masters while others fared well under compassionate masters. The assignment system was phased out across NSW and VDL, having operated as a vehicle for both the punishment and reformation of convicts through industry and labour for 30 to 52 years. The *Australian Convict Sites* that best represent the assignment system are Brickendon–Woolmers and Cascades. Old Government House and Hyde Park Barracks also reflect the assignment system.

Convict gangs (1822 onwards)

The system of convict gangs used in NSW, VDL and WA had the important dual functions of organising convict labour on public works and punishing convicts. Convict gangs were used increasingly after the mid 1820s for re-offending male convicts, following the Bigge Inquiry's recommendation for harsher punishments. Convict gangs, especially road building gangs, were seen as an effective way of reviving the fear of transportation and of deterring crime in Britain. The main types of gangs were road gangs, timber getting gangs, lime burning gangs and public works gangs. Some convicts were sentenced to work in irons in the gangs. Working conditions were physically demanding and the treatment of convicts was often brutal. Little effort was made to reform convicts in the gang system, the focus being on hard labour in harsh conditions. Despite this, redemption through religious instruction was still attempted, though to a much lesser extent than in other systems. Approximately 20–30 per cent of all male convicts worked in a road gang at some time during their sentence.⁴⁸ The convict gang system contributed significantly to the development of infrastructure, expansion into frontier regions and the economic and social integration of the colonies. The *Australian Convict Sites* that best illustrate the convict gang system are Old Great North Road and Hyde Park Barracks. Other sites that represent the gang system to a lesser extent are Port Arthur, Coal Mines, KAVHA and Fremantle Prison.



'Hobart Town Chain Gang' c.1831 showing chained convict gangs carrying tools for hard labour under supervision of soldiers.

Reproduced courtesy of: Mitchell Library, State Library of New South Wales.

Penal stations and prisons (1788 onwards)

A small minority of convicts transported to Australia were incarcerated in a penal station or prison. Male convicts who re-offended on the voyage or in the colonies could be sentenced to a penal station or prison. Re-offending female convicts could be placed in a female factory but these were multi-functional institutions and not just prisons. Penal stations were established across the Australian colonies.⁴⁹ The purpose of penal stations was to segregate re-offending convicts from society, using their labour to develop physical infrastructure (including buildings to confine them) and in agriculture for the benefit of the colony. Penal stations were often relatively self-sufficient with their own bakehouse, kitchen and gardens. Separate prisons, apartments or cells were also constructed within penal stations. In addition, some convict buildings that initially operated as barracks evolved into prisons for secondary punishment. An estimated 20–30 per cent of convicts underwent secondary punishment in a penal station or prison at some time during their sentence. Convicts experienced varying treatment and conditions including the ‘separate system’ and various forms of hard labour. All prisons instilled religious and moral instruction as part of the routine. Many penal stations functioned as important industrial complexes with convicts providing the skill and manual labour for outlying areas away from the penal station. Several prisons within penal stations were modified versions of Pentonville prison and used the ‘separate system’ (see criterion vi). The *Australian Convict Sites* that are the most notable examples of penal stations and prisons are Port Arthur, KAVHA and Fremantle Prison. The Coal Mines and Cockatoo Island are other examples of penal stations.

Female factories (1804 onwards)

Special systems for managing female convicts were a critical part of the penal system in Australia. Convict women were an invaluable resource as a feminising force, as future mothers and a safeguard against perceived social dangers to the colonies such as homosexuality.⁵⁰ They also provided a valuable economic resource through domestic service and textile production. At the same time, the female convict population was seen to be a potential threat to the survival of the colonies primarily due to ‘unfeminine’ behaviour such as sexual promiscuity and drunkenness.⁵¹ The convict era coincided with the Age of Enlightenment and Britain wanted to create a colony that was a good reflection on the reputation of an enlightened British empire. Throughout the convict era, colonial authorities devoted enormous time and energy to managing female convicts and fostering ‘proper’ feminine behaviour. The appropriate treatment of female convicts figured prominently in all the major British commissioned investigations including the Select Committee on Transportation (1812), the Bigge Inquiry (1819–21) and the Molesworth Committee (1837–38).⁵² A system of nine female factories operated in NSW and VDL between 1804 and 1854 to manage, punish and reform female convicts. Female factories were multi-functional

Cascades Female Factory 1828–50



Yard 1

Separate yards for crime class, assignment class, first class, hospital yard and early nursery yard for mothers and infants.



Yard 3

Solitary Apartments Block.



Yard 4

Nursery Apartments, Matron's Cottage and Cookhouse/Washhouse.

Reproduced courtesy of: Lucy Frost and Christopher Downes.



Photograph showing female ex-convicts in 1890.

Reproduced courtesy of: Archives Office of Tasmania, 30-6993.

institutions that operated as a prison, place of punishment, labour hiring depot, nursery, lying-in hospital for pregnant female convicts, workplace and temporary housing for female convicts until they were 'married' or assigned as domestic servants to free settlers or colonial officers.⁵³

The vast majority of the female convict population, some as young as 13, spent time in one or more of these factories. Convict women were compelled to undertake various 'feminine' duties such as spinning, weaving, rope making, sewing, producing textiles and laundering. Children of convict women born in the factories were raised there until the age of three when they were sent to orphan schools. Elizabeth Fry, a prominent British advocate of penal reform, played a role in the evolution of female factories in Australia.⁵⁴ Importantly, the factories also provided some degree of protection, maternity assistance and refuge for female convicts. The first rudimentary classification system to categorise convicts was introduced at Parramatta Female Factory (1821). Female convicts confined to the factories were also the first in Australia to experience solitary confinement (mid 1820s).⁵⁵ Women were subjected to intensive surveillance and often harsh conditions at the factories including overcrowding, unhygienic conditions and early weaning of babies that contributed to high infant mortality rates.⁵⁶ Riots occurred at several factories and an Inquiry into Female Convict Discipline in VDL was established in 1842.⁵⁷ Several coronial inquiries were also held to investigate the conditions at female factories, particularly the high incidence of infant mortality. The nominated site that illustrates the female factory system is Cascades.

Probation system (1840–56)

The probation system operated from 1840 until 1856 in VDL, following the abolition of transportation to NSW and the assignment system. More than 80 probation stations were established for varying periods around VDL. The probation system attempted to implement the philosophies of the new penitentiary movement in

Britain that advocated 'just punishment through certainty'.⁵⁸ Key features included separate confinement and a strict regime of hard labour, religious instruction and education. Convicts were classified according to the severity of their offences in order to separate individual convicts and restrict their contamination by hardened convicts. Male convicts in all classes were subjected to successive phases of punishment commencing with a period of confinement and labour in gangs, either in a penal colony for convicts sentenced to life, or in a probation station for convicts sentenced for seven to 14 years. The reformation of convicts through labour and religious instruction was an important objective of the system although adequate funding was not always available. Convicts who progressed satisfactorily through several stages of decreasing severity received a probation pass and could work for free settlers. Sustained good conduct could eventually lead to a ticket-of-leave or a pardon. The alleged failure of the system fuelled greater opposition to transportation and contributed to its demise in VDL.⁵⁹ The nominated site that demonstrates the probation system is Darlington Probation Station.

System of surveillance (entire convict era)

A pervasive apparatus of surveillance was a critical element of Australia's convict system throughout the convict era. A penal bureaucracy evolved as a necessary and ingenious instrument for controlling the large convict population that significantly outnumbered the free population in this largely 'open air prison'. It comprised extensive record systems, surveillance networks and administrative procedures. On arrival, all facets of a convict's life were recorded including physical features, criminal history, age, place of birth, marital status, literacy, occupation and religion. Detailed recording and monitoring continued throughout the convict's sentence through muster lists, registers, passes, indent lists, court records of offences and punishments, and colonial departments, boards and committees that reported on the state of the colonies.⁶⁰ These record systems were used for surveillance, work allocation, classification, regulation, control, secondary punishment

An example of Australia's detailed record system for convicts. See pages 40 for Walter Paisley's biography.

Reproduced courtesy of: Archives Office of Tasmania, CON31-35.



and officially approved privileges such as extra rations and land grants. Convicts also played a role in surveillance by acting as overseers of other convicts, record keepers and spies. The various bureaucratic mechanisms were effective in intimidating and humiliating convicts, impressing upon them their subject status in the penal colonies.⁶¹ The system was almost as effective in containing the convict population as the walls of a prison.⁶² Australia's convicts were one of the world's most documented people of the time.⁶³ Old Government House is an important symbolic representation of the systems of surveillance, as are the collections of records associated with each site, notably Port Arthur, Hyde Park Barracks, Fremantle Prison and Darlington.

System of entitlements and privileges (entire convict era)

A system of entitlements and privileges was a central feature of the penal colonies in Australia. A ticket-of-leave system, conditional pardons, absolute pardons, legal frameworks and various privileges aimed to rehabilitate and integrate convicts into the new colonies. The ticket-of-leave system, first introduced in NSW in 1801, permitted convicts to serve part of their sentence then live and work as free persons within a stipulated area until the remission or completion of their sentence. The system provided an incentive for convicts to be diligent and well-behaved, but also functioned as a threat as convicts could be recalled to bond labour for misdemeanours.⁶⁴ Tickets were sometimes allocated to convicts who undertook special functions, captured convict bushrangers and other offenders, or were able to support themselves. At other times, the system was strictly restricted to well-behaved convicts who showed clear signs of reform.⁶⁵ During the period of the probation system in VDL, convict pass holders had to progress through three levels before a ticket-of-leave could be obtained. The system of pardons enabled well-behaved convicts to be released before the completion of their sentences, often by many years. Convicts also had many important legal rights often



Certificate of Freedom. Thomas Siderson was sentenced to 14 years transportation in 1818. He received this certificate of freedom after serving the full term of his sentence.

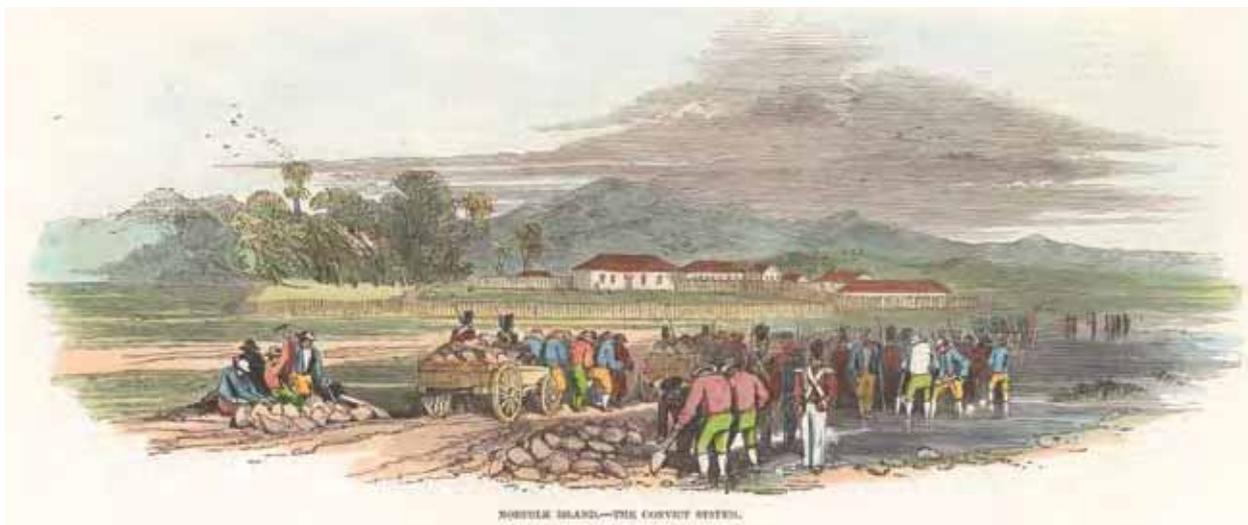
Reproduced courtesy of: Mitchell Library, State Library of New South Wales.

not available to prisoners or convicts in other parts of the world.⁶⁶ Punishments could not be given to convicts without a court order and convicts had the right to make charges of harsh treatment by an overseer or private master.⁶⁷ Convicts had the right to petition the governor on all matters concerning their detention and release including permission to marry or for spouses and children to immigrate to the colonies.⁶⁸ The nominated site that best reflects this system of entitlements and rewards is Old Government House. Several other sites also demonstrate the system including Fremantle Prison.

Individual site histories

Kingston and Arthur's Vale Historic Area Norfolk Island (1788–1814; 1824–55)

Norfolk Island operated as an out-posted penal station of NSW for two separate periods. The island featured prominently in Britain's decision to send the first fleet to NSW due to its reported abundant natural resources,



'Norfolk Island – The Convict System' 1847. A group of convicts pull a cart while others labour on the road under close supervision.

Reproduced courtesy of: National Library of Australia, Norfolk Island, the convict system, pic-an8934779.

particularly pine and flax. The first convict colony was closed as it was unable to become self-sufficient and the potential naval resources could not be realised.⁶⁹ In 1824, in response to the Bigge Inquiry, Norfolk Island was re-occupied to become a 'great hulk or penitentiary' that would provide secondary punishment with no hope of mitigation. The second penal colony was designed to revive the fear of transportation and deter crime in Britain and the colonies. Located far from the main colony, Commandants were able to exercise absolute rule with sweeping powers over the lives of the convict population, with the exception of execution. Hard labour was from sunrise to sunset and extra work for rations or money was prohibited. Agricultural work was undertaken by hand with hoes and spades. Labour saving technology such as animal and machine power was prohibited to deliberately increase the hardship of labour. Accommodation was very cramped and unsanitary and this, combined with a meagre diet, resulted in poor health which contributed to many convict deaths. The harshness and degradation of the treatment meted out to the convicts was intended to break them. Floggings were common for even trivial offences, sentences could be extended and despair was the constant companion of the incarcerated. The design of the New Gaol was influenced by Jeremy Bentham's panopticon prison plan and the 'separate system' at Pentonville Prison (Britain) and Eastern State Penitentiary (America). A period of radical penal reform occurred between 1840 and 1844 under Commandant Maconochie. He was given an opportunity to trial his innovative reform system following intense criticism of transportation and the plight of convicts on Norfolk Island during the late 1830s. Maconochie's reforms soon generated strong opposition in Britain and he was dismissed in 1844. Britain ordered the closure of the penal station in 1846 and most convicts transferred to VDL, with some sent to Cockatoo Island. Convicts continued to serve out their sentences at KAVHA until 1855 when the last convicts were removed to Hobart.

Old Government House and Domain NSW (1788–1856)

The site at Parramatta was a residence and office for 12 prominent governors from Governor Phillip in 1788 until Governor Denison in 1856. The first and principal Government House was built in the heart of Sydney Cove in 1788. At Parramatta, a Government House was built in 1790, replacing the Governor's 1788 farmhouse. In 1799 this was substantially rebuilt. Many governors spent substantial periods of time at this residence and conducted colonial business there.⁷⁰

Governors had unprecedented powers over the functioning of the colonies and made all the major decisions on the administration of the convict system. These included decisions on the assignment of individual convicts, formation of convict gangs, ticket-of-leave documents allowing convicts to work and earn money, the amount of rations given to convicts and granting pardons. An estimated 80–100 convicts lived and worked at Old Government House at any one time. Convicts built all the structures, served the governors, their families and official guests and established successful agricultural production. Old Government House operated as an important administrative hub for the colonies of NSW and VDL. From the beginning of the colony until the mid 19th century, many important decisions relating to all aspects of the governance, survival and expansion of the penal colony were made at this site. It also represents the critical role of vice-regal authority in the convict system.

Sydney Cove, the first penal settlement in Australia, suffered an acute food shortage in its early years. Convicts were brought to Parramatta to provide a labour force to work as servants, on land clearance, construction of buildings and food production which led to the establishment of agriculture in the area. This was not only critical to the survival of the penal colony but enabled the colony to



Commissariat Store, KAVHA.

Reproduced courtesy of: Tom Harley.



Governor Macquarie received ex-convicts for official functions in the drawing room at Old Government House. He also made decisions about the lives of convicts in this room.

achieve self-sufficiency and to be independent of food supplies from England. Old Government House underwent several changes that reflected both the evolving penal philosophies and the character of the governors who occupied it. The most significant changes occurred during Macquarie's governorship. From 1816, the house was significantly extended to give Governor Macquarie's family and staff enough room to reside and this enabled him to spend considerable time in the house conducting colonial business. The Domain was also enlarged and landscaped. Old Government House was gradually superseded by the new Government House on the shores of Sydney Harbour from 1845.⁷⁰

Hyde Park Barracks, NSW (1819–48)

Hyde Park Barracks operated from 1819 to 1848, initially as a place of accommodation for male convicts and later as a place of confinement for secondary offenders. In 1817 Macquarie ordered the construction of a barracks to control male convicts in the heart of the NSW colony. During his governorship, Macquarie pursued Enlightenment ideals including the deployment of convicts and ex-convicts on civic architecture for the advancement of the convict



Hyde Park Barracks showing the external building, the area where convicts were mustered and the perimeter wall.

population and the penal colony.⁷¹ Convict architect Francis Greenway designed the barracks and was in charge of its construction using convict labour. He was granted a pardon by Macquarie upon its completion in 1819. Hyde Park Barracks fostered discipline and a degree of self-sufficiency within a framework of regulation and routine. Convicts slept in dormitories in canvas hammocks. While boys as young as nine were confined to separate rooms some were subjected to sexual abuse as there was minimal surveillance in place at night. The barracks subjected convicts' lives to strict regimentation, discipline and reform. Convicts were placed in government work gangs, taken to work sites during the day and returned to the barracks in the evening. Some convicts worked on site in the Bakehouse and the nearby vegetable garden. Attendance at musters and church services was also compulsory. New arrivals were processed, graded and accommodated in a separate building along the perimeter wall. Cells to confine recalcitrant convicts were located in the corner pavilions and after 1833 convicts were flogged in an area behind the barracks building. After 1830 Hyde Park Barracks became a place of punishment for re-offending convicts, a depot for reassigning convicts and a court house for convict trials. Convicts were held at the barracks until 1848 when that function was transferred to Cockatoo Island. An estimated 40,000–50,000 convicts spent time at Hyde Park Barracks during its 29 years of operation⁷².

Brickendon–Woolmers Estates Tasmania (1820–50s)

Brickendon and Woolmers estates operated as large farming properties with assigned convict labour from the early 1820s until the 1850s. They were two of the larger estates in VDL and many convicts worked and lived there under the assignment system. The convicts were young (23 was the average age and the youngest was 13) and mostly skilled.⁷³ Convicts built all homestead, farming and agricultural buildings, extensive drainage systems and structures and were instrumental in the layout, design and expansion of



Cider House (left) and Woolshed (right) at Woolmers Estate where convicts laboured under the assignment system.

the farms. Convicts provided the labour and the skill necessary to establish and operate these prosperous agricultural estates. The brothers who ran the estates shared convict labour especially during harvest season. With a combined annual convict population of over 100 (around 80 male and 20 female), Brickendon and Woolmers estates formed the second largest pool of convict labour in private hands in VDL. Male convicts worked as blacksmiths, tanners, bricklayers and agricultural hands and were housed in barracks on the estates. Female convicts worked mainly as domestic servants although they occasionally worked alongside male convicts on the farms. Female convicts were housed in separate quarters in the main homesteads, while male convicts were accommodated in barracks on the farms. Convicts attended their own religious services in chapels reserved for their sole use, while the masters and their families travelled into town. Convicts acquired various skills and trades and some were employed at the estates as paid free workers upon completing their sentences.

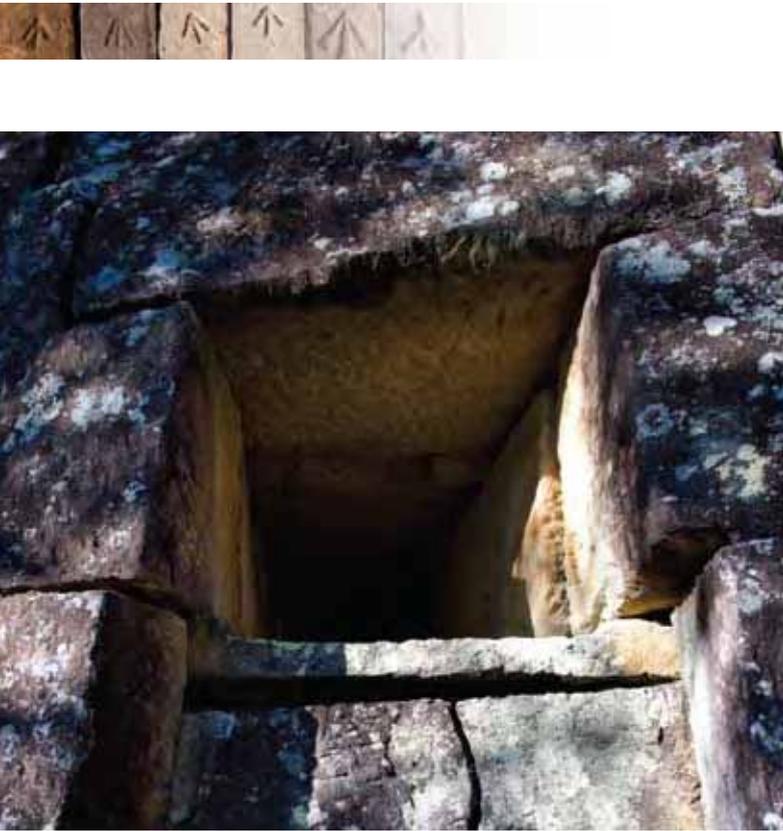
Darlington Probation Station Tasmania (1825–32; 1842–50)

A convict station operated at Darlington between 1825 and 1832 to relieve pressures on other penal settlements due to increasing numbers. A probation station reoccupied the site in 1842. Its isolated location on Maria Island off Tasmania's east coast made it an ideal choice as it was away from free settlements, boasted an abundance of natural resources that could be exploited through convict labour, and being

on an island deterred escape. With over 400 acres worked for crops, agriculture was the primary activity of convicts who cultivated wheat, flax, hops and vegetables. Lime was also quarried and burnt on an industrial scale.⁷⁴ Under the probation system, convicts progressed through separate classes which determined their treatment and conditions including their labour, sleeping and eating arrangements and privileges. The lowest 'crime class', which included 'men specially ordered to be kept separate on account of unnatural propensities', engaged in gang labour and were housed in separate apartments⁷⁵. Convicts in the second and first class were housed in large dormitories in the Convict Barracks and were engaged in lighter, more skilled labour. Convicts moved through the classes according to their behaviour, with unruly behaviour being met with demotion to a lower class, or time in solitary confinement. A strict regime of surveillance and routine was enforced. Convicts were mustered four times a day and work, meal, school and church hours were stringently enforced. Individual sleeping berths were constructed to prevent 'unnatural' acts and ensure orderliness at night. The barracks were well lit and regularly patrolled. A regime of moral redemption through education and religious instruction was a critical feature of the probation station. All convicts attended prayers twice a day and two divine services on Sundays. Also, most convicts attended school for two hours every day except Saturday.⁷⁶ Darlington was closed in 1850, following the cessation of the probation system in VDL.



'[T]here were few stations that could lay claim to any approximation to the superior system observable in the Darlington Probation Station' Acting Governor LaTrobe 1846.⁷⁷



One of many culverts along Old Great North Road showing the skills of convict labour in road building.

Old Great North Road, NSW (1828–35)

The entire Great North Road was built between 1826 and 1835 by around 720 convicts under secondary punishment. It was the product of an extensive public works program designed to usher in harsher punishment for convicts in line with the findings of the Bigge Inquiry. A new network of 'Great Roads' using convict labour was also designed to expand the colony into new frontiers away from the main town of Sydney. Governor Darling established the road gang system as an important instrument to 'revive the dread' of transportation.⁷⁸ Convicts sentenced for new offences were transported from around the colonies to the road gangs at Great North Road. They were mostly young males, some only 11 years old.⁷⁹ Convicts quarried huge sandstone blocks out of steep hillsides, blasted massive sandstone formations, cleared trees, carried and broke up rocks, and graded and constructed heavy masonry retaining walls, side drains and culverts. The conditions were harsh as they worked in gangs, some in leg irons or collars, labouring in extreme temperatures in a rugged, hostile and foreign environment for several months at a time. Convicts were housed in poorly ventilated and cramped temporary huts at stockade camps along the road. Food rations were insufficient to meet the needs of the hard labour of road building. Discipline was severe and overseers often ignored penal regulations due to isolation from the main colony, imposing harsh floggings without the required approvals.⁸⁰ Despite the overwhelming focus on harsh labour for punishment, the moral redemption of convicts through labour was still important. There were instances of an overseer or superintendent reading the Bible to convict workers. By the late 1830s the road route was replaced by steamboat travel and never functioned as the main road to the north.

Cascades Female Factory, Tasmania (1828–56)

The site operated as a purpose-built facility for the incarceration, punishment and reform of female convicts from 1828 until 1856. A formal classification system operated at Cascades from the outset mainly with three classes. Upon arrival, girls and women were classified according to their behaviour into classes.⁸¹ The third class (crime class) required punishment and were given a meagre diet and their clothes were labelled with a large yellow 'C'. The second class (probation class) received a better diet with only one sleeve bearing the letter 'C'. Female convicts in the first class (assignable class) wore unmarked clothing and could be assigned to a free settler. There were also a hospital class and nursery class for convicts with babies. Free settlers frequently returned females for misdemeanours including pregnancy, insolence, absence from work, absconding or drunkenness. Women in the factory worked at sewing clothes, carding and spinning yarn and providing substantial needlework and laundry services.⁸² Cascades became a notable textile manufactory. The factory supplied yarn to many places across the colony including for use in the fulling (cloth processing) house at Darlington. The labour of female convicts was significant in offsetting the penal costs of the colony. Following the abolition of transportation to NSW, the number of women transported to VDL increased significantly.⁸³ Female convicts experienced massive overcrowding and unhealthy conditions including exposure to extreme cold and damp and substandard food, clothing and blankets.⁸⁴ By 1842 there were more than 500 women in the factory which was originally designed for less than 250 women. The infant mortality rate was high at the factory – estimated to be one in four by 1838 and a total of 900 babies – which was disproportionately high compared with the general population.⁸⁵ Women often faced severe conditions and punishment regimes designed mainly to inflict psychological harm and humiliation. Babies born to convict women in the factory were raised until the age of three when they were sent to the Queen's orphan school. Some women were confined in solitary working cells (from 1832) and in separate apartments (from 1842 following commencement



Perimeter wall dividing Yard 3 and Yard 4 at Cascades.

of the probation system). The treatment of women and their infants was the subject of numerous inquiries including the Inquiry into Female Convict Discipline (1842) and a magistrate's inquiry into the treatment of women at Cascades (1855). From 1856 until 1877, the factory became a prison for female convicts and colonial women prisoners.⁸⁶

Port Arthur Historic Site, Tasmania (1830–77)

Port Arthur commenced as a timber getting station in 1830 and operated as a penal station for secondary offenders between 1833 and 1877. Lieutenant-Governor Arthur envisaged Port Arthur as 'a place of terror' that combined hard labour and unremitting surveillance.⁸⁷ Convicts were employed in dangerous and arduous labour including timber felling and quarrying sandstone, with little chance of respite. The penal station became a successful industrial complex. Over the course of the first decade, 1,524,000 linear metres of timber was felled, carried and sawn by the convicts.⁸⁸ During the 1840s up to 56 convicts at one time worked a giant treadmill to power grindstones in the flour mill. Until 1848 convicts could receive vicious floggings inflicted in front of other convicts and officials. Solitary cells were attached to the Prisoner Barracks; here convicts were held for days on bread and water for infractions of the regulations. Approximately 3,500 boy convicts between the ages of nine and 18 were sent to Point Puer across the bay from Port Arthur between 1834 and 1849. The main aim was to rehabilitate boys through religious and moral training, teaching basic literacy and training for a trade. They were taught boat-building, carpentry, blacksmithing, stone masonry and agricultural skills. Many undertook labouring activities including jobs at and around Port Arthur. The boys often received punishments that were as severe as for adults such as reduced rations, beatings, incarceration in separate and solitary cells or hard labour like stone



Port Arthur in 1838.

Reproduced courtesy of: Archives Office of Tasmania, NS126-50.

breaking or timber getting. Convict boys were removed to Port Arthur and other penal stations in 1849. After 1848 punishment strategies altered drastically at Port Arthur, as well as in the rest of VDL. Psychological manipulation was used instead of corporal punishment. From 1852 to 1877, recalcitrant convicts were confined at the Separate Prison. Silence was enforced 24 hours a day and one hour's exercise and religious service at the Chapel were the only respite from their cells. An increase in the number of convicts at the penal station led to the conversion of the granary and flour mill into a four-storey Penitentiary in 1854–57. Port Arthur closed in 1877, more than 24 years after transportation to VDL ceased.

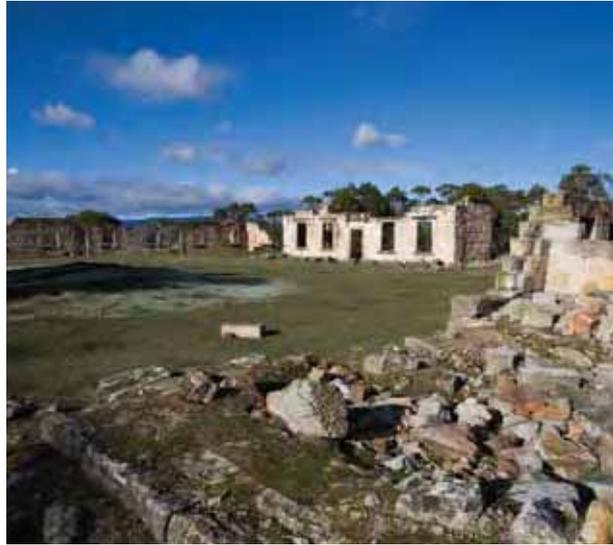
Port Arthur showing the Guard Tower, Officers' Quarters and Commandant's Office. Reproduced courtesy of: Port Arthur Historic Site Management Authority.



Coal Mines Historic Site, Tasmania (1833–48)

The Coal Mines was established in 1833 as an important place of secondary punishment for recalcitrant convicts, using their labour to establish an industrial complex extracting valuable coal to meet the economic needs of VDL. Conditions were extremely harsh at the mining station and to be sent there was considered to be one of the worst possible punishments. This was actively publicised by colonial and British authorities to deter crime. Convicts were used in the mines, labouring in the near-dark stifling conditions at the coal face or carting coal from the workings. Coal was transported in baskets and emptied into small carts which ran on convict powered rails to a stockpile on the beach. Here coal was screened before being transported in wagons pushed by convicts along a jetty and pier where it was loaded for export. Convicts were also used to work the network of tram roads and jetty termini and to cut the timber for the workings.⁸⁹ After 1841, convicts worked under the probation system. Recalcitrant convicts were confined to solitary cells in darkness with little ventilation. Homosexuality was considered to be a major problem at the station. The poorly lit underground mines were believed to be 'sinkholes of vice and infamy.'⁹⁰ Rows of separate apartments and cells, and better lighting in the mines, were built to separate convicts at night, to stop such acts. Homosexuality was an important factor in the anti-

transportation campaign and contributed to the closure of the station in 1848. Convicts were moved to Port Arthur and other stations.



The main convict settlement showing the Prisoner Barracks and convict Chapel.



Hand driven wheels at the top of the shafts were used to bring the coal baskets up from the mines. Once at the top, the baskets were upturned into carts for transportation to the jetty.

Reproduced courtesy of: Royal Society of Tasmania Collection, 'Mouth of the Coalmine Tasman's Peninsula' by artist Owen Stanley, 1841.

Cockatoo Island Convict Site, NSW (1839–69)

Cockatoo Island was established in 1839 as a penal station for convicts sentenced to hard labour as secondary punishment. The island was isolated, easy to provision and secure, yet very close to the heart of the major population centre. It was the first time a place of secondary punishment had been located on the edge of a colonial capital close to a main settlement. Convicts undertook harsh labour, manually excavating solid sandstone and constructing all buildings and other structures around the island. This included building underground grain silos with the aim of storing grain which was in short supply for the colony. Convicts spent nights in overcrowded barracks with very little ventilation, and no protection from other convicts. However, religious instruction and education remained a strict part of the routine for convicts. Recalcitrant convicts were confined to underground solitary cells on the edge of sheer cliff faces. The cells, accessible only by a ladder through a trap door at ground level, were cold, damp and dark. This punishment was greatly feared.

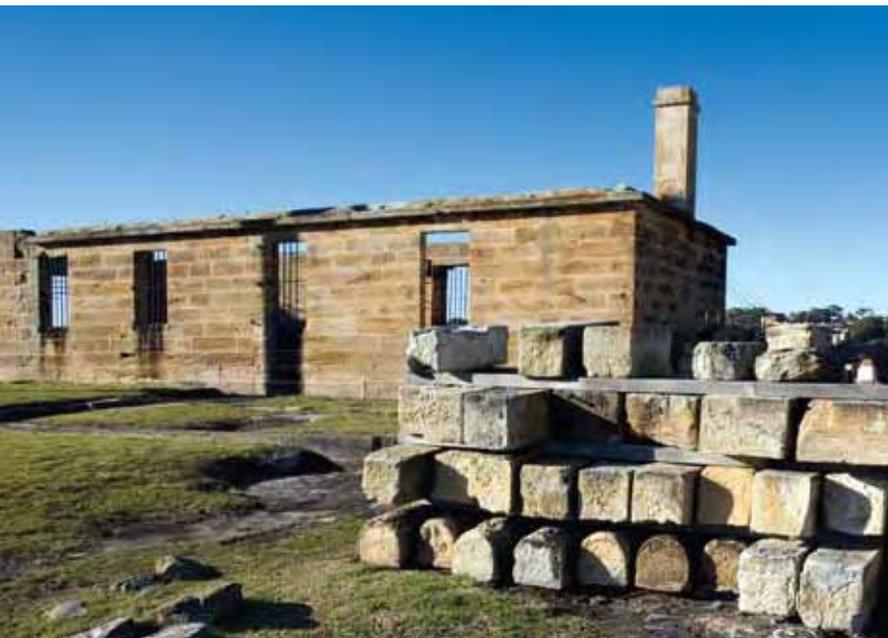
Convicts and colonial prisoners, many of whom were ex-convicts, continued to serve out their sentences in NSW at Cockatoo Island until 1869.⁹¹ The availability of convict labour and a defensible location surrounded by deep water resulted in the strategic industrial and military decision that Cockatoo Island was to become a dry dock to service the Royal Navy, and an important trading centre – previously not possible in the Pacific. Cockatoo Island was a sheltered, easily accessible and impregnable location. The construction of a dry dock by prisoner labour within the harbour of Port Jackson was seen to be of great advantage to the colony.⁹² Britain contributed to the cost of the dock on the condition that Royal Navy ships were given priority for its use.⁹³



Cockatoo Island from the mainland in 1843.

Reproduced courtesy of: National Library of Australia, T Outhwaite, Cockatoo Island, pic-an7372826.

From 1847 onwards, over 1,400 convicts were transferred from Norfolk Island to undertake hard labour on this important infrastructure project, as well as other public works on the island. They were joined by the convicts of Hyde Park Barracks in 1849. Convicts cleared land and quarried the enormous area in preparation for the dry dock. The work took hundreds of convicts seven years of hard labour to accomplish. The dockyard was completed in 1857. The number of convicts declined significantly over the following years and the penal station closed in 1869.



1842 Military Guard House and sandstone blocks quarried from the island by convicts.

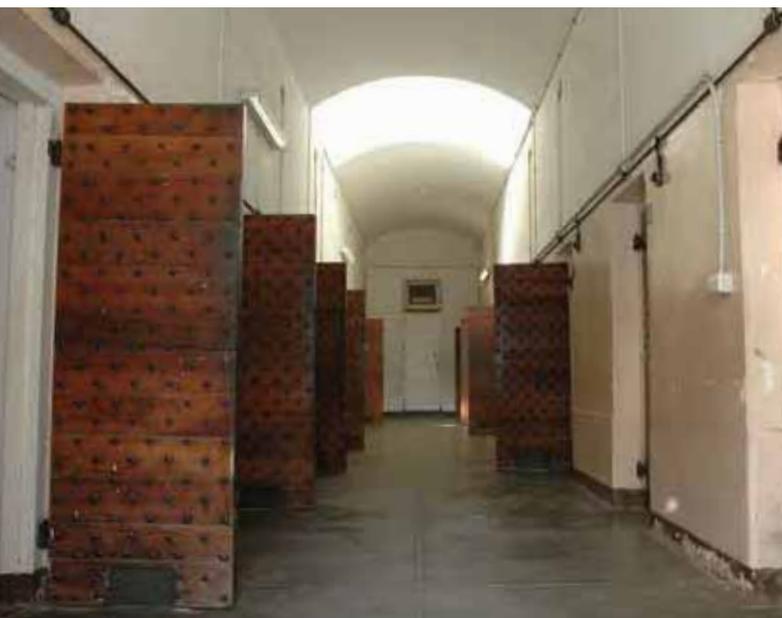


An entrance to the Mess Hall, Cockatoo Island.

Fremantle Prison, WA (1852–86)

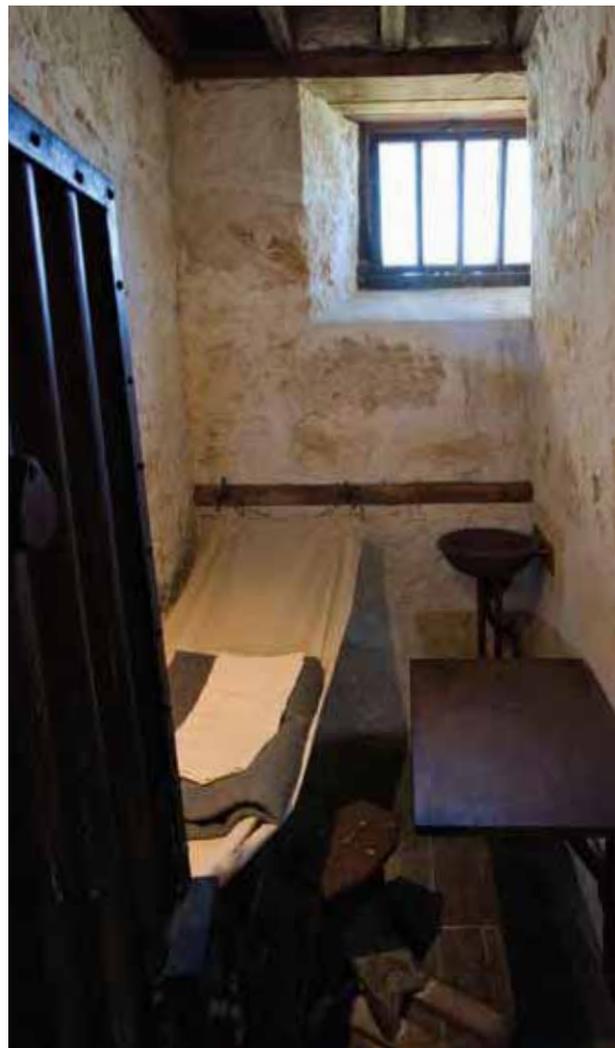
In 1827 a small group of convicts was initially sent with a military detachment to Albany, WA to establish a British presence and prevent French efforts to colonise the western part of Australia.⁹⁴ In 1829 a separate colony was established at Perth. In 1831 Albany was incorporated into the new colony and the convicts returned to NSW. The fledgling free colony struggled to survive for more than two decades and was on the brink of collapse. Following petitions to Britain from colonial authorities and pastoralists transportation to WA commenced in 1850. Construction of Fremantle Prison started in 1852 using convict labour. In 1855 convicts were transferred to the prison building which was finally completed in 1859. Convicts were housed in single cells or dormitory style rooms in the Main Cell Block and received adequate food and other provisions. The single cells were tiny, dark and damp but most convicts only spent nights in them as they worked outside the prison during the day. Convicts were used to develop colonial infrastructure such as roads, buildings and other public works, and were also hired to free settlers. Fremantle Prison was later used to incarcerate convicts who had re-offended. The single cells allowed each convict to be classified and treated individually. Conditions at Fremantle differed markedly from those at penal prisons in the other colonies in Australia. WA colonial authorities generally had a more enlightened outlook and introduced more humane systems of punishment and reform compared with places like Port Arthur and Norfolk Island. Nevertheless, colonial authorities established a strict prison regime with a strong emphasis on instilling habits of industry and religious instruction. An 1857 British inquiry found

that 'a larger amount of wealth has been accumulated in a shorter space of time than perhaps in any other community of the same size in the world'.⁹⁵ A modified version of Maconochie's mark system was introduced at Fremantle in 1860–68.⁹⁶ Convicts went through a probationary stage, earned marks for good behaviour and became eligible for a ticket-of-leave. This system allowed convicts to work on their own account under closely supervised conditions. Well-behaved convicts were also rewarded by privileges that were available inside the prison including a library, a 'gymnasium', a prison choir and talks on special interests such as music. Punishments for unruly convicts included floggings or confinement in their cells, or in punishment cells in the Refractory Cell Block with no light and little air. Some convicts were sentenced to solitary confinement for periods of one to three months, but escapees were sometimes confined for six months. Transportation to WA ceased in 1868 and the prison was transferred to colonial authorities in 1886. Convicts continued to serve out their sentences at the prison until 1906.



Solitary confinement cells in the Refractory Cell Block for unruly convicts.

Reproduced courtesy of: Fremantle Prison Collection.



330 separate cells were built with convict labour, each measuring 2.1 by 1.2 metres.

Kingston and Arthur's Vale Historic Area, Norfolk Island



1. Government House (1829) Stables (1834), Barn (1840) and Granary (1840)
2. Stipendiary Magistrate's Quarters (1845)
3. Superintendents of Convict's Duplex (1844)
4. Civil Commandants Chief Clerk's Quarters (1843)
5. Commissariat Storekeeper's Quarters (1842)
6. Commissariat Clerk's Quarters (1843)
7. Protestant Clergyman's Quarters (1836)
8. Commissariat Officers Quarters (1842)
9. Royal Engineers Quarters (1840)
10. Foreman of Works Quarters (1844)
11. Roman Catholic Clergyman's Quarters (1833)
12. Old Military Barracks (1830) includes barracks, officers quarters, privy and guard room
13. Flaghouse (1840)
14. Police Office (1826)
15. Officers Bath (Water Tank) (1835)
16. New Military Barracks (1836) includes barracks, officers quarters and military hospital
17. Commissariat Store (1835)
18. New Gaol (pentagonal prison) (1836-40), solitary confinement cell (1836)
19. Convict Barracks (1828) includes Protestant Chapel, (1840), Prisoners' Barracks, Sentry Post, Guard Houses and Roman Catholic Chapel
20. Lumber yard and Mess yard (1833)
21. Surgeons Quarters & Kitchen (1827)
22. Civil Hospital (1829)
23. Pier Store (1825)
24. Settlement Guard House (1826)
25. Crankmill (1827-38)
26. Royal Engineers Office (1848) and stables (1850)
27. Police Office (1828-29)
28. Double Boatshed (1841)
29. Constable's Quarters (1850-53)
30. Blacksmith's compound (1846)
31. Windmill base (1842-43)
32. Lime Kilns (1845)
33. Salt House (1847)
34. Underground grain silos (1839)
35. Cemetery (1825)
36. Murderer's Mound (1846)
37. Protestant Chapel (1840)

- Nominated World Heritage area
- Convict structure
- Convict ruin
- Convict archaeological site
- Non-convict structure
- Compound Wall and Arched Gateways
- Contours
- Convict built Sea Wall

Buildings are labelled as their convict era use. Some buildings now fill different functions.

Scale 1 : 6,750



Old Government House and Domain, Parramatta New South Wales

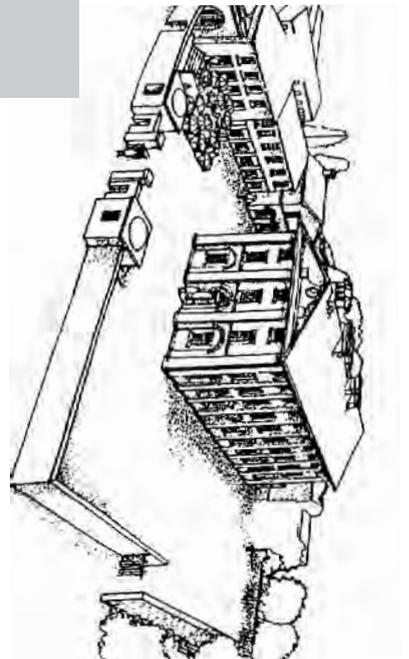
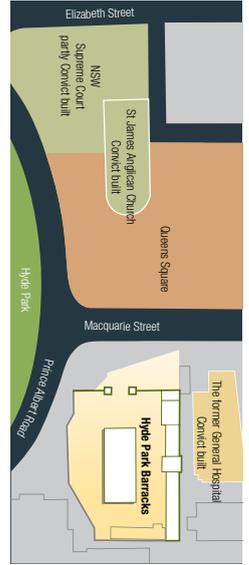
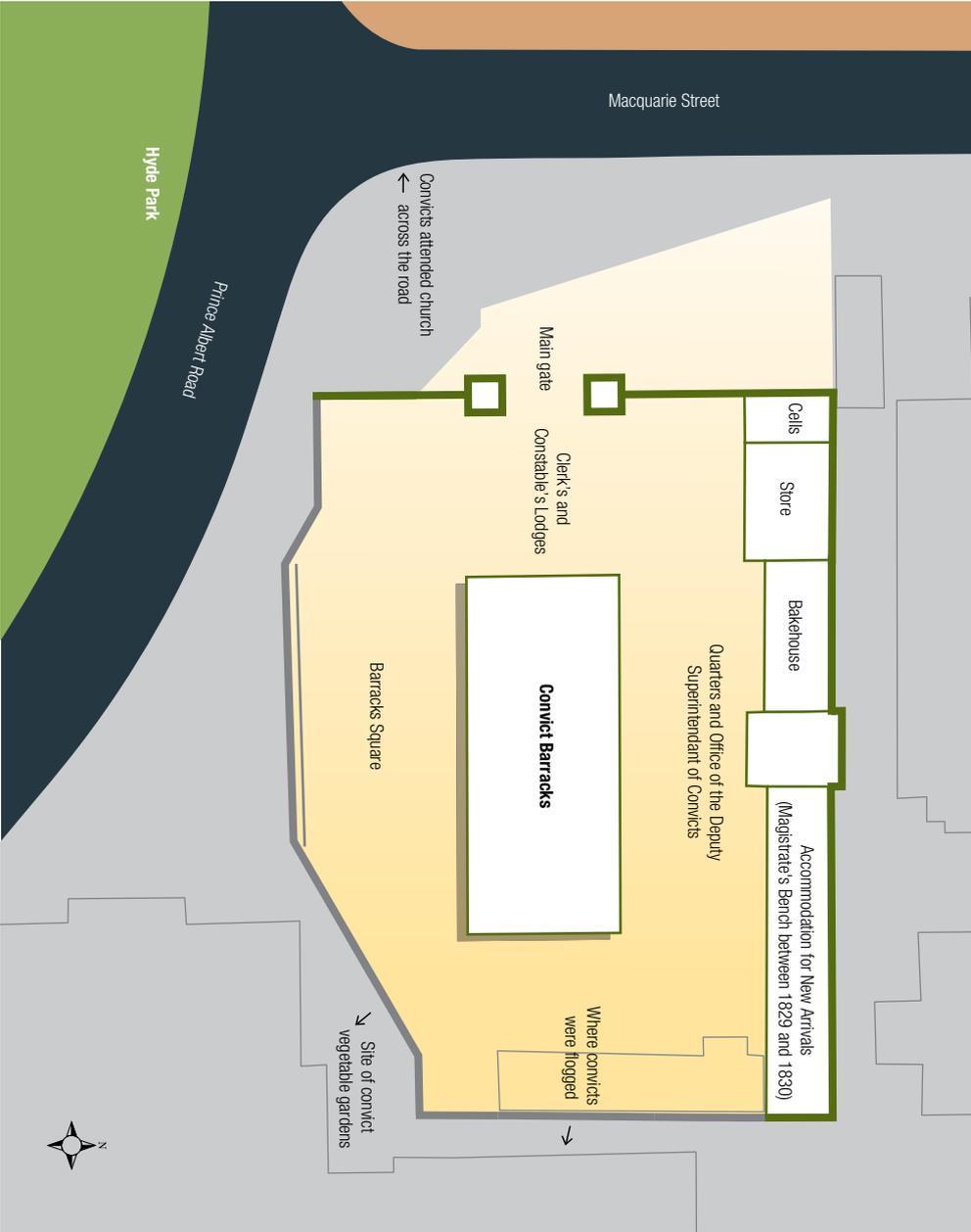


- A: Governor's Dairy 1815-16
- B: Milk room 1822
- C: Cattle yards 1790
- D: Lumber yard 1789
- E: Botanic gardens 1800



Buildings are labelled as their convict era use. Some buildings now fill different functions.

Hyde Park Barracks, New South Wales



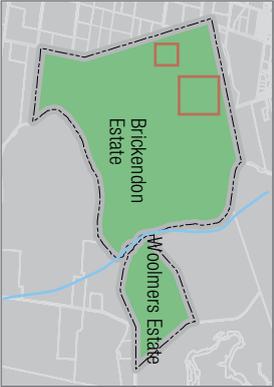
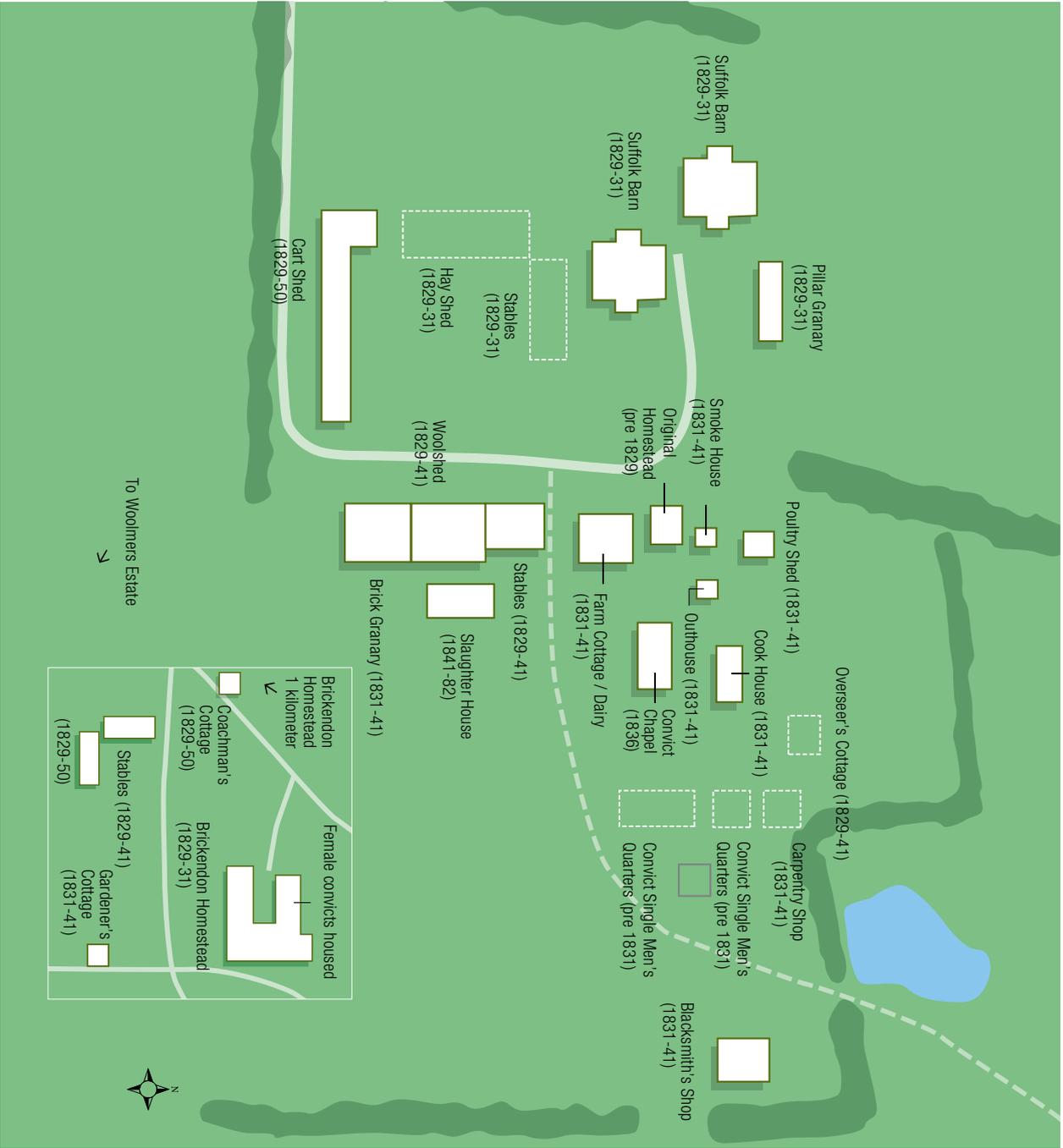
Nominated World Heritage area
 Convict structure
 Non-convict structure
 Perimeter wall

Buildings are labelled as their convict era use. Some buildings now fill different functions.

Scale 1 : 750

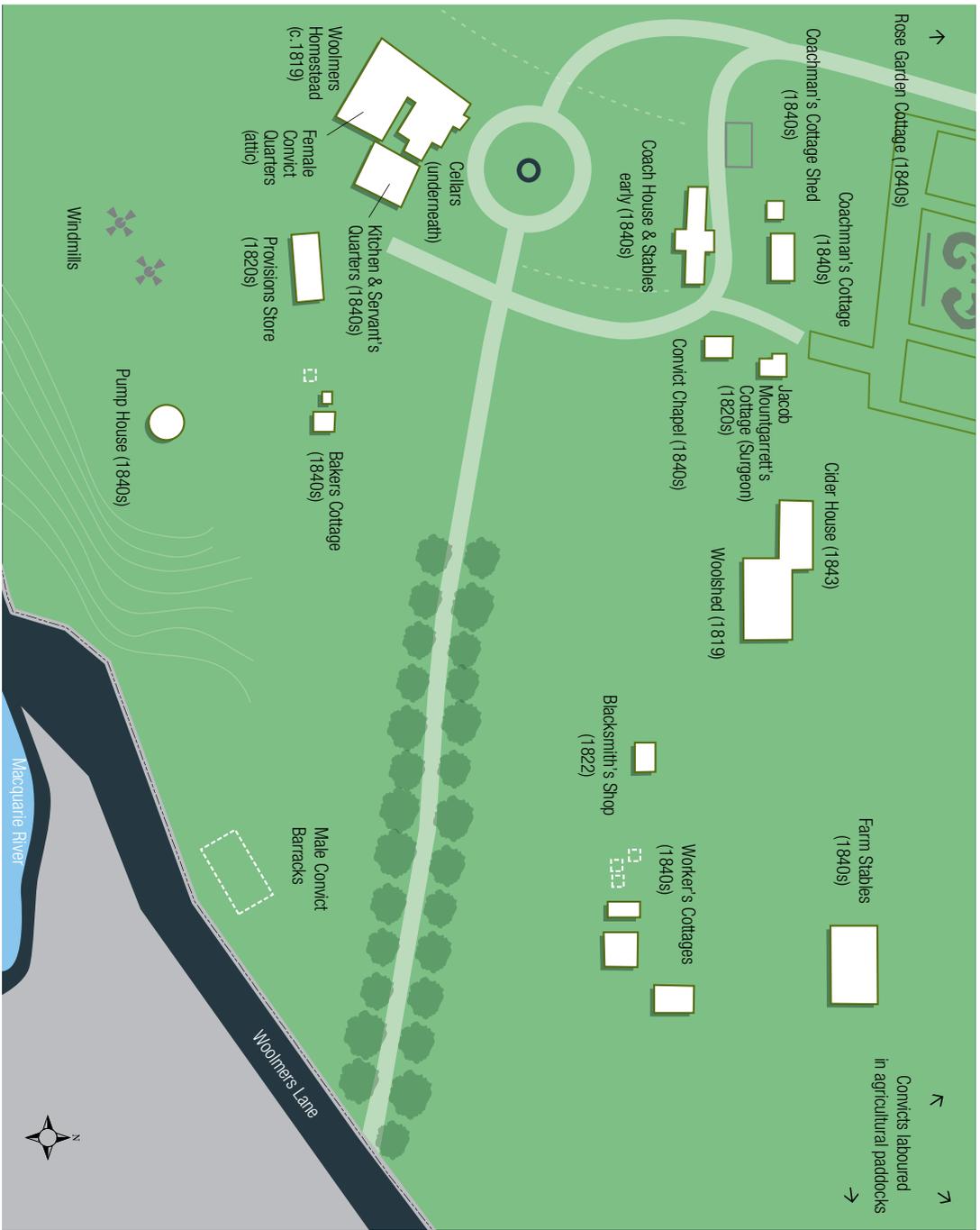


Brickendon Estate, Tasmania



- Nominated World Heritage area
 - Convict structure
 - Convict ruin
 - Convict archaeological site
 - Convict planted hedges
 - Non-convict structure
 - Tracks
 - Access Roads
- Buildings are labelled as their convict era use. Some buildings now fill different functions.
- Scale 1 : 2,225

Woolmers Estate, Tasmania



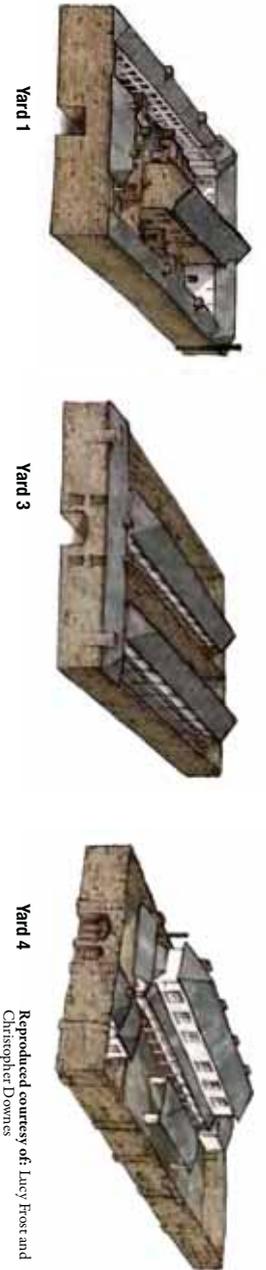
Darlington Probation Station, Maria Island, Tasmania



- | | |
|--------------------------------|---|
| Nominated World Heritage area | Non-convict structure |
| Convict structure | Roads |
| Convict ruin | Non-convict remains |
| Convict archaeological remains | Buildings are labelled as their convict era use. Some buildings now fill different functions. |
| Convict archaeological site | Scale 1 : 3,000 |



Cascades Female Factory, Tasmania



Reproduced courtesy of: Lucy Ffrost and Christopher Downes



Yard 1 (1828) – Period of construction and use

1. Kitchen area
2. Nursery for mothers and infants yard
3. Hospital yard
4. First Class Yard
5. Assignables Class Yard
6. Crime Class Yard
7. Solitary punishment cells
8. Original Chapel
9. Second Chapel
- 9a. Crime class sleeping room
- 9b. Assignment class sleeping rooms
- 9c. First class sleeping rooms
- 9d. Cooks sleeping rooms

Yard 3 (1842) – Period of construction and use

10. Work shops
11. Privies
12. Offices / Store room
13. Wood Yard

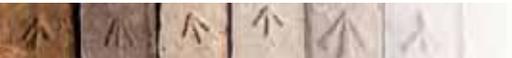
Yard 4 (1850) – Period of construction and use

1. Solitary Apartment blocks West
2. Solitary Apartment blocks East
3. Office / Apartment West
4. Offices / Apartments East

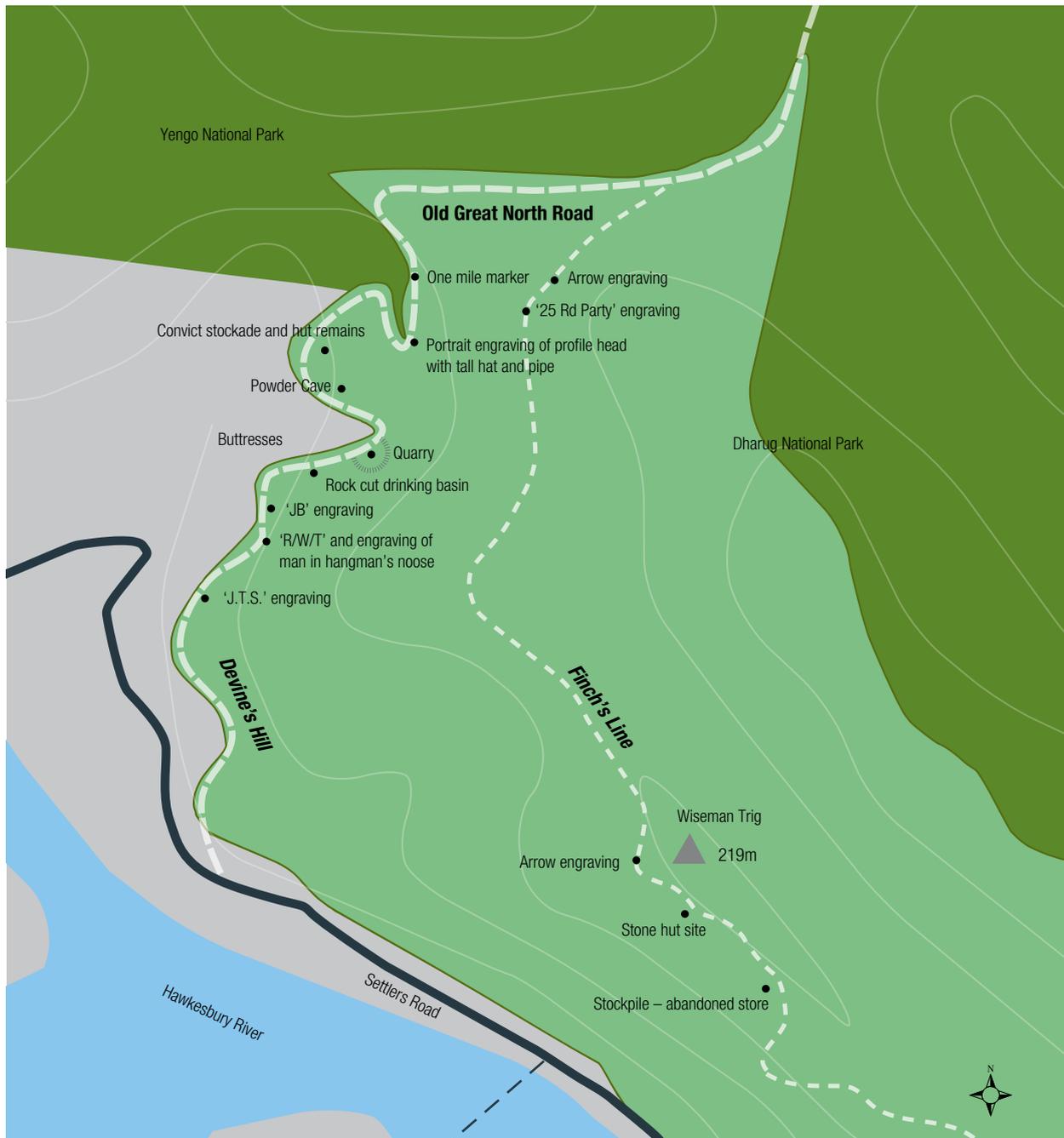
Yard 4 (1850) – Period of construction and use

1. Matron's Cottage
2. Subrattans Cottage
3. Covered walkway to Yard 3
4. Cookhouse / Washhouse
5. Nursery apartments for babies and women
6. Shelter Shed
7. Privies

- Nominated World Heritage area
 - Convict structure
 - Convict Perimeter wall
 - Convict surface archaeological remains of key buildings
 - Convict sub-surface archaeological remains of key buildings
 - Non-convict structure
- Buildings are labeled as their convict era use. Some buildings now fill different functions.
- Scale 1 : 650



Old Great North Road, New South Wales



Nominated World Heritage area
 National Park

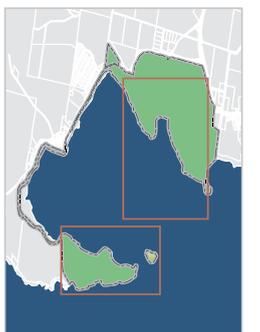
Scale 1 : 15,000

- 1. Mile marker
- 2. Quarry
- 3. Hut site

Port Arthur Historic Site, Tasmania



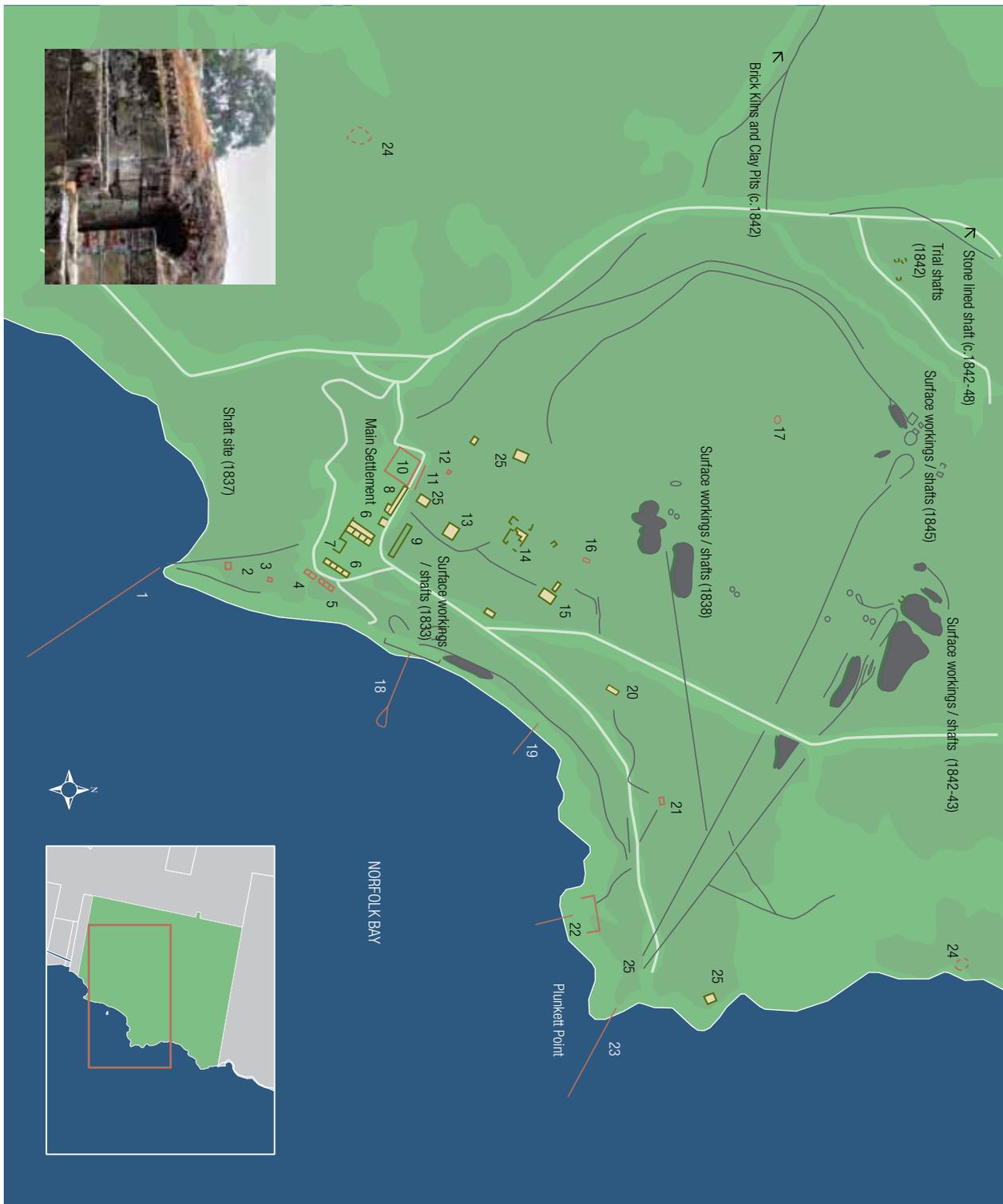
- Port Arthur Legend**
1. Commandant's House (1833)
 2. Senior Military Officer's Quarters (1833)
 3. Guard Tower (1836)
 4. Law Courts (1846)
 5. Officer's Quarters (1844)
 6. Military Barracks site
 7. Smith O'Brien's Cottage (c.1850)
 8. Hospital (1842)
 9. Officers' Quarters sites (1834)
 10. Commissariat Store site (1830)
 11. Watchmen's Quarters (1857)
 12. Penitentiary (1845) (Former granary)
 13. Workshops site (1830)
 14. Sawpits site (1856)
 15. Prisoner Barracks site (1830)
 16. Paupers Mess (1864)
 17. Asylum (1868)
 18. Separate Prison (1849)
 19. Farm Overseer's Cottage and Dairy (1858)
 20. Visiting Magistrate's House (1847)
 21. Roman Catholic Chaplain's House (1844)
 22. Junior Medical Officer's House (1848)
 23. Accountant's House (1845)
 24. Parsonage (1843)
 25. Church (1837)
 26. Government Cottage (1853)
 27. Quarry and stone yards sites (1855)
 28. Overseers' Quarters sites (1847)
 29. Clerk of Work's House (1848-57)
 30. Master Shipwright's House (1834)
 31. Lime Kiln (1854)



- Point Puer Legend**
- Workshops area includes:**
- Workshops
 - Barracks
 - Stonecutters Shop
 - Boat Builders Shop
 - Exempt room
 - Cookhouse
 - Bakeryhouse
 - Jetty site
 - Superintendent's House
 - Catechist's House
 - Sawpit
 - School/Chapel
 - Timber yard
 - Wharf
 - Stone lined pit
 - Ponds
 - Earthworks
 - Foundation trenches
 - Quarry
- Gaol area includes:**
- Soldiers hut
 - Line of demarcation
 - Solitary cells
 - Separate Apartments
 - Keepers hut
 - Cell foundations
 - Gaol
 - Aqueduct
 - Wall
 - Gaol Keepers House
 - Military Barracks
 - Separate Apartments
 - Southern Jetty
- Isle of the Dead includes:**
- Headstones
 - Tidal benchmark

- Nominated World Heritage area
 - Convict structure
 - Convict ruin
 - Convict archaeological remains
 - Convict archaeological site
 - Non-convict structure
- Buildings are labelled as their convict era use. Some buildings now fill different functions.
- Scale 1 : : 38,000

Coal Mines Historic Site, Tasmania



1. Coal Jetty site (c. 1837)
2. Surgeon's House (1838)
3. Coxswain's House (c. 1842)
4. Assistant Superintendent House (c. 1842)
5. Engineer's Store (c. 1842)
6. Prisoner Barracks (c. 1838)
7. Chapel (c. 1838)
8. Officer's Quarters (c. 1848)
9. Bakerhouse and Workshops (c. 1848)
10. Solitary Punishment Cells (c. 1843)
11. Separate Apartments (c. 1849)
12. Hospital (c. 1848)
13. Superintendent House (c. 1843)
14. Military Barracks (c. 1837)
15. Senior Military Officer's House (c. 1837)
16. Military cemetery (c. 1848)
17. Semaphore Station (1837)
18. Coal Wharf and Jetty (c. 1833)
19. Lime Kiln and Jetty (c. 1837)
20. Commissariat Officer's House (c. 1842)
21. Catechist (c. 1842)
22. Commissariat Store and Jetty (c. 1842)
23. Coal Jetty (c. 1842)
24. Quarry (c. 1837)
25. Unidentified Buildings (c. 1848)

- Nominated World Heritage area
- Convict structure
- Convict ruin
- Convict archaeological remains
- Coal workings and transport
- Roads
- Coal dumps / mullock heaps

Buildings are labelled as their convict era use. Some buildings now fill different functions.

Scale 1 : 5,500

Cockatoo Island Convict Site, New South Wales

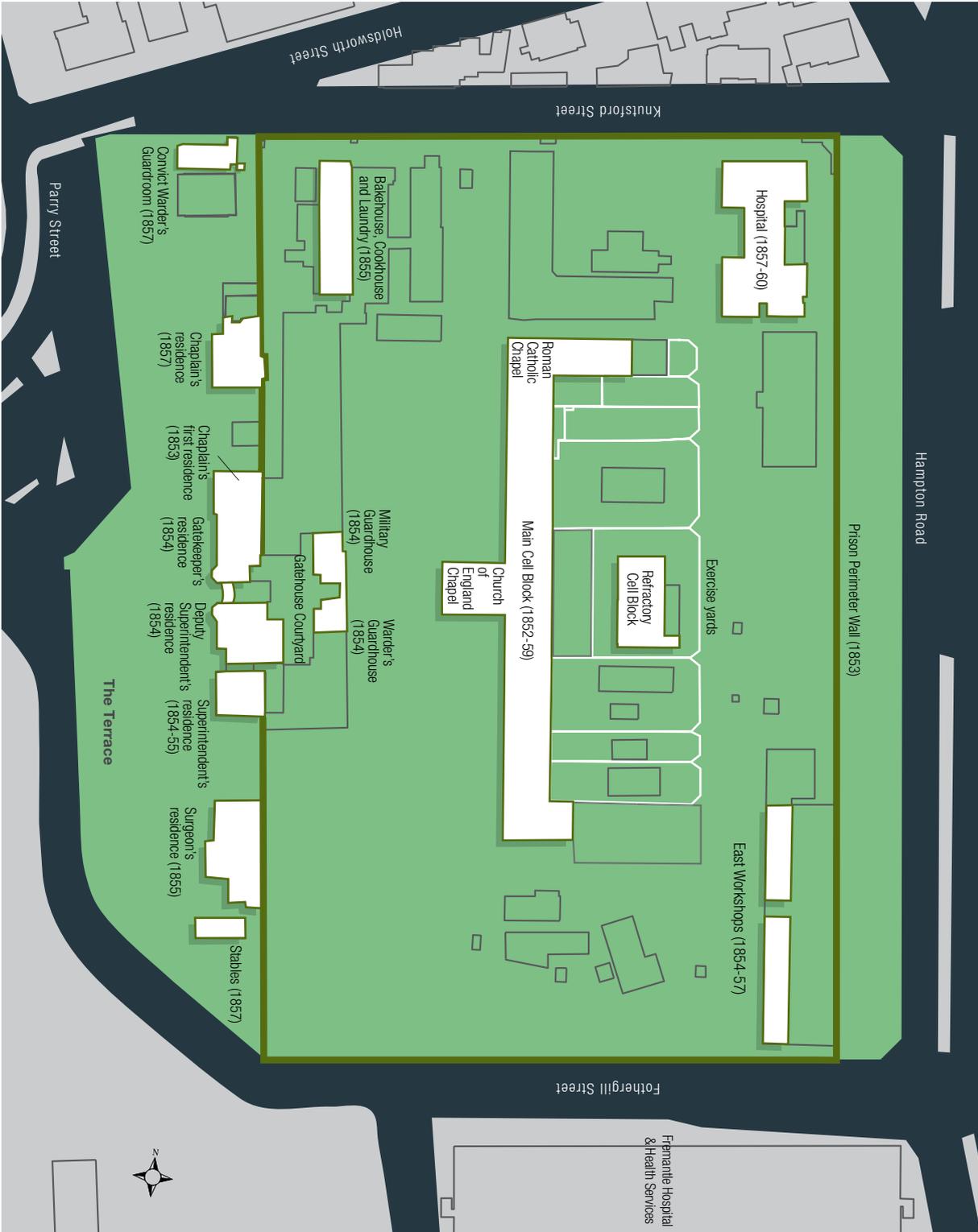


- Nominated World Heritage area
- Convict structure
- Convict ruin
- Convict archaeological site
- Non-convict structure
- Plateau

Buildings are labelled as their convict era use. Some buildings now fill different functions.

Scale 1 : 2,500

Fremantle Prison, Western Australia



- Nominated World Heritage area
 - Convict structure
 - Non-convict structure
 - Perimeter wall
- Buildings are labelled as their convict era use. Some buildings now fill different functions.
- Scale 1 : 1,500

PART 3

JUSTIFICATION FOR INSCRIPTION

The *Australian Convict Sites* are nominated under criteria (iv) and (vi) for their outstanding universal significance as:

- an exceptional example of the forced migration of convicts – an important stage of human history (criterion iv); and
- a significant example of global ideas and developments associated with the punishment and reform of the criminal elements of humanity during the Age of Enlightenment and the modern era (criterion vi).



3.A JUSTIFICATION

The Australian Convict Sites represent the outstanding universal values of the great suffering of many millions of criminal offenders and political dissidents as well as the hopes of the Age of Enlightenment to rehabilitate the criminal elements of society.

The forced migration of convicts was inextricably intertwined with several other significant global phenomena that preceded, coincided with or followed it. These include: the intercontinental migration of indentured labourers, enslaved peoples and free peoples around the world; the anti-slavery and anti-transportation movements; and the drive by state powers to establish a more rational and humane treatment of the criminal elements of society following the Age of Enlightenment. The advent of transportation and penal colonies had an impact on, and were influenced by these world changing events. The *Australian Convict Sites* manifest important elements of these global developments.

Criterion (iv)

Collectively, the *Australian Convict Sites* are an outstanding example of an architectural ensemble which illustrate a significant stage in human history, that of the forced migration of convicts. Through these buildings the *Australian Convict Sites* demonstrate the main features of the global systems of transportation and convictism. These were:

- use of transportation as a strategic tool to expand the home state's spheres of influence. Many state powers used convicts to build new colonies in order to expand their economic, military and political influence across the world;

- use of transportation by nation states as a mechanism for the control of law and order. The establishment of penal colonies to punish criminal offenders and deter crime in the home state was an immediate and long-term objective of transportation systems; and
- use of transportation by state powers to reform the criminal elements of humanity. Penal systems were introduced to rehabilitate criminals into productive citizens and integrate them into the new colonies or for their return to the home state.

Table 3.1: *Australian Convict Sites* illustrating the key elements of the forced migration of convicts.

CRITERION (IV) THEMATIC ELEMENTS SITE	EXPANDING GEO-POLITICAL SPHERES OF INFLUENCE	PUNISHMENT AND DETERRENCE	REFORMATION OF CONVICTS
KAVHA	✓	✓	✓
Old Government House			✓
Hyde Park Barracks			✓
Old Great North Road	✓	✓	
Cockatoo Island	✓		
Brickendon–Woolmers	✓		✓
Darlington			✓
Cascades	✓	✓	✓
Port Arthur	✓	✓	✓
Coal Mines	✓	✓	
Fremantle Prison	✓		✓

Over many decades, state powers pursued this mixture of economic, political and penal objectives and were generally able to achieve broad compatibility between them. While the dual goals of punishment and reform occurred simultaneously throughout the convict era, the emphasis often shifted as governments gave greater attention to one goal over the other. The history of convictism exhibited a pattern of peaks and troughs with alternating periods of increased efforts to rehabilitate convicts and periods of more severe punishment. Nevertheless, punishment and reformation continued to be pursued concurrently. See Appendix D.

Criterion (vi)

The *Australian Convict Sites* are of outstanding universal significance for their association with global developments in ideas and beliefs about punishment and reform of the criminal elements of humanity in the modern era.

These included:

- consolidation and expansion of the transportation system as one of the dominant models of punishment of crime by European powers in the 19th century;
- emergence of new forms of punishment including the shift from corporal punishment to psychological punishment, and the development of segregated prisons for female and juvenile criminals; and
- influence of transportation on the rise of national penitentiary system in Europe.



Leaving family and homeland behind, convicts start their journey to a foreign land.

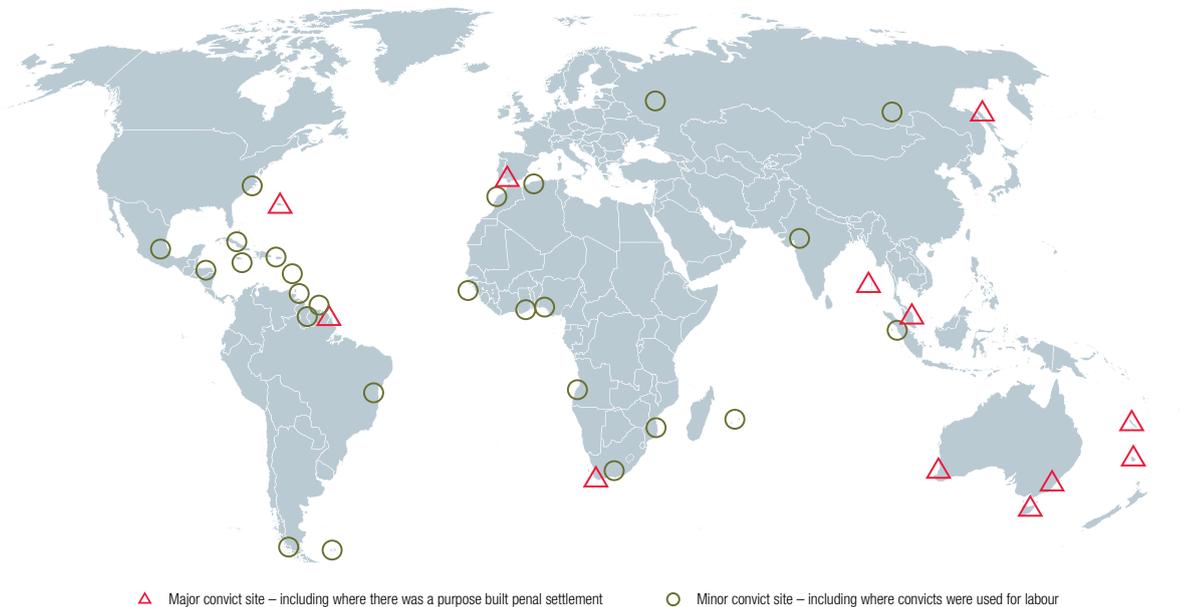
Reproduced courtesy of: Allport Library and Museum of Fine Arts, State Library of Tasmania.

Table 3.2: *Australian Convict Sites* associated with key elements of penology developments in the modern era.

CRITERION (VI) THEMATIC ELEMENTS	PENAL TRANSPORTATION AS DOMINANT MODEL	SHIFT IN THE PUNISHMENT OF CRIME IN MODERN ERA FROM PUNISHING THE BODY TO PSYCHOLOGICAL PUNISHMENT	INFLUENCE ON EMERGENCE OF NATIONAL PENITENTIARY SYSTEM
SITE			
KAVHA		✓ 'separate system'	
Old Government House	✓		
Hyde Park Barracks	✓		
Brickendon–Woolmers		✓ assignment system	
Darlington		✓ probation system	
Old Great North Road	✓		
Cascades		✓ female factory system	
Port Arthur		✓ 'open air' panopticon, 'separate system' and segregated boys prison	
Coal Mines			✓
Cockatoo Island			✓
Fremantle Prison		✓ panopticon design prison and 'separate system'	✓

Criterion (iv)

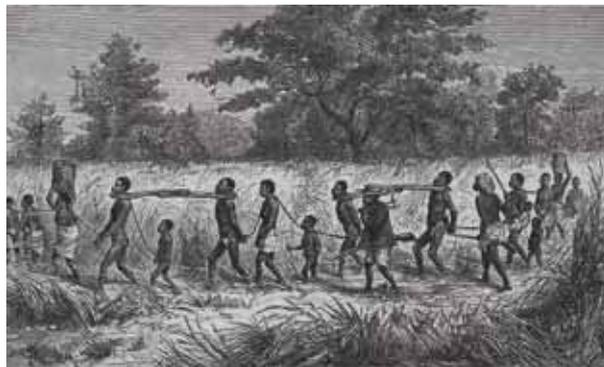
An outstanding example of a type of building or architectural or technical ensemble or landscape which illustrates a significant stage in human history



The transportation of convicts to Australia, more than 160,000 male and female convicts, represented the largest forced exile of citizens at the behest of a European government in modern history.⁹⁷

The *Australian Convict Sites* are of outstanding universal value as a representation of the era of penal transportation. Convictism was one of the three major forms of intercontinental forced migration in world history. Slavery and indentured labour were the other main types. Convictism had similarities to these forms of forced migration but there were also several unique elements. Forced migration falls within the priority thematic areas of the ‘movement of peoples’ and ‘settlement’ under UNESCO’s *Global Strategy*. This strategy aims to increase the representation of places on the *World Heritage List* that demonstrate these and other globally important thematic areas.⁹⁸ Several properties demonstrating slavery and indentured labour are inscribed on the *World Heritage List*. No places have been inscribed for convictism.

The forced migration of convicts to penal colonies had a significant impact on global developments from the ‘early modern’ to the ‘modern’ period. In contrast to the forced migration of slaves and indentured labourers, penal transportation was a new epoch for punishing crime in the world. Prisoners convicted of criminal offences were transported to penal colonies as a new form of punishment that lasted for several centuries. Penal transportation had an important influence on the political, economic and military development of many European nation states and empires during this period. It played an important role in



1880. A group of slaves chained together travel to be sold at a market.

Reproduced courtesy of: Special Collections, John D. Rockefeller, Jr. Library, The Colonial Williamsburg, Va.

the colonisation process as convicts formed the vanguard to settle and develop new and existing colonies around the globe. Sometimes convict labour was instrumental in replacing enslaved peoples following the abolition of slavery. Transportation is an important part of world history, as an example of the subjugation of one part of humankind by another. It inflicted immense suffering on the lives of several million convicts, ex-convicts and their families. Yet penal transportation also ushered in an era of enlightenment and hope for the criminal elements of humanity. Unlike slavery, convictism was associated with the uplifting elements of human history. Transportation offered unprecedented

opportunities for prisoners to build new lives free of crime for themselves and their descendents in a new colony. This was not the case for most slaves.

The transportation of convicts to penal colonies was a global phenomenon predominantly from the 17th to the 20th centuries.⁹⁹ The forced migration of more than one million British, French, Spanish, Portuguese, Russian and Indian convicts to America, Australia, the Straits Settlements (Singapore, Penang and Malacca), Mauritius, Bermuda, Gibraltar, French Guiana, Sakhalin Island and the Andaman Islands was a major feature of intercontinental migration.¹⁰⁰ The figure swells to two and a quarter million if the forced migration of Russians to Siberia is included although only some of these were convicts.¹⁰¹ This was an important stage of human history paralleled only in the Atlantic and Indian Ocean slave trades and the shipment of Asian indentured labour to South Africa, the Mascarenes and West Indies. The *Australian Convict Sites* typify the period of penal transportation during the 18th and 19th centuries. Australia became an emblem for several European nations, signalling the success of the transportation system as an effective tool to punish and reform criminals and to carve out prosperous colonies. France and Russia sought to emulate Australia's success by establishing penal colonies in French Guiana, New Caledonia and Sakhalin Island (see Part 3.C).

The *Australian Convict Sites* comprise an unparalleled range of architectural ensembles that provide strong physical evidence of British transportation in the Australian context. These include: administrative, military, industrial and penal structures and ruins; rural estates where convicts worked; convict-built public works; and the spatial layout and placement of buildings and other structures at each of the sites. The sites demonstrate all the major phases and elements of transportation and penal systems in the colonies which involved: a voyage to a distant place; banishment and dislocation from homeland and family; and the changing nature of penal systems designed to discipline, punish and reform convicts.¹⁰² The *Australian Convict Sites* are the only surviving places in the world today that illustrate all of the significant features of convictism and are fully protected under comprehensive legislative frameworks. They also

demonstrate unusual features of convictism including diverse and complex penal systems as well as exceptional experiments to punish and reform convicts.

The *Australian Convict Sites* are directly associated with vast collections of convict materials that have no equivalent in the world.¹⁰³ The collections comprise: artefacts; official documents that record the regulation of convict lives in extraordinary detail; personal narratives; paintings and sketches; poetry and ballads; and fictionalised accounts of convict life.¹⁰⁴ These materials evoke the experience of the forced migration of convicts and greatly enhance our knowledge of this important stage of human history.¹⁰⁵ They constitute a globally unique convict-centred perspective of the processes associated with both transportation and the penal regime in Australia.¹⁰⁶ They uniquely capture both the dark and sombre side of humanity as well as its uplifting and enlightening aspects.¹⁰⁷ The most significant collections are housed at Hyde Park Barracks, Port Arthur and KAVHA.¹⁰⁸ In 2007, some of Australia's convict records were listed on the *UNESCO Memory of the World Register*.¹⁰⁹

The *Australian Convict Sites* are an outstanding representation of convictism in terms of the nature and scale of the transportation system, the penal colonies and convict systems in Australia (see Part 2.B and Part 3.C).

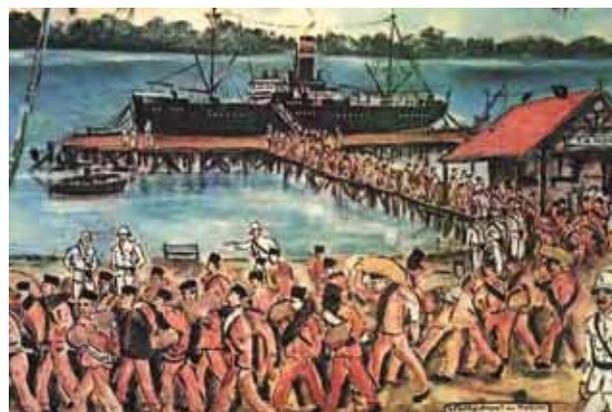
Transportation as a strategic tool to expand spheres of influence

The transportation of convicts to penal colonies was used by European powers to expand their geo-political spheres of influence from the 17th to the 20th centuries. Transportation fundamentally altered the political, military and economic 'face' of the globe during this period. The *Australian Convict Sites* are a representation of this phenomenon during the 18th and 19th centuries. A wide range of architectural ensembles demonstrate this important element of convictism. These include convict-built structures and ruins of penal stations, a female factory, agricultural estates worked by convicts, a colliery, lime kilns, grain silos, a salt mill, brickworks, dockyards, a road and public buildings.



The first fleet arrives in Sydney Cove in 1788 carrying 759 convicts plus guards, their families and civil officers.

Reproduced courtesy of: National Library of Australia, J Allcott, The first fleet in Sydney Cove January 27, 1788, pic-an7891482.



1930s painting showing convicts disembarking at St Laurent du Maroni, French Guiana, by convict artist Francis Lagrange.

Reproduced courtesy of: Yvan Marcou.

The transportation of convicts to Australia was 'the greatest penal experiment of all time'¹¹⁰, 'such a novel and vast undertaking.'¹¹¹

Britain, France, Spain, Russia and Portugal used convicts to establish new settlements to expand their political, military and economic influence around the world. Typically, penal colonisation involved taking possession of (or expanding previously acquired) territories, resources, harbours and trade routes and at the same time, denying them to rival powers. Convicts were an important tool used by nation states to expand their geo-political power through the creation or expansion of overseas colonies, increased trade within their empires and naval strength.¹¹² Convicts were often a critical part of the colonisation process and frequently complemented or replaced other bonded labour: slaves from Africa particularly after the abolition of slavery; and indentured servants from Europe and Asia.¹¹³ Convicts formed a vital cheap, controllable and replenishable workforce. European powers used them to establish new colonies, expand existing colonies or bolster struggling colonies across Australia, South-East Asia, the Indian and Pacific oceans and South America.¹¹⁴

Britain was a key player in this process. Penal transportation was an important element of the expansion and consolidation of the British empire from the late 18th century to the mid 20th century (see Appendix C and D). The establishment of the first penal colony at Sydney Cove, followed by outposted settlements and other colonies around the continent was partly driven by Britain's colonial ambitions.¹¹⁵ Superpower rivalry between Britain and France (and sometimes with the support of Spain and/or the Netherlands) influenced Britain's initial decision to transport convicts to Botany Bay.¹¹⁶ In establishing a penal colony in Australia, Britain sought to forestall other European powers, particularly France. France had a strong interest in deploying transportation to exploit rich resources in a new penal colony and sent naval expeditions to Australia.¹¹⁷ France and the Netherlands were developing trade links with the East Indies and China, and Britain was in danger of being squeezed out of the region. Britain had ambitions to use its fleet to expand into Asia, South America and the Pacific Ocean to fill the power vacuum left by the declining Spanish and Portuguese empires.¹¹⁸ A colony in Australia would help exclude British rivals from the vast sea space of the western Pacific and the Indian Ocean. Australia had enormous potential for providing ports, provisions and materials including valuable naval stores for Britain's Royal Navy and East India Company which operated increasingly in the region. A penal colony at Sydney Cove was seen as an economically viable way of developing a major trading and naval base in the Pacific. British convicts were transported to VDL to curb French ambitions in the region.

The transportation of convicts to further Britain's colonisation ambitions exhibited features that were typical of global convictism and had several exceptional elements. Convicts and emancipists were instrumental

to the colonisation process in Australia. They played a critical role as the primary engine of the labour force and in populating the new colonies. Convicts were the first European peoples to migrate and settle in a continent that later became the Commonwealth of Australia.¹¹⁹ When convicts first arrived, there was no European infrastructure: no roads, bridges, means of communication, churches, public or private buildings, farms, gardens, parklands or resource 'development'. Britain transported convicts who were particularly well suited to empire building. Male convicts were mainly young and physically fit and many were skilled in various trades.¹²⁰ Most female convicts were in the optimum age bracket for marriage and for bearing and raising children. Many women also had domestic service skills. At different times during the convict era, the demands of building new colonies and the need to integrate convicts into the new societies subsumed the other aims of transportation, particularly the deterrence of crime.

A new 'European' society was created and spread across most of the Australian continent through the efforts of male and female convicts, ex-convicts and their families. Their numbers and skills produced high levels of economic growth and development.¹²¹ Male convicts were in the frontline constructing infrastructure, clearing the land, developing natural resources and forging the first European settlements in lands previously unsettled apart from some areas of Aboriginal occupation.¹²² The entire original infrastructure of the NSW and VDL colonies – the roads, bridges, public buildings and churches – was constructed and sometimes designed by convicts. Most of the first



Convicts Mary Proctor and husband William Fitches formed a mutually beneficial relationship during and after their sentence of transportation.

Reproduced courtesy of: Dixon Galleries, State Library of New South Wales.

significant infrastructure in WA was built by male convicts. Unlike many other penal colonies, female convicts played a major role in creating a flourishing colony. Female convicts contributed to the population growth and the future labour force, as well as to the economic development of the colonies working as domestic servants, producers of manufactured goods, laundresses and seamstresses.¹²³ They were also an important civilising force particularly for family formation and to curb homosexuality in the colonies. The British government's concerns about homosexuality are outlined under criterion (vi).

Australia was the only place in the world where convicts and ex-convicts were the major driving force in creating vibrant penal colonies that later became a nation. In only a few decades, NSW and VDL made the transition from penal colonies into vibrant, comparatively free-market colonial economies and societies. WA was transformed from a struggling free colony where collapse was imminent into a prosperous economy following the establishment of the penal colony. Norfolk Island was converted into a flourishing island settlement for the Pitcairn community. This transformation of the penal colonies is documented individually and collectively by the nominated sites. Convicts in other parts of the world were unable to create thriving penal colonies (eg French Guiana and Angola largely due to harsh environmental conditions and high mortality rates) or were not the main driving force of the colony's success (eg New Caledonia).

Australian Convict Sites

KAVHA, Brickendon–Woolmers, the Old Great North Road, Cacades Female Factory, Port Arthur, Coal Mines, Cockatoo Island and Fremantle Prison are significant examples of the use of transportation to extend the military, political and economic influence of Britain (see also Part 2, Part 3.C and Appendix D).

KAVHA is a material record of the use of convicts as a geo-political tool by Britain. Norfolk Island had strategic military importance for its harbour, potential naval resources (pine and flax) and as an outpost of the colony of NSW to avert French colonial ambitions in the region. These were significant factors underlying Britain's decision to establish a penal colony at Botany bay and the subsequent outpost colony at Norfolk Island. In 1787 Lord Sydney instructed Governor Phillip to establish a penal colony on Norfolk Island 'to prevent it being occupied by subjects of any other European power.'¹²⁴ The harbour, pier and outbuildings continue to function as a port and a number of pine trees survive from the convict period. The layout and the majority of the penal colony's structures are still visible today.

Brickendon–Woolmers constitute a significant material record of the vital role of assigned convict labour for the economic development and expansion of the colonies. Convicts made up the majority of the rural labour force in NSW and VDL up until 1840. Approximately 100 male and female convicts were assigned to the estates



KAVHA was established as an outposted penal station of NSW in 1788 to expand Britain's military, political and economic influence.

each year playing an important role in their establishment and expansion. Male convicts constructed houses, farm buildings and structures, undertook land clearance and crop production, and worked as blacksmiths, tanners, bricklayers and agricultural hands. Female convicts worked primarily as domestic servants and sometimes worked alongside male convicts during harvesting. There are two homesteads that contain the living and working quarters for female convicts. The agricultural and pastoral work undertaken by male convicts is illustrated by convict built barns, woolsheds, stables, blacksmiths shops, granneries, coachman's cottages, bakers cottage and worker's cottages. The landscape retains other key convict features such as the field systems, hedges planted by convicts for use as fencing and clay drainage pipes made by convicts.

The Old Great North Road has tangible physical evidence of the use of convict labour in empire buildings. It was part of an ambitious road works program to expand settlement to the north, south and west of Sydney using several thousand convict labourers. The road system comprised a total of 500 kilometers of road and took 14 years to complete.¹²⁵ Two surviving sections of the Old Great North Road are an exceptional testimony to the important role of convict labour in the development of infrastructure and the expansion of the colony of NSW. The site is described fully in Part 2.



1830s painting looking along the Old Great North Road. Hard labour was used to not only punish re-offending convicts, but to expand the penal settlement.

Reproduced courtesy of: National Library of Australia, W Gauci, Road near Portland Head, New South Wales, pic-an8538709.

Cascades is a testament to the survival and prosperity of the colonies for the benefit of Britain through the efforts of female convicts. Many convict women were housed and undertook work in female factories around the colonies while awaiting assignment or as a punishment for breaches of rules. They worked as task workers producing clothes, carding and spinning textiles (wool and linen), processing wool blanketing fabric, laundering and needlework.¹²⁶

Cascades was a significant place for manufacturing textiles and supplied yarn to many places across VDL including for use in the fulling house at Darlington Probation Station. In a two-month period in 1843, Cascades produced

2,500 pairs of trousers and 165 blankets.¹²⁷ The labour of female convicts in the factories was significant in reducing the financial cost of the penal colony. Cascades was an important place where many female convicts were assigned to free settlers or male convicts (as their wives). Female convicts and family formation were vital as a civilising force that held the colonies together. The site is detailed at Part 2.A and 2.B.

Port Arthur evolved into a major maritime and industrial complex through the efforts of male convicts. As evidenced through its unique and important tangible remains, convicts played a major role in the construction of roads and buildings (including signal stations and a timber railway), quarrying, brick making, clearing land, felling timber, grinding wheat and manufacturing products. Convicts produced critical supplies for the colonies including worked stone, sawn/milled timber, shoes, clothes, ironmongery and wheat, and some were exported to Britain.¹²⁸ At the original large Granary and Flour Mill (four-storeys and 70 metres wide) convicts produced up to 18 bushels of flour per hour.¹²⁷ They provided the human power for the treadmill along with the waterwheel to grind the wheat. Over 160 ships and boats were built at Port Arthur before 1844.¹²⁹ Evidence of the convicts' shipbuilding work is reflected in a harbour complex which includes the lime kiln, dockyard and cottages of the master shipwright and clerk of works. The waterfront area was also used for loading goods produced by convicts.



1854 drawing of Port Arthur showing convicts pulling a cart (foreground) and a work gang marching back to prison (right). The semaphore station (back, right) was used for the surveillance of convicts.

Reproduced courtesy of: National Library of Australia, Etablissement penitenciere de Port Arthur, Terre de Van-Diemen, pic-an8864286.



HMS Galatea in Fitzroy Dock, Cockatoo Island. Convicts significantly contributed to the construction of the dock enhancing Britain's naval influence in the Pacific.

Reproduced courtesy of: Mitchell Library, State Library of New South Wales.



A government gaol gang, some in chains, in Sydney NSW in the early 1800s.

Reproduced courtesy of: National Library of Australia, A Earle, A government jail gang, Sydney N.S.Wales, pic-an6065451.

The Coal Mines has extensive evidence of the use of convict labour for the economic advantage of Britain. Convicts were used to extract and cart coal, a resource that was vital to economic development of VDL. The main convict station and coal mine site were built using convict labour. Convicts also worked above ground on a network of tram roads and jetty termini, cutting timber for the workings, blacksmithing and tailoring. The site provides exceptional physical evidence of the use of transportation to expand the economic and political influence of Britain. The site is described fully in Part 2.

Cockatoo Island shows substantial physical evidence of the use of convict labour as an instrument of colonisation and to enhance Britain's naval influence. The penal station was a significant source of convict labour that contributed to infrastructure development and food production. Convicts excavated around 20 silos from sandstone cliffs on Cockatoo Island at a time when NSW was experiencing acute food shortages. The silos were designed to hold around 140 tonnes of grain as store provisions for future use in the colony.¹³⁰ Convicts quarried the sandstone cliffs on the island to extract sandstone blocks for the buildings of the penal station, as well as harbour works around the Sydney foreshore. The availability of convict labour was an important factor in deciding to locate a naval establishment for the colony at Cockatoo Island. The naval base was used to dock and repair ships of the British Royal Navy. Around 20 structures survive at Cockatoo Island including several silos and the dockyard (see Part 2).

Fremantle Prison is a compelling expression of the use of transportation to transform WA into a viable economy and colony for the economic and political benefit of Britain. Fremantle Prison is a massive complex that was built by convicts over several years. All convicts transported to WA spent time at the prison and many worked outside during the day on public infrastructure. Convicts constructed roads, bridges, jetties, buildings and other important public works such as a new government house. Convicts were also hired

out to free settlers in country areas to undertake significant agricultural and mining activities critical to the development of the colony.¹³¹ In 1855, Governor Fitzgerald reported to a House of Lords committee in Britain that convicts had saved the colony.¹³² Fremantle Prison is a remarkable architectural ensemble and one of the largest surviving convict prisons in the world today.

Transportation as a mechanism to deter crime

The *Australian Convict Sites* exemplify European powers' shipment of criminals to penal colonies to punish them and deter criminal activities in the home state during the 18th and 19th centuries. Deterrence typically entailed banishment of criminals to distant penal colonies and subjugation under a repressive penal environment with various corporal and psychological punishment regimes. The nominated sites are representative of these features and are powerful reminders for the world of the great suffering inflicted on one part of humanity by another during the convict era. They include structures and ruins of penal stations, a convict-built road, a colliery, prisons with underground and solitary cells, military and convict barracks, industrial complexes, administrative buildings and officers' cottages.

Transportation was an important tool for deterring crime and maintaining law and order in the home state of the major European powers. The *Australian Convict Sites* are an outstanding example of this aspect of convictism. Rapid population increases, high unemployment and the emergence of a perceived new 'criminal class' were threatening to Britain, France, Spain, Portugal and Russia. The Industrial Revolution led to large-scale unemployment, social and economic dislocations and a rapid increase in criminal activities. The streets and countryside of many nations were frequently home for unemployed vagrants, 'rogues' and 'vagabonds'. Also, rudimentary local prisons and prison hulks often bulged with criminals and conditions were severe. These conditions were perceived to be a 'breeding ground' for rebellious political activists in the future and an increased potential threat to ruling elites.¹³³ There were also public demands from the Age of Enlightenment onwards for criminals to be treated more rationally and humanely. European powers increasingly used transportation to penal colonies as a system of social and political control to manage these pressures.¹³⁴ This was a major new development in the punishment of crime from the pre-modern era, replacing the use of execution as the dominant form of punishment (see criterion vi). As noted earlier, deterrence was only one of the major driving forces of penal transportation and frequently came into conflict with the goals of colonisation and reformation. Sometimes tensions were irreconcilable. Also, there are variations in historical studies about the severity of penal systems and colonies, ranging from 'relatively mild' through to 'brutalising'.¹³⁵

Forced exile was a traumatic experience for most convicts, both physically and mentally. In the Australian context, the 25,500 kilometre sea voyage to Sydney Cove took up to eight months in the early period and was greatly feared by convicts. This made it the longest and most dangerous voyage (as perceived by convicts) in the history of penal transportation.¹³⁶ Philanthropic reports contain accounts of the heartache of many broken families; children and parents were separated, mostly for life.¹³⁷ Most convicts were exiled permanently from their home, country and culture to a foreign world inhabited by native peoples, unknown terrain and wildlife and devoid of European 'civilisation'.¹³⁸ Like several other colonies, the vast majority of convicts sent to Australia did not return home and many convicts experienced exile as 'a terminal punishment', 'a sort of death'.¹³⁹ Convict 'love tokens' (pennies converted by convicts into messages to loved ones) and tattoos on convicts' bodies have been described by historians as 'tiny gravestones' recording convicts' distress and pain, of 'obliterated loves, hopes and lives'.¹⁴⁰ On the other hand, some convicts (such as juvenile convicts) exhibited a certain bravado or resignation to transportation or welcomed it as an opportunity for a new start.¹⁴¹

The *Australian Convict Sites* illustrate the repressive environment that operated in most penal colonies around the world. Subjugation and violence were features of the convict system in Australia (although the extent and degree varied across place and time), and there were cases of extreme brutality.¹⁴² Physical and psychological violence was an everyday feature of penal life for many convicts.¹⁴³ Subtle and pervasive systems of surveillance humiliated, intimidated and controlled convicts.¹⁴⁴ All convicts were either threatened with, received or witnessed harsh punishments.¹⁴⁵ Up until the 1820s, flogging was the main punishment and was often given for relatively minor breaches of the rules or through bad luck.¹⁴⁶ Sometimes excessive floggings led to serious illnesses or death.¹⁴⁷ The punishment also inflicted psychological pain causing terror, humiliation and degradation. Every male and female convict (1787–1817) knew they could be flogged for misdemeanours and many



'Transportation to NSW is intended as a severe punishment, applied to various crimes: as such must be rendered an object of real terror to all classes of the community ... the great end of punishment is the prevention of crime ...'

Bathurst's instructions to Commissioner Bigge.

Reproduced courtesy of: Archives Office of Tasmania, NS1014-1719.

'Bloody code'

- stealing horses or sheep
- destroying turnpike roads
- cutting down trees
- pick-pocketing goods worth more than one shilling
- being out at night with a blackened face
- unmarried mother concealing a stillborn child
- arson
- forgery
- stealing from a rabbit warren

The 'Bloody code' was the name given to the English legal system from the late 17th century to the early 19th century. The above are some of the crimes carrying the death penalty in the 18th century. Most sentences were later reduced to transportation to America, Australia and other British penal colonies.

Convict love token dating to 1797, with engraved illustration of convict with pipe c.1810-1820.

Reproduced courtesy of: Penelope Clay, Powerhouse Museum.

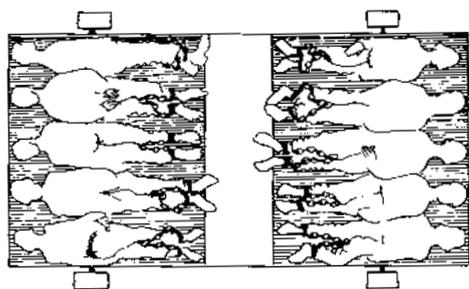
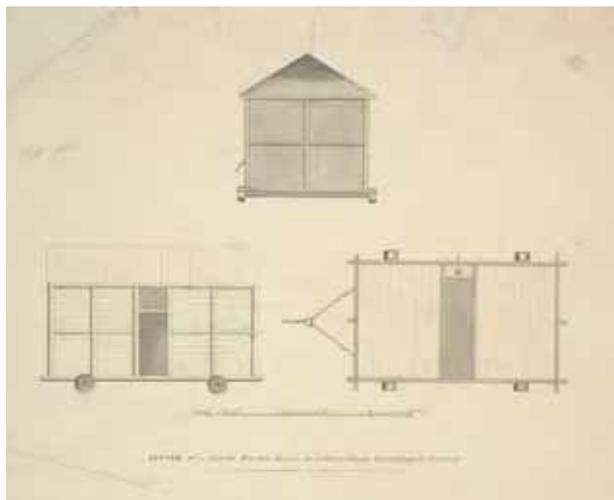
were routinely forced into musters to watch floggings taking place. Contemporary commentators, many associated with the anti-transportation movement such as distinguished historian and penal philosopher Alexis de Tocqueville, likened the extensive use of flogging in Australia to the treatment of slaves in Africa and America.¹⁴⁸ De Tocqueville denounced Australia's punishment practices as a penal code 'based on blood and torture': 'Can it be that in the 19th century, and in a nation in the van of civilisation, men are made to submit to treatment worthy of savage countries and barbarous times?'¹⁴⁹ Pervasive surveillance regimes and psychological punishments are outlined in Part 2B and criterion (vi).

Arduous and hazardous labour schemes were a feature of all penal colonies and are illustrated by the nominated sites. In the Australian context, male convicts were compelled to clear land, construct public works and undertake agricultural work.¹⁵¹ Convicts sentenced to road gangs or penal stations



'The pain was most harrowingly intense ... it could only be likened to the sensation of having furrows torn in your flesh with jagged wire, and ere they closed filled up with burning molten lead running in streams of fire down your back.'¹⁵⁰ Convict James Tucker.

Reproduced courtesy of: Archives Office of Tasmania, 30-2720.



Pre 1849 sketch of a mobile wooden box used to accommodate road gang convicts at night. Two tiers of ten convicts were chained throughout the night.

Reproduced courtesy of: Top: Mitchell Library, State Library of New South Wales. Bottom: © J S Kerr. *Design for convicts*, Library of Australian History, Sydney, 1984, page 63.

were given harsher jobs such as road building, logging, quarrying and mining. Some convicts were forced to work in irons, hobbled with shackles linked with a chain to their belt, and many slept in mobile boxes. The gang system was expanded significantly in NSW and VDL to render transportation more of a deterrent following the Bigge report. Most female convicts worked as domestic servants for private masters or were put to work in a 'female factory'. Assignment was a harsh experience for some convicts and the system was condemned as a form of slavery by anti-transportation advocates in Britain, America, France and Australia.¹⁵² They alleged the system functioned like a lottery, as the fate of convicts was dependent on the character of the individual 'master'.¹⁵³ While most masters were neither brutal nor benevolent, many convicts faced a degrading servitude at the hands of domineering, cruel or violent masters. Female convicts were especially vulnerable to sexual abuse in private homes.¹⁵⁴ Many became pregnant, were punished in a female factory and their babies were forcibly removed after a few months.¹⁵⁵

Australia's convict system formed part of global debates on the effectiveness of transportation in deterring crime. Notwithstanding diverse views, the alleged success of the convict system in Australia influenced governments in France and Russia to establish transportation systems for the first time (see criterion vi).

Australian Convict Sites

KAVHA, the Old Great North Road, Cascades, Port Arthur and Coal Mines are outstanding examples of the significance of transportation as a deterrent to crime in Britain. The sites are also described in detail in Part 2.

KAVHA is an exceptional testimony to the use of transportation to deter crime in Britain. A second penal settlement was established at Norfolk Island following the Bigge Inquiry into British transportation to Australia. It was designed to revive the fear of transportation and deter crime in Britain and the colonies. Convicts were sent to Norfolk Island for life and had no hope of escape. The treatment of convicts was intended to instil fear in Britain and the colonies. Official reports and individual commentaries documented excessive floggings, solitary confinement and accounts of convicts preferring death to a life sentence on Norfolk Island. The incidence of suicides, revolts and executions was far higher than at other penal stations in Australia and the severity of punishment was comparable to some of the harshest penal settlements in other parts of the world (see Part 3.C). Norfolk Island gained an international reputation as a 'hell on earth' which helped to validate the alleged effectiveness of the transportation system in deterring crime.¹⁵⁶ In recent times, Norfolk Island has been described variously as: an Australian Alcatraz; a prototype for concentration camps; and as brutalising as Devil's Island penal colony.¹⁵⁷

Key features that illustrate this are the Crank Mill, Convict Barracks, the New Gaol, the Police Office, the Civil Hospital and the Cemetery (see Part 2.B). The Crank Mill was installed to punish incorrigible convicts rather than for economic purposes. Two ironed gangs (48 convicts in each) were used to crank heavy machinery to grind 20 bushels of maize per day in strict silence. More efficient and productive labour devices were not utilised as the advancement of the economy was deemed secondary to the goal of severe punishment. The Convict Barracks was a place where thousands of convicts faced near starvation, arbitrary or severe punishment, physical violence, death (including



The Crankmill at KAVHA was used to punish up to 96 convicts at one time.



1826 painting showing road gang convicts, some in chains, breaking stones and carrying water supervised by a soldier. Convict at centre shows marks from flogging on his back.

Reproduced courtesy of: National Library of Australia, N Earle, View from Mount York, pic-an2818287.

at the hands of other convicts) or suicide. Convicts were vulnerable to sexual abuse, particularly young boys locked up with over 100 men at night without any protection. The original three-storey building accommodated up to 1,000 convicts in two tiers of hammocks, one above the other. One building was used as a courtroom to try capital offences and was the scene of trials for murder and convict uprisings (1834, 1846). The underground solitary 'dumb' cells in the New Gaol illustrate one of the most extreme forms of psychological punishment at the penal station.¹⁵⁸ Convicts were lowered through a trapdoor into cells with one metre thick stone walls and no doors or windows. They remained in darkness and silence day and night as if buried alive.¹⁵⁹ The Civil Hospital was a place of harshness and severe overcrowding. The 1834 uprising started at the hospital. The Police Office functioned as a courthouse where convicts were sentenced to flogging, iron gangs, prison terms or solitary confinement. Hundreds of convicts died at Norfolk Island and some of their graves survive in the Cemetery including the graves of convicts killed or executed for their part in the 1834 uprising and a mass burial ground for convicts executed after the 1846 mutiny.

Port Arthur provides outstanding tangible evidence of the harsh punishment of convicts particularly by brutal forms of hard labour. Lieutenant-Governor Arthur believed that the combination of hard labour, unremitting surveillance and 'the absolute weariness of life' made it a place of terror.¹⁶⁰

Convicts were forced to undertake some of the worst forms of hard labour such as: timber felling, quarrying and road building in gangs; working as 'human engines' for the railway; and grinding wheat.¹⁶¹ Gangs of 30 convicts were like a giant centipede carrying enormous logs weighing around 1,000 kilograms that could crush them to death. A variety of harsh punishment regimes were employed during the life of the penal station.¹⁶² Conventional forms of punishment such as flogging, solitary punishment and working on a treadmill focused mainly on physical pain and



1852 drawing showing a convict powered tramway. Convict manpower was sometimes used instead of animal labour to deliberately subjugate convicts.

Reproduced courtesy of: Allport Library and Museum of Fine Arts, State Library of Tasmania.

suffering. From the mid 1840s, there was a shift towards psychological forms of punishment (see criterion vi). The penal station had a reputation for terror ‘worse than death’ and was greatly feared and dreaded by male convicts.¹⁶³ The experiences of officials and visitors, shocked by the severity of discipline and ‘unbearable cries’ emanating from the penal station, were recorded in reports.¹⁶⁴

Port Arthur is a unique landscape comprising a suite of convict-built structures and ruins and a large collection of convict materials. Key features include: the Granary which later became the Penitentiary; the Separate Prison; the Isle of the Dead; and the archaeological collection. Around 60 convicts provided the human power for the treadmill in the Granary which was brutal work akin to climbing a never-ending stairway. The Penitentiary housed convicts wearing chains (weighing between six and 13 kilograms) in individual cells measuring 2.2 metres by 1.3 metres. It also housed better behaved convicts in the dormitory who were not chained. The Separate Prison was the place where refractory convicts and convicts undergoing probation were subjected to new forms of psychological control. Strict regimes of silence were inflicted on convicts at all times including during compulsory religious instruction in the chapel. Separate stalls ensured convicts could not see each other and the only voice they heard was that of the chaplain. Two ‘dumb cells’ were used to enforce more severe punishment. The Isle of the Dead was a burial ground for an estimated 1,000 convicts in unmarked graves on lower ground segregated from free people.¹⁷⁰ A collection of movable cultural heritage items, artefacts, photographs, slides, plans, archaeological data and databases also record the harsh treatment of convicts.

The Old Great North Road is a testament to the transportation of convicts to an alien land and the severe punishment of male convicts. The site was part of a major road building program in NSW, designed to implement the Bigge Inquiry’s recommendations to make British transportation to Australia a more effective deterrent to crime. From 1826 re-offending male convicts were sentenced to road gangs to construct massive new roads in regions not previously settled by Europeans.¹⁶⁵ Convicts undertook hard labour in gangs in extremely raw and rugged terrain in distant and sparsely settled locations. The environment was particularly harsh for convict workers who were used to the milder environs of their homeland. Convicts died or were seriously injured due to the harsh nature of the work, diseases, physical punishments or attacks from other convicts. The two road routes in an isolated bush setting that make up the site provide a rich evocation of the harsh punishment of convict road builders. Key features include massive sandstone retaining walls, gutters, culverts, an intricate drainage system, a sandstone quarry, a stockade, a stone hut and convict graffiti. There is also evidence of discarded sandstone blocks where the first road route was abandoned at Finch’s Line. Abandonment was a common practice that greatly demoralised convict workers (see Part 2).

Cascades is an important symbolic expression of the harsh treatment of convict women and girls in female factories as a deterrent to crime. This was an important objective of the female factory system. Head shaving was widely used in the factories despite authorities’ concerns that it would be detrimental to efforts to reform female convicts.¹⁶⁶ Women greatly feared head shaving. It caused humiliation, was experienced as a disfigurement of their person and led to several riots.¹⁶⁷ Head shaving was investigated in several government inquiries and reports.¹⁶⁸ Female convicts at the factory also experienced new forms of psychological punishment such as cellular isolation. In addition, severe conditions including compulsory early weaning of babies, contributed to the high infant mortality rate at Cascades.¹⁶⁹ Key surviving features at Cascades are outlined at Part 2 and under criterion (vi) below.

The Coal Mines is an example of a penal station that was promoted as a place of extreme punishment to deter crime in Britain. Convicts laboured in underground mines in stifling conditions, hauling baskets of coal or pushing carts to transfer the coal.¹⁷¹ The operation of the coal mine and the penal station are evident in the layout and physical remains including the main mine shaft, boiler, mine sump (or exploratory shaft), archaeological materials associated with mining activities, barracks and officers’ quarters, separate apartment cells and solitary punishment cells. Solitary cells built underneath the separate apartment cells were used to punish convicts. Four underground cells were built inside the mine, each measuring 1.06 metres by 1.98 metres by 2.13 metres high with a 40 centimetre wide sleeping board. The cells were unlit and there was little ventilation. This punishment was like being buried alive and was greatly feared by convicts even though it was seldom used.¹⁷² The cells within the mine are not visible as the mine is no longer accessible.



Late 1800s photograph of Cascades Female Factory showing the yards surrounded by the perimeter wall.

Reproduced courtesy of: Archives Office of Tasmania, NS1013-1453.

As a means of making men outwardly honest, of converting vagabonds, most useless in one country, into active citizens of another, and thus giving birth to a new and splendid country, it has succeeded to a degree perhaps unparalleled in history.

Charles Darwin 1836¹⁷³

Transportation to reform the criminal elements of humanity

Alongside the goal of deterrence, European governments used transportation to detach criminals from negative influences in their country and reform them in distant penal colonies.¹⁷⁴ This formed part of a more general global movement to reform criminal offenders from the 18th century onwards (see criterion vi). The *Australian Convict Sites* are a compelling manifestation of the drive by European powers to reform criminal offenders and aspirations to rehabilitate them as free citizens of society. The sites embody these universal ideals and hopes for the criminal elements of humanity during this important stage of human history. Key features include churches, chapels, school rooms, chaplains' cottages, convict buildings used to segregate convicts into classes and buildings where pardons and concessions were granted to convicts.

Many penal colonies around the world established varying types of reformatory schemes. These included labour systems to inculcate industriousness and moral regeneration, classification schemes to encourage good behaviour, concessions, female migration schemes and pardons to partially or fully free convicts before they served out their

sentence. Australia, as typified by the nominated sites, had the most extensive and innovative suite of reformatory schemes of all the penal colonies (see Part 3.C). Australia's reformatory machinery included: labour schemes; the assignment system; the probation system; reward and entitlement schemes; religious instruction; the 'mark system'; female factories; special 'prisons' for convict boys; and the 'separate system' (see Part 2.B and criterion vi).¹⁷⁵ Australia was the first to establish several of these systems and often provided a blueprint for other penal colonies.¹⁷⁶ There were also several periods of intensive reform efforts such as during the governorship of Governor Macquarie and Commandant Maconochie.¹⁷⁷

Education and labour were important vehicles to foster moral redemption, rehabilitation and integration into the Australian colonies.¹⁷⁸ A large proportion of the convict population received some form of elementary education or trade training while serving their sentences. This included many assigned convicts, boys at Point Puer, women at the female factories and men in probation and penal stations. Education was generally limited to literacy skills so convicts could read the Bible but it was also an important part of their religious and moral instruction. Some chaplains set up small schools for convicts to read religious materials.¹⁷⁹ Male convicts across the colonies were given work to build



The Roman Catholic Chapel at Fremantle Prison. A separate chapel built for Church of England convicts is also located in the Main Cell Block. Religious instruction was a key element in the reformation of convicts.



Artwork from the cell of a convict transported to Fremantle Prison for forgery.

Reproduced courtesy of: Fremantle Prison Collection.

on existing skills or learn new ones. They could also earn wages which helped their transition from ‘bond labourer’ to ‘free worker’ and many became economically independent. While opportunities were more limited for female convicts, many secured freedom or a degree of financial security and protection through ‘marriage’ and assignment to their husbands.¹⁸⁰ A small number of female convicts earned a living as self-employed seamstresses, midwives or milliners or helped husbands run small businesses or farms. Successful male and female convicts were held up as role models for other convicts.¹⁸¹

Religion was an integral part of the penal system in Australia and played a critical role in the reform of the convict population.¹⁸² This was an exceptional aspect of Australia’s convict system compared with other penal colonies. Religion played a role in a small number of other penal colonies and even then was only a minor part. Key features in Australia included: the construction of churches and chapels for the use of convicts; employment of chaplains at penal stations responsible for the moral improvement of convicts; compulsory attendance at church services; reading of prayers by authorities and ‘private masters’ and distribution of Bibles.¹⁸³ Separate churches or rooms were often provided for convicts from different religious denominations. Religious observances were often an essential part of the daily lives of most convicts including those undergoing secondary punishment.¹⁸⁴ Attendance was rigidly enforced and non-attendance was a punishable offence.¹⁸⁵ Under the probation system, convicts were required to commence and end each day with prayers and attend two divine services on Sundays.¹⁸⁶ Clergymen were critical cogs in the penal machinery, expected to be knowledgeable about the character of each convict. They were required to sign all key documents that could lead to the rehabilitation and freedom of individual convicts including applications for family members to be sent from Britain, tickets-of-leave, special privileges and pardons.

Many penal colonies established incentives to encourage good behaviour and integration into society. Australia was at the end of the spectrum in creating relatively good material conditions and economic and legal rights for convicts (notwithstanding variations over time and place) compared with free people of their social class. Entitlements and rewards designed to encourage rehabilitation included: increased rations; recruitment to responsible positions such as overseers or clerks; granting land and other privileges; and granting pardons to free convicts before they had served their full sentence.¹⁸⁷ Convicts had important legal rights not generally available to convicts in many other penal colonies or free workers in Britain.¹⁸⁸ Australia’s penal colonies were governed by British law unlike arbitrary military regimes in most other colonies.¹⁸⁹ Convicts could make charges against their ‘master’, petition the governor on any matters regarding their detention and release, and sue to protect their property.¹⁹⁰ Those under government service or assignment could not be punished without a court order unlike free workers in Britain who could be given corporal punishment by employers.¹⁹¹ Convict women had greater legal protection from ill-treatment by their husbands than free women and could lodge complaints of mistreatment.¹⁹² Most convicts had a higher standard of accommodation, rations, medical services and working conditions than free workers in Australia and Britain or indentured labourers in other parts of the world.¹⁹³ The majority of convicts in Australia were released before serving out their sentences and went on to become free and law abiding members of the colonies.¹⁹⁴

Australian Convict Sites

KAVHA, Old Government House, Hyde Park Barracks, Darlington, Fremantle Prison, Brickendon–Woolmers, Cascades and Port Arthur are significant examples of the use of transportation to rehabilitate criminals. The sites highlight both the representative and unique elements of the Australian colonies and are described in more detail in Part 2.

KAVHA provides a significant record of an exceptional reformatory system during the Maconochie period. Maconochie introduced an inventive ‘mark system’ of rewards to encourage convicts to become industrious and responsible through moral and practical lessons. Transportation sentences were converted into indefinite sentences and convicts became personally responsible for the length of their sentence.¹⁹⁵ Marks were earned for hard work and good behaviour, or deducted for bad behaviour.¹⁹⁶ The environment of the convict improved in stages as he learned the moral lessons of the system and his behaviour improved. Convicts could progress through classes: separate imprisonment (first class); social labour through the day and separate confinement at night (second class) and ‘social treatment’ (‘group therapy’) both day and night (third class). In third class, groups of six convicts were set up to work and ‘mess’ together to teach social responsibility and mutual dependence. Each convict was responsible for the marks



Unlike in many other penal colonies, Commandant Maconochie allowed all convicts except rebels to be commemorated in death and given gravestones, and many of these remain.

of the others as well as his own: if one convict lost marks, all convicts in the group lost marks; and if one convict won marks, all convicts in the group won marks.¹⁹⁷ They were also given blue jackets and other clothing not permitted to the other classes, to further 'raise their spirits, revive their self-respect and confirm their good purposes.'¹⁹⁸

Under Maconochie, the penal station operated as a civilised community despite being populated by some of the most serious criminals and devoid of free settlers. He walked and talked amongst the convict population to show confidence in them and exhort them to industriousness and good conduct.¹⁹⁹ Every convict was given a plot of rich soil to give a sense of property rights. Vegetable and fruit gardening classes were set up to encourage cultivation and trustworthy convicts were permitted to establish small settlements with gardens in the bush.²⁰⁰ Maconochie brought many educational resources with him to the penal station (such as encyclopedias, technical/craft magazines, musical instruments and sheet music) to promote rehabilitation.²⁰¹ A school was set up with monthly tests and prizes.²⁰² Music therapy was important for teaching collaboration and discipline and involved singing in church, playing in a band and copying or reading music.²⁰³ The first churches were built on the island during Maconochie's rule.²⁰⁴ Convicts made up the entire police force and were responsible for the maintenance of order on the island.²⁰⁵ Harsh punishments were abolished and the loss of marks was the main form of punishment (except for violent crimes) and convicts were entrusted with certain freedoms.²⁰⁶ Maconochie instituted a policy on commemoration to allow all convicts (except rebels) to be given headstones, giving dignity to the dead.²⁰⁷ Maconochie's penal experiment was successful with a low recidivism rate and a productive and orderly convict population.²⁰⁸

Most of the surviving features of the penal station at KAVHA were there during the time of Maconochie and several other sites are strongly associated with his reformatory efforts. Government House was Maconochie's official residence where he made important decisions



Chapel at Brickendon Estate built by convicts for their sole use.



'In memory of John Butler who was executed on the 22 of Sept. 1834 for the mutiny on this island. Aged 28 yrs'. KAVHA, Norfolk Island.

including about the operation of the 'mark system'. It has been restored to its 1830s condition, a few years prior to Maconochie's period. Buildings constructed by convicts during Maconochie's term of office include two churches, several officers' houses on Quality Row and the Double Boatshed.²⁰⁹ The Protestant Chapel in the compound of the Prisoners' Barracks housed the convicts' library of around 500 books.²¹⁰ The Catholic Chapel was built in the same compound but does not survive. The Commissariat Store (converted into a church in 1874) is fitted out with several features from the two churches including the pulpit, altar rail, pews, table and chairs. The Cemetery is strongly associated with Maconochie's reforms. Several elaborate convict graves reflect his reforms that allowed convicts to commemorate death.²¹¹ There is also a grave reputed to be that of a convict who died as a consequence of an overzealous application of the 'mark system'.²¹² The graves of convicts killed in violent clashes involving knives illustrate Maconochie's reforms that permitted the use of knives at meal times.²¹³

Old Government House is an important symbolic expression of convicts' progression from subjugation to freedom, as well as Governor Macquarie's reformatory regime. It was one of the places where governors granted tickets-of-leave, pardons and other privileges to convicts. Macquarie introduced ground-breaking measures that enabled many convicts to be treated with greater leniency, humanity and liberality. His vision was to create a penal colony that would be a sanctuary for convicts, to raise them from their subjugation, reward good behaviour

and rehabilitate them, so they could be integrated into civil society with the same rights as free men.²¹⁴ His emancipationist policy was based on the redemption and social regeneration of the convict population. Macquarie told convicts of his faith in regeneration and that past errors would be absolved.²¹⁵ During his governorship, convicts were eligible for remissions after serving specified periods and a large proportion of convicts in the colony were granted pardons and tickets-of-leave.²¹⁶ Macquarie periodically dispensed with flogging or set limits on the number of lashes for magistrates imposing sentences.²¹⁷ He appointed a number of convicts and ex-convicts to prominent positions of trust and authority, granted land to ex-convicts and recommended that ex-convicts be eligible to serve as jurors.²¹⁸ The idea spread that the penal colony 'belonged' to convicts and their descendants.²¹⁹ The orderly functioning and flourishing of the colony during a period of rapid growth in the convict population is evidence of the success of the Macquarie era. Macquarie's reforms were far ahead of his time in the world in terms of the treatment of both convicts and criminal offenders more generally.²²⁰ His radical measures generated widespread opposition in Britain and the colony, particularly about privileges conferred on convicts and their impact on the goal of deterring crime.²²¹

Macquarie spent considerable periods at Old Government House where he conducted colonial business which affected the lives of convicts and ex-convicts. Major works still evident today were undertaken to allow Macquarie to use the house as a base to travel around the expanding penal settlement at Parramatta. While residing at Old Government House, Macquarie considered convict applications for tickets-of-leave, pardons and grants of land and livestock. He also invited ex-convicts to functions at the house to demonstrate his commitment to his emancipation policies and provide a role model for free colonists. Old Government House has been restored to represent the Macquarie period and contains original colonial furniture from the convict era. See Parts 2.A and 2.B.

Hyde Park Barracks also provides physical evidence of Macquarie's reformatory regime. Macquarie appointed convict architect Francis Greenway to design and oversee construction of the first male convict barracks in the heart of the NSW colony. Greenway was granted a pardon at the opening of Hyde Park Barracks and became a symbol of the 'Age of Macquarie' for his striking convict-built monuments across the colony.²²² Hyde Park Barracks reflected Macquarie's commitment to the Enlightenment ideal of deploying convicts for civic architecture for the betterment of convicts and the new society. Convicts were assigned to government work parties during the day and returned to the barracks in the evening. They built many prominent buildings in Sydney such as St James' Anglican Church and the General Hospital. Self-sufficiency was encouraged at the barracks and many convicts worked in the bakeries, kitchens or garden plots. Overseers of the work parties were usually convicts appointed because of their good record (see Part 2.A).



1830s painting of Governor Macquarie greeting guests at the front of Old Government House.

Reproduced courtesy of: National Library of Australia, Government House at Parramatta, pic-vn3510483.



c.1871 photograph showing convict-built Hyde Park Barracks (right). Convicts also built the former general hospital (left) and St James' Church where the photograph was taken from.

Reproduced courtesy of: Mitchell Library, State Library of New South Wales.



Francis Greenway, convict architect who designed Hyde Park Barracks and other notable public works. See page 40.

Reproduced courtesy of: Government Printing Office collection, State Library of New South Wales.

Darlington chronicles the key features of the probation system including the classification scheme and the important role of education, religion, training and work. Convicts progressed through three classes according to their behaviour: well-behaved convicts moved up the classes receiving privileges and better treatment; unruly convicts were demoted to lower classes or placed in solitary confinement. A regime of moral redemption through education and religious instruction was a critical aspect

of the station. Most convicts attended school for two hours every weekday and all convicts went to prayers twice a day as well as two divine services on Sundays.²²³ Convicts undertook work to develop good work habits and learn skills or consolidate existing skills. Structures and ruins that illustrate these features are: Convict Barracks (for convicts in the second class), Separate Apartments (for convicts in the third class), School Room (also used as a Roman Catholic Chapel), Protestant Chapel, Clergyman's Quarters and Religious Instructor's Quarters, Bakehouse/Clothing Store, Convict Barn, Oast House and Hop Kiln, Miller's Cottage, Convict Workshops, Brickfields, Visiting Magistrate's Quarters and Solitary Cells. The unchanged landscape reflects the important relationship of each of the buildings to one another under the probation system (see Part 2).

Fremantle Prison and Brickendon–Woolmers are compelling expressions of the pivotal role of religious instruction and regeneration through labour. Chapels and churches were built in prominent locations at the sites. Fremantle Prison had a separate chapel and church for Roman Catholic and Anglican convicts and two Chaplain's Residences. Physical evidence of the provision of training and work is evident at the Bakehouse, Cookhouse and Laundry and East Workshop at Fremantle Prison. Brickendon–Woolmers has extensive evidence of the reform of convicts through the assignment system and religious instruction (see Part 2).

*For all its flaws (and one cannot imagine a prison system without defects) the assignment system in Australia was by far the most successful form of penal rehabilitation that had ever been tried in English, American or European history.*²²⁴

Cascades and Port Arthur, which illustrate special regimes for female convicts and convict boys, are outlined below under criterion (vi).

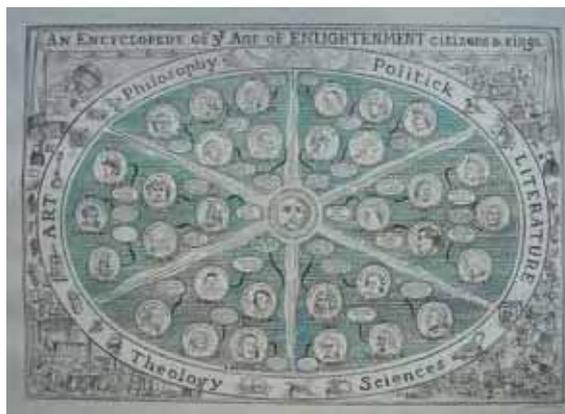


Miller's Cottage and mill ruins at Darlington where convicts laboured under the probation system.

Criterion (vi)

Associated with events or living traditions, with ideas or with beliefs, with artistic literary works of outstanding universal significance

The *Australian Convict Sites* are closely associated with penal philosophies and practices of outstanding universal significance. The forced migration of criminals to distant colonies formed part of a global debate about the punishment and reformation of criminals during and after the Age of Enlightenment. There was a close interrelationship between the phenomenon of convictism and penal reform movements in Europe advocating the establishment of national penitentiary systems based on rational Enlightenment principles. Australia was an important 'player' in this broader movement. Convict settlements and systems had a significant impact on ideas about the punishment and reform of criminals during this period. They blended ideas of penology, religion, social planning and freedom to produce influential developments in penal practice. These developments included: establishment of an 'open air panopticon'; the use of criminals to create a new society in a continent that went on to become a new nation; the shift away from physical punishment to new psychological regimes to discipline, punish and reform criminals; and the segregation of and development of purpose-built institutions for female convicts and juvenile convicts. These developments were some of the first of their kind in the world and the nominated sites are representative of these global developments. The *Australian Convict Sites* are important 'monuments' to the history of ideas about the punishment of crime and the reformation of prisoners (including political dissidents) in Europe and America during the modern era.



The Age of Enlightenment influenced the shift from the punishment of the body to more humane regimes to punish and reform the mind of the criminal in the name of 'progress'.

Reproduced courtesy of: Hales Gallery London. Artist Adam Dant.

*The mood and temper of the public with regard to the treatment of crime and criminals is one of the most unfailing tests of the civilisation of any country.*²²⁵

Winston Churchill 1910

Transportation as a dominant model for the punishment of crime in the modern era

The large-scale introduction of transportation by the major powers in Europe from the 18th century, typified by the *Australian Convict Sites*, was a significant development in the punishment of criminal offenders. Prior to this, incarceration in a prison or execution were the dominant forms of punishment for men, women and children convicted of 'serious' crimes in Europe.²²⁶ Execution was designed to inflict extreme punishment to deter crime, to deliver final judgement by God and to shame the criminal and their family. Particularly harsh methods were sometimes employed to maximise suffering and deterrence. In Britain judges could order felons to be dissected and hung in chains, while in France dissection, burning and hanging were sometimes combined.²²⁷ In addition, prisoners sentenced to incarceration in a prison faced brutal violence and severe conditions that often led to their death.²²⁸ Minimal attention was given to reforming prisoners. Despite the human misery of transportation, it offered many convicts a chance to start new lives. Transportation had an influence on the significant reduction of the incidence of executions across the European world.²²⁹



Public hangings were the main way of punishing serious crime in the 18th century, often a public spectacle as an example to others.

Reproduced courtesy of: Museum of London.

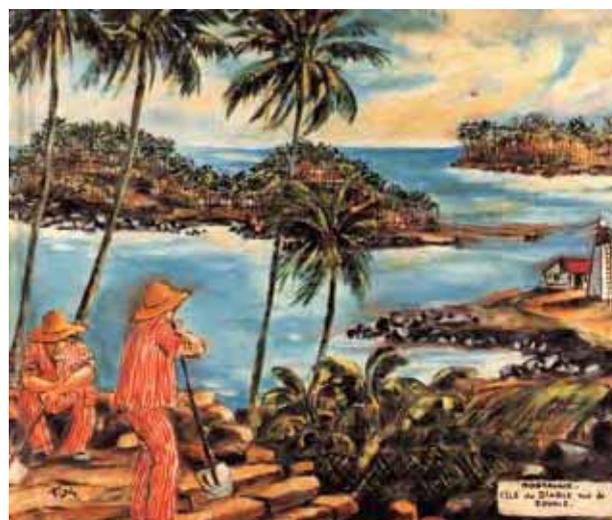
'Australia is the penal colony that we can cite as a model, by reason of its choice of locale, the efforts which prepared its colonization and the success that crowns it each day.'

French official, 1845²³⁰

The success of the Australian experiment in developing a new society through the efforts of criminals formed an important part of penology debates. It had an impact on transportation becoming one of the dominant models for punishing crime in Europe from the late 18th to mid 19th century. The *Australian Convict Sites* are representative of this significant global development. Australia was seen as the most ambitious example of convict transportation in world history.²³¹ During this period, parliamentary debates and philosophical, political and historical works studied the Australian convict model.²³² Debates were particularly

extensive in Britain and France but they also took place in Russia. These focused on the effectiveness of transportation in deterring crime and rehabilitating criminals and whether governments should attempt to replicate the success of Australia. The French government came under pressure from different quarters to introduce either penal transportation or a national penitentiary system along the lines of America.²³³ France sent a study mission to Australia and penal reformers, philosophers and politicians examined the Sydney Cove model.²³⁴ The model was debated and compared with the emerging new national penitentiary systems in America and Europe.²³⁵ Many argued that the Australian experience proved it was possible for France to solve the problems of deterrence and reformation and create a flourishing new colony.²³⁶ Writings by de Tocqueville figured prominently in these debates, arguing against transportation and the Australian model.²³⁷ Russian writers also drew on the economic success of Sydney Cove in advocating the transportation of criminals to a new penal colony at Sakhalin Island.²³⁸

Australia had an important impact on penal developments in France and Russia.²³⁹ France, one of the major European powers at the time, decided to copy the Australian blueprint by establishing her first penal colonies in French Guiana (1852) and New Caledonia (1853).²⁴⁰ Russia also drew on the Australian model when establishing its first penal colony at Sakhalin Island using transported convicts (1857) (see Part 3.C). The spread of transportation and penal colonies would have been greater if Britain had not exerted pressure on other state powers (such as Germany and Austria) not to pursue Britain's path.²⁴¹ The alternative of a domestic penitentiary system was adopted by only a few state powers and did not become a widespread global development until after the abolition of British transportation to Australia (see 'Abolition of transportation and rise of national penitentiaries' below).



1930s painting showing convicts labouring on Île Royale, French Guiana, by convict artist Francis Lagrange.

Reproduced courtesy of: Yvan Marcou.



By the early 1820s convict labour had formed the backbone of an established and prosperous community in NSW.

Reproduced courtesy of: Mitchell Library, State Library of New South Wales.

Old Government House, Hyde Park Barracks and Old Great North Road are strongly associated with the transportation of convicts to the first Australian penal settlement at Sydney Cove. Old Government House was an important command centre for the penal colony of NSW where governors made important decisions on the operation of the penal colony. Also, around 100 convicts were housed in huts at Old Government House and undertook agricultural work critical to the survival of the colony during its struggling early years. Hyde Park Barracks was the first convict barracks in Australia and represents the early control and management of convicts. It was strategically located in the heart of the penal settlement to secure convicts at night to improve law and order, and to better utilise convict labour on public works. Old Great North Road illustrates the use of convict labour to expand into new frontiers and the success of the colony. The sites are outlined under Part 2 and criterion (iv) above.

“What am I to do on that little rock at the end of the world? ... No, I will not go to St Helena. Botany Bay is better than St Helena. ... I prefer death to St Helena.”

Admiral Keith describing Napoleon receiving the news he was to be exiled to St Helena, off Africa, 1815.²⁴²

Influence of the Enlightenment on the punishment of crime

The Age of Enlightenment had an important impact on the development of reformatory schemes in several British and French penal colonies including Australia, New Caledonia, French Guiana, the Straits Settlements and the Andaman Islands. A wide range of schemes were introduced to classify, segregate and rehabilitate convicts and integrate them into the colonies or their home state (see Part 3.C).²⁴³ Many of the practices reflected the application of Enlightenment ideals to treat criminals more humanely and secure their reformation. The nominated sites are an exceptional representation of this development in Europe.

The first penal colony in Australia was a landmark in European history as an experiment in Enlightenment principles and is exemplified by the *Australian Convict Sites*.²⁴⁴ Contemporary debates about the punishment of crime in Britain and other parts of Europe coincided and intersected with ideas from the Enlightenment. Debates by penal reformers, parliaments and the public focused on replacing corporal punishment for crimes with new constraints on liberty. The form this should take ‘became one of the great social issues of the Western world’.²⁴⁵ Following the great revolutions in France and America, penal reformers saw Australia as potentially another great agent of the Enlightenment in an English guise.²⁴⁶ Australia provided

“From the lowest division in a penal establishment with several distinct classes ... the convicts are constantly engaged in a movement upward or downward, according to their good or bad conduct. ... [A]lthough the greater proportion of the population consists of the dregs of human society in England, nevertheless a degree of order and industry prevails everywhere which surprises the visitor.”

Austrian aristocrat, Baron Charles von Hugel commenting during his visit to Port Arthur penal station in 1833.²⁵⁵

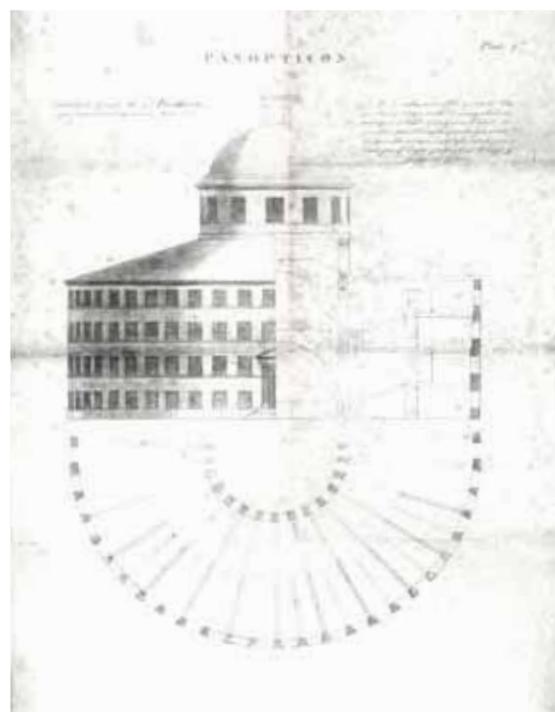
an exceptional environment in which to experiment with penal practices and use criminals to carve out a new society drawing on Enlightenment ideas. It was seen as a vast ‘virgin’ continent not yet developed by Europeans with only a small Aboriginal population and no existing European institutions or traditions.²⁴⁷ ‘Botany Bay’ was like a penal laboratory that could realise the Enlightenment’s great promise of the improvement of human nature.²⁴⁸ ‘Habitual criminals’ transported to a new situation and exposed to the right influences could be turned into good and useful citizens. Penal reformers argued that using criminals to improve the land and do other constructive work would bring about the moral, intellectual and material progress of criminals.²⁴⁹ The Australian born offspring of the first generation of convicts, in good health and with a regular mode of working life, were seen as the first evidence of the Enlightenment’s possibilities. This transformation was posited against the ‘habitual criminality’ of a segment of the British population, particularly children and juveniles and in the city of London.

Penal reformers in Britain and Australia advocated Enlightenment ideas and were relatively successful in influencing reformatory schemes in the colonies. The *Australian Convict Sites* represent this drive to achieve a more rational and humane treatment of convicts. The sites demonstrate special regimes to discipline and reform convict boys and female convicts, the probation system, Maconochie’s ‘mark system’ (Norfolk Island) and exceptional episodes of reform (eg the governorship of Macquarie in NSW and Arthur in VDL). Enlightenment principles blended with and were broadly compatible with penal objectives and religious ideals.²⁵⁰ Common goals for disciplining and reforming convicts and creating a new society included moral education, sobriety, industry and prosperity.²⁵¹

The *Australian Convict Sites* reflect elements of a new era in the punishment of crime identified by French philosopher Michel Foucault.²⁵² From the 18th century, new ‘disciplinary technologies of power’ emerged which saw a shift away from the physical punishment of the criminal. Offenders were increasingly controlled through new regimes of science, ‘rational’ institutions and record systems. Penal transportation to colonies was one manifestation of this new phenomenon. Australia, with its diverse and complex systems, is an exceptional example of this development and is exemplified by the nominated sites.²⁵³ Penal colonies in Australia evolved into highly developed machinery comprising multifunctional systems

and places where the scientific and psychological control of the criminal became the major focus. Penal stations, female factories, probation stations and barracks for male convicts typically included an administrative centre with record systems, dormitories or apartments to house convicts, places of work for convicts, a school room, a church/chapel (or room for moral instruction) and prison or solitary cells for refractory convicts. Foucault identified France’s *Colonie Agricole de Mettray* as marking the start of this new era but there were earlier examples in the penal colonies in Australia such as Parramatta Female Factory and Point Puer.²⁵⁴

The shift from corporal punishment to the psychological punishment and moral regeneration of the prisoner was an important development in the punishment of crime during the 19th century. Penal colonies around the world formed part of this global development which is illustrated by the *Australian Convict Sites*. In the Australian context, key characteristics of this development are new modes of surveillance and control of convicts using record systems and penal practices (such as Arthur’s ‘open air panopticon’), the female factory system, segregated regimes for convict boys and the ‘separate system’ (see Part 2.B and below).



1787 design for Bentham's Panopticon.

© Bentham Papers, UCL Library Services, Special Collections.



Governor Lachlan Macquarie's vision was to create a penal colony as a sanctuary for convicts, to raise them from subjugation and integrate them into free society.

Reproduced courtesy of: Mitchell Library, State Library of New South Wales.



Alexander Maconochie's ideas for the more enlightened treatment of convicts greatly reduced cruel punishments and degrading conditions and restored their sense of dignity.

Reproduced courtesy of: Michael Maconochie, from John Clay *The Maconochie Experiment* London 2001.



Lieutenant-Governor Arthur's system was designed to bring convicts back into free society through industrious work and moral regeneration.

Reproduced courtesy of: Dixon Library, State Library of New South Wales.

'[Religious instruction] will always close with prayer, and, occasionally with a judicious exhortation – when once the convicts have minds to be worked upon, a deep sense of the weight of punishment will follow, and I hope also a feeling of shame will be engendered, which will be of the utmost importance in leading to reformation.'

Lieutenant-Governor Arthur, 1834.²⁵⁶

Lieutenant-Governor Arthur's 'open air panopticon'

The establishment of 'open air' prisons in a number of distant penal colonies was an important development in the punishment of crime in the modern era.²⁵⁷ The *Australian Convict Sites* are an exceptional manifestation of this development. Enlightenment ideals and religious beliefs underpinned the establishment of penal colonies in Australia that operated as a 'kind of open air panopticon'.²⁵⁸ The sites are directly associated with these ideas. Arthur outlined his principles on the rational management of prisoners in several pamphlets to challenge advocates of national penitentiary systems such as British penal reformer Jeremy Bentham and his 'panopticon' model.²⁵⁹ Arthur blended Enlightened penology with the operation of the transportation system. He believed a penal colony provided the best environment for implementing a classification system to discipline and reform criminals in a way that could not be achieved behind the walls of Bentham's model penitentiary. The best way to bring about long lasting rehabilitation was to create a system based on order and discipline, combined with moral and religious instruction. Arthur's system was designed to foster industrious work and moral regeneration within the penal colony, and bring convicts back into the realm of free civil society.²⁶⁰ Ex-convicts would continue to work productively as agricultural labourers in the colony, unlike ex-prisoners from British penitentiaries.

Arthur established a Benthamite-like surveillance system over the whole VDL colony transforming it into 'a kind of open air panopticon'.²⁶¹ Pervasive social control was created across the colony by administrative rather than physical means. The colony was divided into nine police districts which became the governor's eyes and ears to ensure the treatment of convicts was calibrated according to their progress along the path to rehabilitation.²⁶² A vast network of 'spies' gathered information for colonial authorities about convicts' behaviour. Magistrates' reports maintained an exacting surveillance over the relations of private 'masters' and their assigned convicts.²⁶³ Arthur governed the convict population as rational individuals and gave them palpable choices to make them think and reflect on their crimes and behaviour.²⁶⁴ This was a shift away from forms of punishment based on the chastisement of the body towards scientific penal practice and psychological punishments. Arthur's classification system aimed to reach the minds of convicts in more subtle and complex ways. A greater range of punishments was introduced for infringements of rules, and flogging was limited. Convicts were expected to reflect on their behaviour during punishments such as the treadmill which provided 'solitary confinement through hard labour' and road gangs where convicts were not permitted to talk.²⁶⁵ Moral improvement was encouraged through religious instruction and granting tickets-of-leave for good conduct. In 1833, Arthur claimed that VDL had become 'one large penitentiary'.²⁶⁶



Arthur's 'open air' panopticon involved a line of guard dogs at the only entrance to Port Arthur (foreground) and a network of semaphore signal stations (back, right), 1840s.

Reproduced courtesy of: Allport Library and Museum of Fine Arts, State Library of Tasmania.

Port Arthur and Brickendon–Woolmers are tangibly associated with Arthur's penal ideas and practices. Port Arthur penal station, named after Governor Arthur, was intended to be a model penitentiary that would punish and reform convicts. Structures such as the Church, Point Puer and the Commandant's House used by Commandant Booth (1833–44) strongly reflect Arthur's ideals. Arthur laid the foundation stone of the Church in 1836. Convict boys from Point Puer worked on the Church as part of their training in stonemasonry. Convicts were kept under constant surveillance through a network of semaphore signal stations which surrounded the penal station and guard dogs at Eaglehawk Neck. Other important features of Port Arthur and Point Puer are outlined under Part 2 and criterion (iv). Brickendon–Woolmers also demonstrates Arthur's ideals for the scientific control and religious reformation of convicts. During Arthur's governorship, private masters were expected to be exemplary role models for their assigned convicts. Arthur personally selected free settlers most likely to foster rehabilitation of their convicts and examined each convict's record before granting tickets-of-leave.²⁶⁷ See criterion (iv) and Part 2 for details on the convict features of the sites.

Alexander Maconochie and the 'mark system'

Alexander Maconochie's ideas for the more enlightened treatment of prisoners are exemplified in the *Australian Convict Sites*.²⁶⁸ Maconochie was a former prisoner of war and fervent penal reformer strongly influenced by Enlightenment theories.²⁶⁹ He wrote several publications

before and after his appointment as Commandant at Norfolk Island.²⁷¹ In 1839, Maconochie developed a visionary scheme for a penal transportation system based mainly on rewards and rehabilitation known as the 'mark system'. A penal colony offered a form of moral re-education for criminals *within society* unlike the insular penitentiary with its reliance on silence and segregation of prisoners.²⁷² Maconochie believed that human behaviour was driven by a desire to maximise pleasure and minimise pain. Criminals would be managed and reformed through persuasion under Maconochie's scheme, by giving them marks to 'make' them good rather than restraining them while bad.²⁷³ The fate of every prisoner was to be placed in their own hands and under the moral guidance of administrators in charge of them.²⁷⁴ Ideally, corporal punishment and physical coercion would become unnecessary.²⁷⁵ Maconochie argued that cruelty debased both victims and the society, and that punishment should not be vindictive but designed to reform the prisoner.²⁷⁶ The 'mark system' shifted the focus of penology away from punishment and was far removed from the prevailing ideas and practices of the time. Maconochie's ideas challenged other penal theorists, such as Bentham, who advocated a system of punishment in domestic penitentiaries.²⁷⁷

Maconochie's ideals, exemplified in the *Australian Convict Sites*, were influential within the global debates and practices of penology. The radical nature of Maconochie's system at Norfolk Island (1840–44) generated intense opposition in Britain and Australia leading to his dismissal after only

*'Nobody in Britain or America, let alone penal Australia, had tried such therapies on convicts before. [Maconochie's] idea of prison as a moral hospital would not win full acceptance until well into the 20th century. The details of Maconochie's system – that prisoners should have direct access to the commandant, through an ombudsman, for instance, or that officials should take a personal interest in individual convicts – were a century ahead of their time.'*²⁷⁰

four years.²⁷⁸ A British Deputy Commissioner protested that Norfolk Island ‘bore no more resemblance to a penal settlement than a playhouse to a church.’²⁷⁹ Many contemporary observers concurred with Maconochie’s claim that ‘I found the island a turbulent, brutal hell, and left it a peaceful, well-ordered community.’²⁸⁰ Maconochie’s scheme also had a wider influence and became part of the global discourse on the punishment of crime in the modern era, as well as penal practices in several countries.²⁸¹ Most elements of the ‘mark system’ were implemented in Fremantle Prison (1850s) and in England (1849–51).²⁸² In addition, the American Prison Association’s *Declaration of Principles* (1870) reflected Maconochie’s radical ideas on reformation and how to achieve it. The introduction of the indeterminate sentence in Britain in the 1850s also owed much to the legacy of Maconochie’s system.²⁸³ KAVHA and Fremantle Prison are a testimony to Maconochie’s influence and are described in detail under criterion (iv) and Part 2.A.

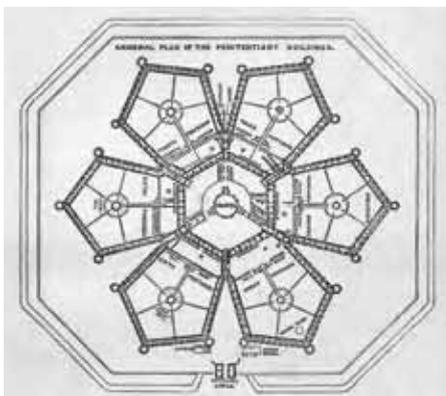
Development of segregated institutions for female prisoners

The establishment of segregated prisons in Europe and America, influenced by Enlightenment ideas, was an important development in the punishment of crime in the 19th century.²⁸⁴ Several penal colonies separated male and female convicts but only Australia and the Andaman Islands established purpose-built penal institutions for female convicts. The *Australian Convict Sites* is a significant example of this development. Female convicts were vital to the success of the penal colonies in Australia as a civilising force (see criterion iv). Special penal practices for managing convict women figured centrally in penology debates, government inquiries and reports in Britain and the colonies over many decades.²⁸⁵ Enlightenment advocates argued that no state power could inflict brutality on female convicts and still be considered to be ‘enlightened.’²⁸⁶ A system of female factories created an all-encompassing regime of ‘disciplinary punishment’ which resembled new forms of punishment outlined by Foucault (see ‘Lieutenant-Governor Arthur’s open-air panopticon’ above).²⁸⁷

The factories were multifunctional institutions serving as self-contained communities: housing for convict women and girls awaiting placement as domestic servants or marriage partners; a prison for refractory convicts; a workplace; a place of training and reform; a lying-in hospital; and a nursery for infants of convict women. Special measures were put in place to inculcate feminine norms of behaviour while certain punishments were abolished as they undermined this.²⁸⁸ The factories established a more extensive mode of control over women convicts compared with male convicts.²⁸⁹ The behaviour and morals of female convicts were subjected to intense surveillance to transform them into productive domestic workers and ‘good’ mothers in the colony. Female convicts in the factories were the first in Australia to experience the classification system, indeterminate sentences and cellular isolation.²⁹⁰ The early introduction of these systems reflects the importance Britain and colonial administrators attached to managing female convicts in special ways.

Australia was one of the first places in the world to establish purpose-built institutions for the punishment and reform of female prisoners. Cascades is representative of Australia’s system of female factories. Parramatta Female Factory was the first institution established specifically for female prisoners in Australia (1818) and one of the first in the world. Cascades Female Factory was built in 1828. Several countries set up institutions to discipline and punish women and girls prior to this date but most of these were ‘reformatories’ for destitute and unruly females who were not convicted of crimes (see Part 3.C). Australia’s system of female factories predated prisons for female offenders including Mount Pleasant Female Prison in America (1835), Brixton, Fulham and Millbank in Britain (mid 1850s) and a female factory in the Andaman Islands (c.1900s). Parramatta Female Factory only partially survives and would not currently meet the integrity thresholds.²⁹¹

Cascades illustrates Australia’s unique system of female factories during the convict era. There were nine female factories around the penal colonies of NSW and VDL. Cascades comprises three of the original five compounds



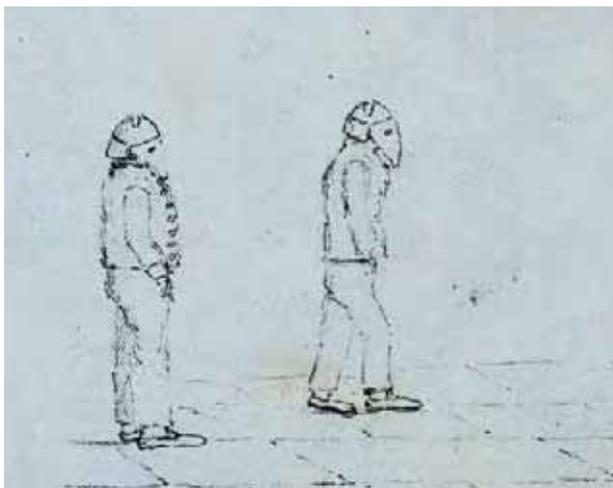
1812–21 plan of Millbank Penitentiary, London.

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c.1828 Chapel in Yard 1, Cascades Female Factory where behaviour was the key to progression to freedom.

Reproduced courtesy of: Archives Office of Tasmania, NS1013-45.



Prisoners under the 'separate system' at Pentonville Prison (right) and Port Arthur (left) were subject to a rigid regime of discipline and total silence. Caps and face masks ensured anonymity to prevent communication during their daily exercise.

Reproduced courtesy of: (left) National Library of Australia, F Mackie, The chain gang mustered after a days work (cropped), pic-an4767719 (right) © General Research Division, New York Public Library.



Child's leather shoes made by a convict at Point Puer, Port Arthur.

Reproduced courtesy of: Queen Victoria Museum and Art Gallery, Launceston, Tasmania.

of the original Cascades Female Factory surrounded by stone perimeter walls. It includes a Matron's Cottage, foundations of separate apartments and other archaeological materials. Yard 1 was first used to incarcerate the three classes of female convicts for whom behaviour was the key to progression. In Yard 3, female convicts were kept apart in separate apartments and were allowed to exercise outside their door under supervision and in silence.²⁹² Yard 4 housed convict women and their infants. The Matron's Cottage overlooked the nursery yard allowing surveillance of women and their infants. The site is outlined at Part 2.

Development of separate prisons for juvenile prisoners

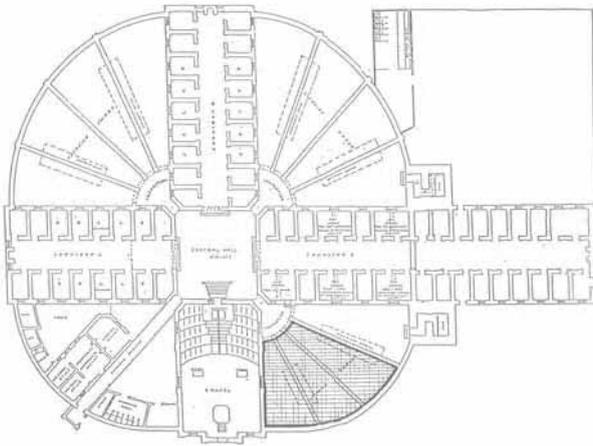
The segregation of juvenile criminals in special purpose-built institutions was a significant development in the 19th century.²⁹³ The *Australian Convict Sites* are an important example of this development. Australia was one of the first places in the world to establish separate prisons for young male criminals and became a model for other countries. Young male convicts were first segregated from the adult convict population at Hyde Park Barracks and were housed

at Carter's Barracks from the late 1820s. There are no remains of Carter's Barracks today. Arthur established Point Puer in 1834 to detach 'convict boys' from the corrupting influence of hardened adult convicts and rehabilitate them into constructive colonial citizens.²⁹⁴ The first exclusively juvenile prison in the world was La Petite Roquette in France (Paris, 1830). Point Puer was the first juvenile prison in the British empire, followed by Parkhurst Prison in Britain (1838). Another major juvenile institution was the Colonie Agricole de Mettray in France (Tour, 1840).²⁹⁵ British administrators were influenced by the example of Point Puer when they established Parkhurst Prison (see Part 3.C).²⁹⁶

Arthur's ideals were well ahead of his time in the world. Point Puer was a purpose-built prison for 'convict boys' that aimed to change their 'immoral' habits and create productive workers through a system of segregation, classification, elementary education, trade training, religious instruction and labour.²⁹⁷ Strict regimes of work, discipline and punishment were designed to bring about regeneration. Boys undertook various forms of work such as brick making, boat building and cutting stone and timber, and some worked in convict gangs. The daily routine typically involved commencing and ending each day with a prayer meeting, morning and evening lessons in literacy, numeracy and trade training, and clearing land, growing vegetables or working as tailors and boot makers for most of the day.²⁹⁸ Beatings or solitary confinement were used to punish boys who infringed the rules. Today, Point Puer is an archaeological site with important physical evidence of the juvenile prison. The site is detailed as part of Port Arthur in Part 2.

The 'separate system'

Following the Enlightenment Age, the growth of scientific penology influenced the establishment of the 'separate system' in Europe and America. This was a significant global development in the punishment and reform of criminals in the modern era. Convictism formed a part of



c.1870 plan for the Separate Prison at Port Arthur. Each convict was confined to their own cell where they worked during the day and slept at night.

Reproduced courtesy of: Conservation study of the model prison at Port Arthur for National Parks and Wildlife Service, Peter Cripps for Conservation Services Hobart.

this experimentation and trialling of new ideas. Elements of the 'separate system' were established in some penal colonies such as the Andaman Islands, French Guiana and New Caledonia. Several penal stations and prisons in Australia introduced the 'separate system' and the *Australian Convict sites* are a manifestation of this global development.

The 'separate system' was heralded as a way to reshape the character of convicts in the absence of distracting influences. The first prisons based on the 'separate system' include the Eastern State Penitentiary (America, 1829), La Petite Roquette (France, 1830), Pentonville Prison (Britain, 1842) and Port Arthur (1847).²⁹⁹ Prisoners were segregated from one another so they could not learn new criminal ways and were prohibited from communicating with one another. Each prisoner was confined to their own cell where they worked during the day and slept at night. The aim was to force each prisoner to reflect on their past and think about ways to improve on it. In the Australian context, an 1847 pamphlet argued that solitary confinement through the 'separate system' at Port Arthur and KAVHA was 'a great improvement upon the barbarous and ill-regulated prison system which is founded upon no principle, and has no enlightened objective.'³⁰⁰

The Separate Prison at Port Arthur, the New Gaol at KAVHA and Fremantle Prison provide physical evidence of the 'separate system'. Port Arthur's Separate Prison established a rigid regime of discipline and silence. Orders were given by the sound of a bell or a hard clap. Convicts were let out of their cells for certain duties during the day but were still subjected to total silence. Silence was enforced during their daily exercise in a separate yard where their faces were covered by a mask with eyeholes. Convicts were also marched to church services in silence and convicts were segregated in separate pews while listening to the service. The features of the separate system at Port Arthur, KAVHA and Fremantle Prison are outlined under criterion (iv) and Part 2.



The 'human centipede', Port Arthur, 1836. The inhumane treatment of convicts in the penal colonies was one of the driving forces for penal reformers arguing for the abolition of transportation.

Reproduced courtesy of: National Library of Australia, PIC/7816/37 Album 226.

Abolition of transportation and rise of national penitentiaries

The rise of national penitentiary systems in Europe was influenced by the cessation of transportation to Australia. The *Australian Convict Sites* are associated with these global debates and developments. The *perception* that the first colony in NSW had failed was an important contributory factor that led eventually to the cessation of transportation by the British government.³⁰¹ Throughout the 18th and 19th centuries, governments in Europe debated whether the transportation system was an economically viable or effective way to punish criminal offenders and deter crime. The alleged ineffectiveness of British transportation to Australia and the moral depravity of the penal colonies were recurrent topics of public and philosophical debate in Europe and the colonies.³⁰² Penal reformers advocated the introduction of a national penitentiary system with rational forms of penal management in Britain to replace the 'deficient' transportation system. The British government came under increasing domestic pressure to limit the financial cost of transportation and to ensure the more humane treatment of British prisoners consistent with Enlightenment ideals.³⁰³ It was argued that transportation and important features of Australia's convict system were fundamentally at odds with the British empire in the post Enlightenment age, particularly following the abolition of slavery (1834). Critics denounced the assignment system as a new form of slavery and cited the 'failure' of the penal colonies to build reputable societies, evidenced by the alleged widespread incidence of crime, homosexuality, drunkenness and sexual depravity. After eight decades of transportation, the British government decided that it was no longer a viable system for the British empire and replaced it with a national system of state operated prisons throughout Britain. This had an important impact on the punishment of crime across the global landscape. After this time, the only transportation



to continue within the British empire was the small-scale shipment of convicts from India to the Andaman Islands (1858–1910; 1932–38). There were few other new or significant episodes of transportation established by other major European powers except for France which continued to transport convicts to French Guiana (1852–1938) and New Caledonia (1864–97).

Cockatoo Island, the Coal Mines and Fremantle Prison are a symbolic expression of important stages in the abolition of the British transportation system to Australia. Cockatoo Island provides physical evidence of the last years of the penal colony of NSW and the abolition of British transportation to its largest and most significant colony in Australia (1840). The Coal Mines is representative of the perceived failure of the transportation system with the alleged moral depravity in the Australian penal colonies. The Coal Mines was cited as a place with a high incidence of homosexuality like many other penal stations around the colonies. This was an issue of grave concern for the government and the public in Britain. Fremantle Prison represents the final expression of the cessation of the British transportation system to Australia and the end of the forced migration of British prisoners to any new penal colonies in the world. Cockatoo Island and Fremantle Prison also mark the final stages of the transportation system and transitional arrangements for its continuation for several decades. From the late 1840s, many convicts spent time in British prisons before being transported to the colonies as 'exiles'. Cockatoo Island, the Coal Mines and Fremantle Prison are outlined in Part 2.

Celebrations for the abolition of transportation to VDL, 1853.

Reproduced courtesy of: Allport Library and Museum of Fine Arts, State Library of Tasmania.

Above right: Medal to commemorate the cessation of transportation of convicts to VDL in 1853.

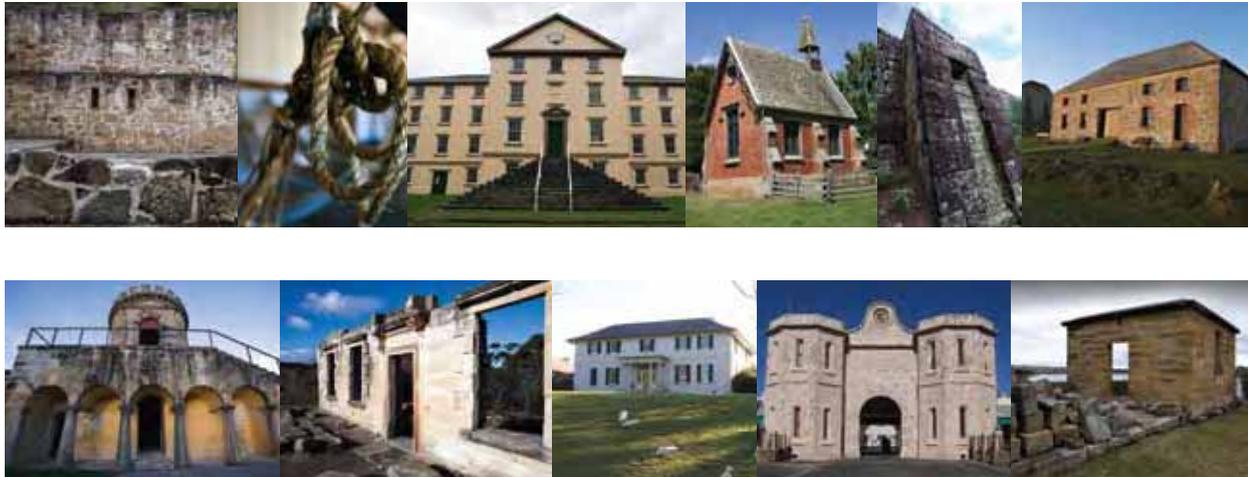
Reproduced courtesy of: Graeme Broxam.



Cockatoo Island provides physical evidence of the last years of the penal colony of NSW and the abolition of transportation to NSW in 1840.

Reproduced courtesy of: Sydney Harbour Federation Trust. © Photographer Uri Auerbach.

3B: STATEMENT OF SIGNIFICANCE



The *Australian Convict Sites* are of outstanding universal significance as the prime example of the forced migration of convicts and for their association with ideas and beliefs about the punishment of crime during the modern era. The series of sites are the only surviving examples in the world today that reflect these outstanding universal values and are fully protected under a comprehensive management system.

A number of sites represent the first of their kind, or one of the first, in the world. The 11 sites comprise a diverse array of architectural ensembles with more than 200 convict structures, ruins and archaeological remains. There are structures for housing, confining and managing convicts (penal stations, female factories, a juvenile prison, underground and solitary cells, barracks, stockades, hospitals and churches), convict-built infrastructure (roads, dockyards, a colliery, crank mills, kilns and brickworks), agricultural properties, government houses and penal administrative buildings.

The *Australian Convict Sites* are of outstanding universal value as a broad representation of the transportation of convicts to penal colonies around the globe. Convictism is one of the main forms of forced migration, along with slavery and indentured labour. As noted in Part 3.A, the forced migration of convicts bears important similarities to and differences from these other forms. Penal transportation is an important stage of human history that ushered in a new era in the punishment of crime in the world from the early modern to modern period. From the 17th through to the 20th centuries, the forced migration of convicts affected the development of many nations and the lives of several million convicts and their descendants. The nominated sites are a manifestation of individual suffering and subjugation of one part of humanity by another. They also evoke the universal impulse of nation states and penal reformers following the

Age of Enlightenment to bring about the transformation of the criminal elements of society. The *Australian Convict Sites* are a compelling expression of these outstanding universal values. The world's major European powers transformed the criminals of their societies into instruments of colonisation and empire building. Convictism was an important global development that contributed to the rise and consolidation of the world economy and spread of multi-ethnic societies during the modern era. The flow of people and labour played a significant part in the world economy particularly during the 19th century. This movement of peoples contributed significantly to the growth and decline of world powers, particularly the British empire. These developments are fully represented by the nominated sites.

The *Australian Convict Sites* are unparalleled as the best surviving examples of the forced migration of convicts. They reflect the common elements of convictism during the modern era as well as a number of features that are unique in the world. Typically, convictism involved: the use of convicts to extend the geo-political influence of the home state; the transportation of prisoners to penal colonies to deter crime in the home state; and the reformation of convicts. Each site represents one or more elements of Australia's integrated and diverse convict system which included assignment, gangs, probation, female factories, surveillance regimes, entitlement and reward schemes and penal stations. The series of sites illustrates the typical cycle of convicts in the colonies who experienced many of these systems from the time of their arrival until their emancipation or death (see Part 2.B and Appendix B).

The scale of transportation to Australia was far greater than any other penal colony in the world in terms of numbers sent, duration of the journey and area settled.

The transportation of over one million prisoners and destitute Russians to Siberia during the 18th and 19th centuries is an outstanding example of forced migration. However, it is not representative of the key elements of the forced migration of convicts (see Part 3.C). The 80 year duration of transportation to Australia was the longest in the history of convictism. Australia is the only example of convicts making a major contribution to European settlement and development of a continent that later became a nation. Convicts and ex-convicts were the primary instrument of colonisation across Australia unlike many other penal colonies where convicts complemented free workers, indentured labourers or slaves. Australia's convicts populated the colonies, shaped the social fabric and developed the first buildings, churches, roads, bridges, farms and industrial works across vast spaces. Convicts comprised the vast majority of the first European settlers and the colonies remained dependent on convict and ex-convict labour for more than a generation after the end of transportation.³⁰⁴ The nominated sites demonstrate exceptional regimes to rehabilitate convicts which were a central element of Australia's convict system. Australia's innovative systems were amongst the first of their kind for managing and rehabilitating female, male and juvenile convicts. Many of the nominated sites illustrate unique systems to discipline and reform juvenile convicts and female convicts, as well as the reformatory achievements under Governor Macquarie, Lieutenant-Governor Arthur and Commandant Maconochie.

The *Australian Convict Sites* are of outstanding universal significance for their association with ideas and beliefs about the punishment and reform of criminals in the modern era. The system of penal transportation intersected with philosophical ideas and other global developments in the punishment of crime following the Age of Enlightenment. The drive to establish national penitentiary systems was a major force. The transportation system and these broader penology developments influenced one another and affected the course of the punishment of crime during the 18th and 19th centuries. The nominated sites provide extensive physical evidence of these pioneering ideas and developments. The sites are representative of the spread of penal transportation around the globe. Australia's penal colonies had an important impact on France and Russia. Both nations sought to replicate Australia's success when deciding to establish their first penal colonies in New Caledonia, French Guiana and Sakhalin Island.³⁰⁵ The *Australian Convict Sites* are a symbolic representation of this influence. The spread of transportation had an important influence on the decline of execution as the dominant form of punishment of 'serious crimes' in the modern era.³⁰⁶ Penal transportation subsequently became one of the dominant models of punishment in Europe from the late 18th to mid 19th century.

The nominated sites are a compelling expression of the dominant use of the transportation system to punish and reform criminals during the 19th century. Spanning nearly 100 years, the sites reflect the shift from corporal punishment to the psychological manipulation of the mind. The nominated sites illustrate French philosopher Michel Foucault's notion of disciplinary punishment. Several sites provide important evidence of the classification of prisoners, the 'separate system', the ticket-of-leave system and the indeterminate sentence system. The *Australian Convict Sites* provide physical evidence of significant new ideas and penal practices including segregated prisons for female prisoners and juvenile prisoners and the 'separate system'.

The *Australian Convict Sites* are closely associated with the decline of the transportation system and rise of national penitentiaries. This was a significant development in the punishment of criminals in the modern era. The nominated sites typify the demise of penal transportation as a major tool of criminal justice. Australia was strongly associated with the decline of the transportation system, as Britain was plagued by ongoing allegations of slavery-like practices and moral contagion in her colonies. The theory and practice of the system began to crumble as penal reformers exerted pressure on the British government for supporting a system akin to slavery at the very time that slavery was being abolished across the world. The abolition of transportation to the Australian colonies was an important contributory factor leading to the emergence of a national penitentiary system across Britain. Britain, the largest global power in the world at the time, introduced a national penitentiary system modelled on the new penitentiaries in America. The demise of transportation across the British empire had a significant impact on the geo-political makeup of the globe. The large-scale movement of British criminals to new and existing penal colonies ceased by the late 19th century with some minor exceptions. European powers no longer had a ready-made convict force to fulfil their empire building ambitions, and penal colonies evolved into places of free settlement.

The *Australian Convict Sites* demonstrate the outstanding universal values outlined under criteria (iv) and (vi) and are protected to a high level under a comprehensive management system. They are the pre-eminent convict sites among the more than 3,000 convict sites around Australia. The nominated sites are unique in the world as a representation of convictism and for their association with penal developments in the modern era. No other comparable series of sites survives in the world today that typifies these outstanding universal values and is protected for future generations with comprehensive management systems.

3C: COMPARATIVE ANALYSIS



From left to right: Convict Establishment Dockyard, Bermuda © Bermuda Maritime Museum. Concession Building, New Caledonia © Max Shekleton. Cellular Jail, Andaman Islands © Andaman Softwrights. Île Royale Prison Camp, French Guiana © Yvan Marcou. St George's Church, Penang © Anoma Pieris.

Australia as an outstanding example of global convictism

The *Australian Convict Sites* are unparalleled in the world today as an outstanding example of the forced migration of convicts. The sites' extensive physical remains represent all of the important aspects of convictism, are in good condition and are protected by comprehensive management regimes. The nominated sites stand out globally in terms of the scale and nature of the transportation system and establishment of penal colonies. British transportation to America predated transportation to Australia but was not typical of convictism and there are no known surviving convict sites. Russian transportation to Siberia was an unusual form of forced migration and is not the best representation of convictism (see 'Convict sites in Russia' below).

The *Australian Convict Sites* represent one of the earliest and largest examples of forced migration of convicts during the 18th and 19th centuries. Transportation to Australia was far greater than transportation to other places in terms of numbers sent, duration of journey and area settled. Approximately 166,000 male, female and juvenile convicts were transported to Australia over an 80 year period (1787–1868). This was two to three times the number of convicts transported to any other penal colony in the world. The next largest were French Guiana (around 70,000 to 90,000) and North America (50,000).³⁰⁷ The journey to Australia was also the second longest, initially taking up to eight months over 25,500 kilometres.³⁰⁸ The longest distance was from France to New Caledonia which took around four to six months over 31,300 kilometres.³⁰⁹ The 80 year duration of transportation to Australia was also the longest in the history of convictism. The closest to Australia in terms of longevity was French Guiana where convicts were received over two periods totalling 69 years (1852–67; 1883–1937). Most other penal settlements were small islands and the scale of convictism was also much smaller when compared by numbers, duration and size of undeveloped land mass.³¹⁰ Penal transportation around the world facilitated colonisation and convicts made significant contributions to the physical establishment of the place. Australia is the only example of male and female convicts making a major contribution to European settlement which led to the development of a continent and a nation.

The nominated sites comprise architectural ensembles that uniquely illustrate all of the key elements of convictism. Convict sites in the Andaman Islands and New Caledonia are the only other places in the world that demonstrate all elements. In addition, the *Australian Convict Sites* reflect the unusual demographic composition of the convict population and British authorities' exceptional efforts to discipline and reform convicts. Convict women and juveniles formed a significant minority of the convict population in Australia, unlike most other penal colonies.³¹¹ No other penal colonies undertook reformation to the same degree or level of complexity as Australia. Australia was one of the first places to introduce a classification system, tickets-of-leave and cellular isolation and was the only place to introduce the 'separate system'. Unlike other penal colonies, Australia introduced special systems to manage convict women and juveniles including one of the first purpose-built female factories and one of the first juvenile male prisons. These important developments were linked to broader philosophical debates and practices about the punishment and reformation of crime in the modern era.

The nominated sites can be compared with important convict sites in Singapore, Malaysia, Bermuda, the Andaman Islands (India), New Caledonia, Russia and French Guiana which manifest some of the key features of convictism. Some penal colonies had unique elements such as 'segregated' systems for convicts from different racial and religious backgrounds. However, there are no surviving sites that reflect this. The physical remains of some of the sites are limited, their state of conservation is sometimes poor and minimal protection is in place for several of the sites. Until recent years, the long-standing shame and rejection of the convict origins of a country (known as the 'convict stain') saw the destruction of many convict buildings. The *Australian Convict Sites* can also be compared with World Heritage properties that illustrate the forced migration of slave and indentured labour. In addition, they are also compared with non-convict prisons in Britain, Europe and America.

The rest of Part 3.C provides a comparative analysis for important sites that demonstrate the forced migration of convicts and key developments in penology during the modern era. The analysis is based on extensive studies of convict sites and non-convict sites around the world undertaken by international experts in 2006 and 2007 (see Appendices C and D).

Criterion (iv) Forced migration of convicts

Table 3.3: Sites illustrating the key elements of the forced migration of convicts.

CRITERION (IV) THEMATIC ELEMENTS	GEO-POLITICAL SPHERES OF INFLUENCE	PUNISHMENT AND DETERRENCE	REFORMATION
SITE			
Russia	<ul style="list-style-type: none"> ✓ Trans-Siberian Railway ✓ Kara Valley Gold Mines ✗ Sakhalin Island (no known surviving sites) 	<ul style="list-style-type: none"> ✓ Trans-Siberian Railway ✓ Kara Valley Gold Mines ✗ Sakhalin Island (no known surviving sites) 	
Singapore and Malaysia (known as ‘Straits Settlements’ during convict era)	<ul style="list-style-type: none"> ✓ ‘Istana’ Government House ✓ Government House (Penang) ✓ St Andrew’s Cathedral ✓ St George’s Church 		✗ No surviving sites
Bermuda	<ul style="list-style-type: none"> ✓ Convict Establishment Dockyard 		
Andaman Islands	<ul style="list-style-type: none"> ✓ Administrative Headquarters ✓ Presbyterian Church ✓ South Point Barracks 	<ul style="list-style-type: none"> ✓ Viper Island Jail ✓ Cellular Jail 	<ul style="list-style-type: none"> ✓ Cellular Jail ✓ South Point Barracks ✗ Administrative Headquarters
French Guiana		<ul style="list-style-type: none"> ✓ St Laurent du Maroni Transportation Camp ✓ Île Saint-Joseph Prison ✓ Île Royale Prison Camp ✓ Île du Diable Convict Camp 	✗ No known surviving sites
New Caledonia	<ul style="list-style-type: none"> ✓ Administration Building ✓ St Josephs Cathedral ✓ Commandant’s House ✓ Water Reservoir 	<ul style="list-style-type: none"> ✓ Camp Est ✓ Île Nou Main Prison ✓ Ouro Prison Complex 	<ul style="list-style-type: none"> ✓ Concession Building ✓ Communards Cemetery ✓ Fort Térémba
America	✗ No known surviving sites	✗ No known surviving sites	

The *Australian Convict Sites* can be compared with important sites in Russia, Singapore, Malaysia, Bermuda, the Andaman Islands, French Guiana and New Caledonia. While a large number of convicts were transported to America, there are no known surviving convict sites and it is not a significant representation of the phenomenon of convictism.³¹² Britain handed over responsibility for convicts to ‘shippers’ to transport convicts who on arrival were sold in lots to individual masters. There was virtually no penal machinery for managing, punishing or reforming convicts who worked mainly as field hands on plantations. This system of forced migration did not have the features typical of convictism and was more akin to slavery (see Appendix C).

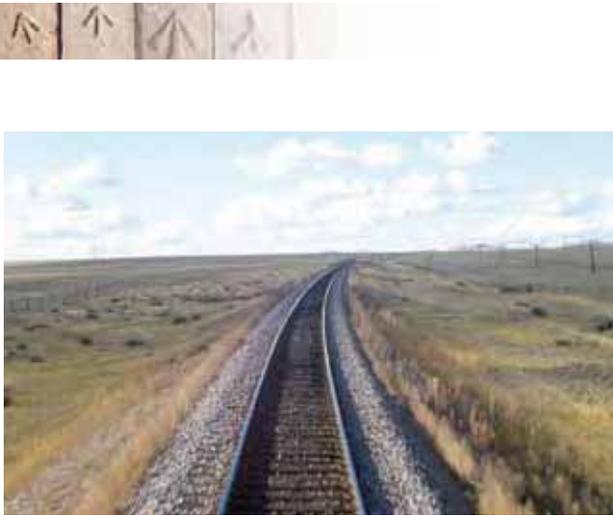
Use of transportation to expand geo-political spheres of influence

Significant convict sites in Russia, Singapore, Malaysia, Bermuda, the Andaman Islands and New Caledonia are representative of the use of transportation to expand the economic, military and political influence of European powers.

‘Convict’ sites in Russia

The Trans-Siberian Railway (Moscow to Vladivostok, 1891–1916) and Kara Valley Gold Mines (Nerchinsk, 1850s) are significant examples of Russia’s use of penal transportation and other forms of forced labour to expand her empire. More than one million Russian criminals and societal ‘deviants’ were transported to distant locations in Siberia, other parts of Russia and Sakhalin Island between the late 16th century and 1917. They were put to work on mines, agricultural production and construction of infrastructure including roads and railways. Coal production at Sakhalin Island was important for supplying the Siberian flotilla and the Pacific fleet of the Russian Imperial Navy, as well as the port of Vladivostok.³¹³

The Trans-Siberian Railway is an outstanding site partially built by convicts and other exiles between 1891 and 1916. The railway traverses almost 7,500 kilometres between Moscow and Vladivostok in the Russian Far East. It is the longest railway structure in the world. The railway expanded and enhanced communication routes across the vast continent of Russia. It also facilitated agricultural and economic development via access to the Pacific Ocean.



View of the Trans-Siberian Railway, Russia.

Reproduced courtesy of: David White / Alamy.

Convicts formed only a small proportion of the railway builders as most of the construction was undertaken by soldiers and dissidents. Kara Valley Gold Mines were excavated by convict and non-convict exiles during the 1850s. The site was originally a complex of four mines but minimal known remains of the penal station survive today.³¹⁴

These sites demonstrate the contribution of convict labour to Russia's economic and political development. However, the sites are not an outstanding representation of this element of convictism. Convictism typically involved the use of transportation and convict labour to expand the empires and geo-political influence of the major powers to new or existing colonies *outside* their home state. The railway and mine sites are both located within the Russian state and there are no known surviving convict sites that reflect the coal production at Sakhalin Island. Also, the distant colonies in Siberia comprised many exiles who were not convicts and were not representative of most penal colonies that were mainly made up of convicts (see 'Use of transportation to punish criminals and deter crime' below and Appendix C).

Convict sites in Singapore and Malaysia (Straits Settlements) (1790–1860s)

Several convict-built sites in Singapore and Malaysia represent the use of transportation to penal colonies to expand Britain's geo-political influence. These include: Government House (Penang, 1790); Government House, now Istana (Singapore, 1869); St Andrew's Cathedral (Singapore, 1862); and St George's Church (Penang, 1818).³¹⁵ Approximately 20,000 Indian convicts transported to the Straits Settlements played an important role in the colonisation process. A small number of female convicts were also sent to the colonies but played a relatively minor role.³¹⁶ Convicts were used for large projects such as quarrying stone, felling timber, clearing land and hunting tigers, making bricks and construction of government offices, churches, houses, barracks, roads and bridges.³¹⁷

Government House in Penang is a substantial two-storey brick mansion that housed the Governor's Office and Council Chambers. The house survives in highly original condition although there have been extensive additions.³²¹⁸



St Andrew's Cathedral, Singapore.

Reproduced courtesy of: Anoma Pieris.

Government House (Istana), its grounds and auxiliary residences were constructed by convicts for the first governor of Singapore. Originally, the house was a Neo-Palladian style building dominated by a central three-storey 28 metre high tower block with two-storey side wings featuring Ionic, Doric and Corinthian style colonnades. The buildings and grounds were much damaged during the second world war, and the house was renovated substantially and expanded in the 1990s.³¹⁹ St George's Church is a Georgian Palladian style brick structure with large Grecian columns at the entrance. It was damaged during the second world war and considerable changes and restoration work were undertaken in 1864 and 1948 which included replacement of a flat roof with a gabled roof. The site is listed on Malaysia's *National Heritage Register*.³²⁰ St Andrew's Cathedral is a Neo-Gothic style building constructed solely by convicts using high quality convict-made bricks. Subsequent additions include the north and south transepts.³²¹

The sites at Singapore and Malaysia demonstrate the important role of male convicts in empire building and construction of infrastructure. However, the sites are not an outstanding example of the geo-political influence of transportation. The scale of infrastructure development was substantially smaller in the colony compared with Australia and female convicts played a minimal role in the colonisation process (see criterion iv). Also, some of the structures were only partially built by convict labour and others have been extensively altered. Sites that illustrate other important aspects of convict labour such as hunting tigers, building roads and bridges or quarrying have not survived with the exception of a small number with inadequate integrity or authenticity. For example, convict-built roads have undergone major changes such as asphalt resurfacing.

Convict site in Bermuda (1824–63)

The Convict Establishment Dockyard (1824–63) is an important site that demonstrates the British government's strategic use of penal transportation.³²² Around 9,000 convicts provided the major labour force for the dockyard and new fortifications at other parts of the archipelago. Convicts constructed all major stone buildings at the dockyard over four decades. The naval base created the lynchpin for strategic imperial operations in the north-west Atlantic and Caribbean to contain the navy of a new major power, the United States of America. Convicts built Bermuda into the 'Gibraltar of the West' which was critical to the economic development of Bermuda.³²³

The dockyard is extensive comprising intact convict-built fortifications and buildings over approximately 7.3 hectares. Surviving structures include the Mast Stores, Docks, Boat Slip, Warehouses, Officers' Houses and Breakwaters. Adjacent to the dockyard are the Commissioner's House (1820s), the Casemate Barracks (1840s) and the Great Eastern Storehouse (1850s) with its two towers. All of the buildings are constructed from limestone quarried from the dockyard. The major buildings of the site come under the legislative protection of the Bermuda Government and the Bermuda Maritime Museum.

The site demonstrates the use of transportation to enhance Britain's naval and political power and the contribution of male convicts to infrastructure development. The dockyard was an important naval base for Britain. However, the colony's overall geo-political influence was not as significant as Australia's. The number of convicts, the size of the penal colony and works undertaken and surviving were all substantially smaller and less significant in terms of the

geo-political significance for Britain. Unlike Australia, enslaved peoples, indentured labourers and free labour were instrumental in developing public works prior to the transportation of convicts to Bermuda.³²⁴ This diluted the overall importance of the use of penal transportation and convict labour in the colonisation process.

Convict sites at Andaman Islands (1858–1910; 1932–38)

Several significant convict-built structures at the Andaman Islands represent the use of transportation to expand Britain's economic and political influence. These include the Administrative Headquarters (Ross Island, 1858–1942), Presbyterian Church (Ross Island, 1860s) and South Point Barracks (Port Blair, c.1858). India, while under British colonial rule, transported around 40,000 convicts to a penal colony at the Andaman Islands over two separate periods totalling 58 years.³²⁵

Convict labour was used for empire building through development of the new colony, resulting in a well-fortified and provisioned British outpost in the middle of the Bay of Bengal. The islands provided a sheltered port for ships and a place from which to control busy shipping lanes. Male convicts were used to clear jungles, undertake agricultural work and construct infrastructure such as roads, churches and convict barracks.³²⁶ Some convicts worked in enclosed agricultural areas.³²⁷ Around 2,000 to 4,000 female convicts were sent to the colony (from early 1860s–80s), to encourage marriage and increase the population growth of the colony while also curbing prostitution and homosexuality. A large proportion of the convict population in the second convict period were political prisoners from the nationalist protest



Commissioner's House, Bermuda.

Reproduced courtesy of: Bermuda Maritime Museum.



Great Eastern Storehouse, Bermuda.

Reproduced courtesy of: Bermuda Maritime Museum.

movement in India which threatened the economic and political stability of Britain's colonial enterprise.³²⁸

The Administrative Headquarters originally comprised a suite of around 30 convict-built structures. Ross Island was the administrative command centre for the penal colony. Surviving fabric today includes the ruins of the Administrative Offices and Barracks and the plinth of the original brick Chief Commissioner's House. These are in a poor condition but there have been recent preservation works.³²⁹ The Presbyterian Church is an elegant stone building which originally had Burma teak interiors and etched Italian glass windows. Only the walls of the church have survived and it is also in poor condition. South Point Barracks housed female convicts who worked during the day on tasks such as cleaning and grinding wheat at work sheds. The barracks is a simple two-storey timber structure with tin roofing. However, the surviving structure has been modified, partitioned, repaired and encroached upon following closure of the penal colony. It is currently used as government accommodation and has been altered since the convict era.³³⁰

The Andaman Islands sites are an important representation of the role of male and female convicts in establishing a new colony off the coast of India. The banishment of political dissidents from the nationalist protest movement helped to consolidate the British colony of India. However, the surviving convict fabric is far less extensive than the *Australian Convict Sites* and its significance is not as great in relation to this aspect of convictism. Penal transportation to this small group of islands was of a much smaller scale and geo-political importance compared to Australia and other penal colonies. Transportation was not used to curb the geo-political ambitions of other major powers (see criterion iv). Also, female convicts played a more

marginal role in the colonisation process at the Andaman Islands compared to female convicts in Australia. Only a small number of sites have survived at the Andaman Islands and these are mainly in ruins and in a poor state of conservation. The barracks for male convicts under the 'associate system' and most of the other substantial penal buildings have not survived.³³¹

Convict sites at New Caledonia (1864–97)

There are a number of important convict-built sites at New Caledonia that demonstrate the use of transportation to expand France's geo-political spheres of influence. These include the Administration Building (Nouméa, 1880), Saint Joseph's Cathedral (Nouméa, 1887), Commandant's House (Île Nou, c.1883) and Water Reservoir (Nouméa, 1877). Over 22,000 French convicts were transported to New Caledonia and played an important role in the development of the colony.³³² The transportation of approximately 4,500 political prisoners (known as 'Communards') involved in the Paris Uprising (1871) was an important tool for 'cleansing' Paris of the great threat from 'revolutionaries'.³³³ Paradoxically, the French government had a vision that Communards would act as 'emissaries' for the expansion of French civilisation into the south-western Pacific.³³⁴ Convicts were used to build roads, clear land, dredge swamps and undertake a variety of tasks for colonial authorities and free settlers. From the 1870s, a small number of female convicts (including volunteers) were sent to the colony to marry convicts or free settlers.

Nouméa was the centre of administration for the penal colony. The Administration Building is a two-storey brick building around 27 metres long with a modern metal gabled roof. The Commandant's House is a rendered stone and brick one-storey building around 24 metres long. St Joseph's



Presbyterian Church, Ross Island, Andaman Islands.

Reproduced courtesy of: Andaman Softwrights.



Water Reservoir, Nouméa, New Caledonia.

Reproduced courtesy of: Max Shekleton.



St Joseph's Cathedral, Nouméa, New Caledonia.

Reproduced courtesy of: Max Shekleton.



Commandant's House, Nouméa, New Caledonia.

Reproduced courtesy of: Max Shekleton.

Cathedral is Gothic style with two 25 square metre stone and timber towers. It took a team of convicts 10 years to construct the cathedral. The Water Reservoir is a large convict-built stone and brick structure with a pointed arch access. Water was diverted from the nearby Yahoué River to supply the penal settlement. All sites are in excellent condition.

The sites illustrate the role of convicts in furthering France's colonial ambitions. However, New Caledonia was a relatively small group of islands and the contribution

of convicts was not as significant as the contribution of British convicts to the development of penal colonies across Australia.³³⁵ Free settlers played a major role in the establishment and expansion of New Caledonia. They were the first to establish the colony (1853–63) and, unlike free settlers in Australia, made up a substantial proportion of the population throughout the convict period.³³⁶ Female convicts comprised less than three percent of the total convict population and played a very limited role.³³⁷ The scale of colonisation in Australia was far greater than in New Caledonia in terms of numbers, the use of convict labour, the scale of infrastructure and expansion into the frontiers of the continent. Penal transportation to Australia was a major phenomenon that contributed to the European development of a continent that eventually became a nation. This was not the case in New Caledonia (see Appendix C).

Use of transportation to punish criminals and deter crime

Sites in Russia, the Andaman Islands, French Guiana and New Caledonia are important representations of transportation to punish criminals and deter crime in the home state.

Convict sites in Russia (17th to 19th centuries)

The Trans-Siberian Railway and Kara Valley Gold Mines illustrate the harsh punishment of Russian 'dissidents' and convicts. More than one million Russian criminals and societal dissidents were subject to mass exile to distant locations in Siberia, other parts of Russia and Sakhalin Island (1869–1905) between the late 17th century and 1917. They were subjected to a harsh journey overland of more than 8,000 kilometres, or a long sea journey to Sakhalin Island without any hope of return. They were forced to undertake severe forms of labour and often worked in chains. Harsh punishment included hard labour in logging camps, mining and road construction. The Tran-Siberian Railway and Kara Valley Gold Mines sites are outlined under 'Use of transportation to expand spheres of influence' above).

These sites are not the most representative of the use of transportation to deter crime. With the exception of Sakhalin Island, Russian transportation did not have the main elements that were typical of the forced migration of convicts. The vast proportion of the 'prisoner' population were transported to villages or colonies *within the state of Russia* and were not convicts. Rather, they were disruptive elements of society such as homeless, mentally ill or physically disfigured persons who were banished to Siberia under orders from landowners or village assemblies. These 'prisoners' did not commit crimes and were not charged or sentenced. Around 30,000 to 40,000 convicts were transported to Russia's first penal colony at Sakhalin Island between 1869 and 1905.³³⁸ However, there are no known sites that have survived at Sakhalin Island. Unlike most penal colonies, there was minimal penal administrative machinery or systems to discipline, control and punish

individual prisoners or deter crime in the metropole. While some prisoners were incarcerated in prisons or barracks there is no surviving fabric to illustrate this.

Convict sites in Andaman Islands (1858–1910; 1932–38)

Viper Island Jail (Viper Island, 1867–1947) and the Cellular Jail (Port Blair, 1910–43) are important sites representing the use of transportation to deter crime in India. The penal colony at the Andaman Islands was renowned as a place of harsh punishment. It aimed to deter criminals and political dissenters. The nationalist protest movement in India threatened the economic and political stability of Britain as a colonising nation.³³⁹ Recalcitrant convicts in the colony were subjected to flogging, solitary confinement and physical torture.³⁴⁰ The death rate was high and many convicts were executed after failed escape efforts.³⁴¹

Viper Island Jail was used to confine up to 200 male convicts throughout the convict era.³⁴² Until 1910, convicts were subjected to solitary confinement and harsh work at the prison. After 1910, the prison became an important place for secondary punishment. Originally it comprised a two-storey building with solitary cells, lock-ups, stocks, gallows, whipping stands and other prison buildings such as the Superintendent's House.³⁴³ Today, the gallows is the only surviving substantial structure and has recently undergone restoration.³⁴⁴ There are also ruins including plinths and dilapidated walls of several prison buildings and overgrown gardens, wells and roads at the site of the original Superintendent's House.³⁴⁵ Overall, the site is in a poor state of conservation.³⁴⁶

The Cellular Jail had a reputation as an extremely severe place of punishment during the second phase of transportation to the colony. Convicts were initially kept in solitary confinement for six months and faced repressive disciplinary regimes.³⁴⁷ Originally, the prison was a massive three-storey structure with seven wings housing 698

back-to-back cells radiating from a central watchtower.³⁴⁸ The prison was based on Bentham's panopticon design. The site was substantially destroyed in an earthquake (1941) and an invasion during the second world war. Only three of the original wings survive. The Cellular Jail is one of the largest surviving prisons used for convicts in the world and functions today as a public museum. The site is a 'National Memorial' protected under government legislation.

The Andaman Island sites demonstrate the use of transportation to deter crime but do not provide as comprehensive physical evidence of this important element of convictism as the nominated sites. There is minimal fabric at the Viper Island Jail, with only the gallows surviving, and less than 50 per cent of the Cellular Jail remains. Also, the Cellular Jail did not open until almost 50 years after the establishment of the penal colony and was used primarily for political prisoners involved in the nationalist protest movement in India. Only a very small number of convicts (approximately 500–700) were incarcerated at the prison over a short period of a convict era (10 years).³⁴⁹ By contrast, the *Australian Convict Sites* have remarkable landscapes, convict structures and collections that comprehensively depict many of the key aspects of the punishment of convicts during the convict era. Tens of thousands of convicts were incarcerated at the Australian sites. Appendix C provides detailed information on the penal systems at the Andaman Islands.

Convict sites at French Guiana (1852–1938)

Convict sites at French Guiana are a compelling expression of the use of forced migration to deter crime in France. Sites include: St Laurent du Maroni Transportation Camp (1858–1946); Île Saint-Joseph Prison (1859–1946); Île Royale Prison Camp (Île Royale, 1884); and Île du Diable Convict Camp (known as Devil's Island, 1852–1946).³⁵⁰ The penal colony was reputed to be 'the most notorious prison colony the civilised world has ever known' and 'a plague on the face of civilisation'.³⁵¹ Around 70,000 to



Panopticon design radial wings of the Cellular Jail, Andaman Islands.

Reproduced courtesy of: Andaman Softwrights.



Gallows, Viper Island, Andaman Islands.

Reproduced courtesy of: Andaman Softwrights.

90,000 convicts were transported there from France and other parts of the French empire.³⁵² The majority of the convict population died at the colony as a result of the severe climate, rampant diseases, escape attempts and brutal treatment.³⁵³

St Laurent du Maroni Transportation Camp was the main prison complex at St Laurent, the primary place of detention for convicts at the colony. The camp was an enormous convict-built prison complex with capacity to confine up to 2,500 convicts. The prison is a one-storey brick building approximately 6.1 to 7.6 metres high.³⁵⁴ Ruins of 16 barracks that each housed up to 80 men are extant.³⁵⁵



Île Saint-Joseph, French Guiana.

Reproduced courtesy of: Yvan Marcou.



Cells, Île Saint-Joseph, French Guiana.

Reproduced courtesy of: Yvan Marcou.

The Quartier Disciplinaire compound was the cell block for condemned convicts and an adjoining yard was where the guillotine stood. The buildings are in reasonable condition but have minimal management and protection. The prison is currently being renovated for tourism.

Île Saint-Joseph Prison was used for solitary confinement for periods of six months to five years. The prison originally comprised 52 cells, two dungeons and an infirmary. A total of 400 convicts were incarcerated in the prison during the convict era. Ruins of the solitary cells with a surrounding wall and entrance gate survive. The site is overgrown with large vines and other foliage.

Île Royale Prison Camp was the detention camp for the most dangerous convicts in the colony.³⁵⁶ The camp comprised a Prison with 58 cells and eight dungeons, administration buildings, Guard House, Guards' Quarters, Guards' Mess Hall and the Lighthouse. The Lighthouse was used as a semaphore tower to communicate with the mainland and islands. Many of the original buildings remain but most are in a poor state of conservation. The Guard House and Lighthouse are overgrown with foliage. Several buildings were recovered during recent restoration work. The Guards' Quarters have been completely renovated and are used for overnight accommodation. The Guards' Mess Hall has been completely refurbished and now houses a small hotel.³⁵⁷

Île du Diable (known in English as Devil's Island) Convict Camp was the primary site of detention for political prisoners and was also a leper colony. The barracks for political prisoners, a convict cemetery and quarters for Captain Alfred Dreyfus (a famous political prisoner) have survived.³⁵⁸ The remains of the guards' quarters are in various states of disrepair.³⁵⁹ In the early 1990s renovations were undertaken on Captain Dreyfus's quarters.³⁶⁰ The island is largely inaccessible to the public.

The French Guiana sites are an outstanding testimony to the severe treatment of convicts to deter crime in France. However, the sites are in a generally poor condition with minimal management systems.

New Caledonia (1864–97)

Camp Est (Île Nou, 1867), Île Nou Main Prison (1864); and Ouro Prison Complex (Île des Pins, 1870s) are significant sites at New Caledonia that represent the transportation of convicts to deter crime in France. Convicts were transported to four main penal settlements at Île Nou, Presqu' Île Ducos, Île des Pins and Îlot Brun and the journey from France was the longest journey in terms of distance travelled in the history of convictism. Convicts faced brutal forms of corporal punishment such as hard labour, flogging and use of thumbscrews, as well as psychological punishments including solitary confinement. Convicts were classified and those who misbehaved were forced to do two or three times the labour of the other classes in double leg irons.³⁶¹ The sites reflect some of these features.



Gaol at Ouro Prison Complex, Île des Pins, New Caledonia.

Reproduced courtesy of: Max Shekleton.



Bakery, Île Nou, New Caledonia.

Reproduced courtesy of: Duncan Marshall.

Camp Est was a prison for convicts at Île Nou which was the primary place of detention for convicts in the colony. Convicts undertook harsh labour in a quarry for a nearby lime kiln. The site has extensive remains of the stone buildings despite demolition of many of the original buildings. It continues to operate as a general prison and is listed as an 'Historic Monument'. Île Nou Main Prison comprises extensive structures and remains including the Prison Dock, Prison Dock Office, Commandant's House, Overseers' Lodgings and Prison Bakery. The bakery is a rectangular structure measuring 38 metres by 9 metres with four ovens and a large storeroom. The surviving buildings of the site are all in excellent condition. Ouro Prison Complex, located at Île des Pins, was used to incarcerate over 2,000 prisoners convicted for political crimes during the Paris rebellion (1871). It comprises a suite of prison buildings including cellular blocks and water tower. The buildings are in a poor condition except for the water tower which has been restored.

The sites are an important representation of the harsh punishment of convicts. However, many of the prison buildings at Camp Est were demolished in the 1930s and management systems are not yet in place for Île Nou Main Prison.

Use of penal transportation for the reformation of convicts

Andaman Islands convict sites (1858–1910; 1932–38)

The Cellular Jail (Port Blair, 1910–43), Administrative Headquarters (Ross Island, 1858–1942) and South Point Barracks (Port Blair, 1860s) illustrate some aspects of reformatory schemes at the Andaman Islands penal colony. From the beginning, the colony was based on the classification of convicts and various schemes operated during the convict era.³⁶² Under the 'self-supporter system', convicts were placed into classes for a fixed period. They could progress or be demoted based on their behaviour. For sustained good behaviour, convicts could earn a ticket-of-leave, become colonisers and gain concessions.

The Cellular Jail illustrates some aspects of the classification of convicts. On arrival at the colony, convicts were incarcerated in the prison for approximately six months. After this convicts were moved to barracks under the 'associate system' where they worked in enclosed agricultural areas and returned to the barracks at night. There are no surviving sites that illustrate the 'associate system'. The Administrative Headquarters and South Point Barracks represent measures to encourage marriage and integration into the colony. Female prisoners were recruited on a voluntary basis from India (c1860) to promote marriage and act as a civilising force for male convicts (see Appendix C). South Point Barracks was used to house female convicts while they were waiting to get married. The Administrative Headquarters was a place where convicts could apply for family members to be sent from India under the family migration scheme. The three sites are outlined at Appendix C.



Female convict accommodation at South Point Barracks, Port Blair, Andaman Islands.

Reproduced courtesy of: Andaman Softwrights.

The sites are not the best representation of this element of convictism. The Cellular Jail provides a limited record of only one aspect of the classification scheme (ie newly arrived convicts) and there are no sites that illustrate the other classes ('chain gang' class, 'associate prison' class and 'self-supporter' class), tickets-of-leave or the concessions scheme. In addition, the schemes for female convicts were not as large-scale, long-term or as comprehensive as those that operated in the penal colonies in Australia (see criterion iv and Appendix C).

Convict sites at New Caledonia (1864–97)

Significant sites at New Caledonia that demonstrate France's use of transportation to reform prisoners are Fort Térémba (Moindou, 1877–97), the Concession Building (Bourail, 1870) and Communards Cemetery (Île des Pins, 1871). The colony had many similarities to Australia including the complex balancing of competing objectives and regimes to punish and reform convicts. The moral regeneration of French prisoners was a key goal of penal transportation for France.³⁶³ The penal colony would provide the optimum conditions to transform convicts into future colonists in a new agricultural society. A classification system was established where convicts could progress through three classes before being granted a 'ticket-of-leave'. Well-behaved convicts were also given concessions.

Fort Térémba is an extensive complex built by convicts to house colonial authorities and 200 convicts. Convicts undertook skilled work and crafts, were taught skills and could attend church. Originally, the fort comprised brick Overseers' Barracks, a brick Convict Prison, timber and straw Convict Barracks, Telegraph Post, brick Water Tank, Chapel, School and various workshops including bakery, brickyard and lime oven. A brick wall enclosed several of the buildings. The fort became a prison in 1885. Several structures have not survived such as the convict barracks and a number of workshops. Extensive renovations have been undertaken on the other surviving structures including reconstruction of the wall (1984, 1989 and 1996–2000). The Concession Building was a place where well-behaved convicts could be granted various concessions including accommodation, land grants and free food, clothing and hospital care. The site is a large rectangular brick building approximately 20 metres by 8 metres. Île des Pins was the primary settlement for political prisoners known as Communards. The French government aimed to reform Communards and transform them into 'the emissaries of civilisation' on New Caledonia.³⁶⁴ There were various communes where Communards were free to live and work but there are no surviving remains apart from Ouro Prison Complex and the Communards Cemetery. The cemetery contains unmarked graves of 188 Communards and illustrates informal burial rights accorded to convicts to commemorate the death of fellow convicts. The site was restored in 1968 and is regularly maintained.

The sites are significant examples of France's vision to rehabilitate convicts. However, the *Australian Convict Sites*



Fort Térémba, Moindou, New Caledonia.

Reproduced courtesy of: Duncan Marshall.

are a more notable testimony to this important element of convictism.³⁶⁵ The sites at New Caledonia reflect a much later phase of convictism and were able to benefit from the Australian blueprint. New Caledonia was established 75 years after the first colony at NSW and the French government and penal reformers had the advantage of studying the Sydney Cove model for many decades (see criterion iv). The scale of the convict system was much smaller and regimes to manage and control convicts were not as complex or diverse as those in Australia (see Part 2.B and Appendix B). Various classification schemes at New Caledonia provided differential conditions and treatment for convicts but there were fewer systems and none were as innovative as the systems established in Australia. The most ambitious scheme at New Caledonia, the granting of land and other concessions, operated for only around five years (1884–89). Also, there were no special regimes to reform female convicts. The suite of sites typifying reformation is not as extensive or as well protected as the *Australian Convict Sites*. Several of the convict structures at Fort Térémba have had unsympathetic restoration work.

Summary

The sites outlined above are important manifestations of the forced migration of convicts. However, they do not provide a broad representation of the elements that typify convictism. Also, the physical remains of the sites are generally far less extensive than in Australia due to the prevalence of the 'convict stain'. In Australia, it is now many years since the 'convict stain' was seen as something to be concealed and today there is a strong recognition and embracing of Australia's convict origins.

The Russian sites are a good example of the use of forced labour to expand Russia's geo-political power and to punish prisoners and unruly sections of the population.³⁶⁶ However, they are not representative of the key elements of convictism.

Russia did not establish colonies with the typical penal machinery that existed in most other episodes of penal transportation. Also, there are no sites which reflect any kind of reformatory impulse.

Public works sites in Singapore and Malaysia are important examples of the use of convict labour to further Britain's colonial ambitions. While punishment and reformation were important aspects of the penal colonies at the Straits Settlements, there are no surviving sites that represent these elements. Formalised reformatory schemes and the segregated penal system for convicts from different racial or religious backgrounds are outlined at Appendix C.

Bermuda Dockyard Convict Establishment is an exceptional example of the use of convict labour to expand the economic and naval power of Britain. The dockyard is an outstanding complex of convict-built naval infrastructure. However, the penal colony was not representative of the other key elements of the forced migration of convicts. Apart from hard labour there were no formal penal systems in place to discipline, punish or reform convicts. Female convicts were not transported to Bermuda and male convicts were not permitted to remain in Bermuda on completion of their sentence.³⁶⁷

French Guiana has a suite of convict structures that demonstrate penal transportation to further France's geo-political ambitions and to deter crime in France. The sites are highly evocative of the harsh treatment of convicts. However, they are in a generally poor state of conservation and there are no management systems to protect the sites. In terms of the colonisation impulse, the sites are not as notable as the nominated sites. The scale of colonisation was much smaller, convicts produced little of lasting value and the colony was largely a failure.³⁶⁸ France's vision to establish a new agricultural society and transform prisoners into an agricultural labour force was not realised due to the severe environmental conditions, high mortality rate and inadequate penal management. Also, French Guiana does not have any surviving sites that demonstrate

the rehabilitation of convicts.³⁶⁹ The penal system at French Guiana is outlined at Appendix C.

The Andaman Islands have important sites that reflect many of the key elements of the forced migration of convicts. The sites are significant examples of the use of transportation to expand Britain's geo-political influence and to deter crime. The empire building aspect was substantially smaller in scale and confined to a small group of islands. It also began 70 years after transportation to Australia. In addition, the sites that represent the reformation of convicts are not as notable as the *Australian Convict Sites* as they illustrate minor elements of the reformatory impulse.

A significant number of convict sites at New Caledonia illustrate all of the key elements of the forced migration of convicts. However, transportation occurred much later and the scale and nature of the penal colony and systems were less extensive than in Australia. Importantly, New Caledonia drew on convict systems established in Australia which provided a blueprint for the colony. Also, New Caledonia was first established by free settlers, and female convicts did not play a significant role in the colony. While there are important sites that capture the reform of convicts, the reformatory measures were not as extensive as in Australia (see Appendix C). Overall, the state of conservation of the sites is generally good but there are minimal management systems in place to protect them into the future.

World Heritage properties for other forms of forced migration

The *Australian Convict Sites* can be equated with World Heritage places which are outstanding examples of the forced migration of slaves and indentured labour. The properties represent various important aspects of the subjugation of one part of humankind by another. While there are fundamental differences between the three types of forced migration (slavery, indentured labour and convictism), there are also significant similarities of the various types of forced migration (see Appendix C).



Robben Island, South Africa.

Reproduced courtesy of: UNESCO.



Cape Coast, Ghana.

Reproduced courtesy of: Bernard Jacquot, UNESCO.

The Island of Gorée (*World Heritage List* 1978 inscribed under criterion vi) is an example of slavery. The island was the largest slave trading centre on the African coast. The site is an outstanding complex of buildings including 'La Maison Des Esclaves', a two-storey structure surrounding a central courtyard built by the Dutch in 1776. The ground floor has small cells and slave quarters and the top portion spacious rooms. At the back of the house, 'the door of no return' opens into the Atlantic Ocean; almost 20,000 slaves passed through this door. The site also includes the elegant houses of the slave traders. The site has undergone substantial renovations and today operates as a museum.

The Forts and Castles of Ghana (*World Heritage List* 1979 inscribed under criterion vi) are outstanding examples of the slave route along the coast of West Africa and European fortified trading posts. Some of the 32 forts and castles illustrate the experience of both slavery and convictism. Elmina was Portugal's West African administrative centre between c1500 and 1637 and became the centre of a thriving trade in gold, ivory, slaves and convict labour. It is a vast rectangular 9,011 square metre fortification and the earliest known European structure in the tropics. An unknown number of Portuguese convicts were transported to colonies in West Africa between the 15th and 19th centuries. Convicts were incarcerated in Fort Coenraadsburg or some of the forts and castles that survive along the coast of Ghana. The government did not play a role in the management of the convicts and the experience was more akin to slavery than convictism. Convicts were sold and traded in lots to different owners and there were no systems to control, discipline or reform convicts. Forced labour was extremely hard and the mortality rate high.

Robben Island (*World Heritage List* 1998 inscribed under criteria iii and vi) is an outstanding example of the history of banishment, imprisonment and suffering associated with the development of the South African region (17th to 20th century). Throughout its history the island was settled by transportation and it is most famous for its 20th century imprisonment and punishment of apartheid



Island of Gorée, Senegal.

Reproduced courtesy of: Malick M'Baye, UNESCO.

political prisoners. The original settlement does not survive materially but the site includes abandoned slate and lime quarries in which prisoners worked dating from the 17th century. The surviving convict-built fabric includes the Commissioner's House, Medical Superintendent's House, Barracks, Anglican Church, Graveyard and Vicarage dating from the early 19th century Dutch East India Company/ British settlement. Also, there are a lighthouse in the south of the island, ruins of the Old Jail, a church built and used by lepers and some leper graves.

The Stone Town of Zanzibar (United Republic of Tanzania) (*World Heritage List* 2000 inscribed under criteria ii, iii and vi) has great symbolic importance in the suppression of slavery. Zanzibar was one of the main sea-borne slave-trading ports in East Africa. The site retains its urban fabric and townscape virtually intact and contains many fine buildings that reflect its diverse culture. Around 600,000 men, women and children were walked in chains from interior villages on the mainland to be packed horizontally into ships for the crossing to Zanzibar, from where they were farmed out for labour. The site of the public slave market on the east side of the town remains. Many slaves worked on Zanzibar's clove plantations and performed many other functions in the local economy.

The Aapravasi Ghat (1834–1920) (*World Heritage List* 2006 inscribed under criterion vi) is an important example of one of the greatest migrations in history of almost half a million indentured labourers from India to Mauritius between 1834 and 1920. Around 1,500 convicts were sent to Mauritius between 1815 and 1837.³⁷⁰ The Aapravasi Ghat was built on the site of the immigration depot that first received indentured labourers. The site comprises a cluster of three adjoining stone buildings dating from the 1860s and includes the entrance gateway and hospital block, immigration sheds, service quarters and a wharf wall and steps. The remaining buildings represent less than half of what existed in the 1860s.

Like these World Heritage properties, the *Australian Convict Sites* are a powerful testimony to a different type of forced migration and human settlement. Like the World Heritage places, the nominated sites bear physical evidence of the forced migration experience (banishment, harsh treatment and forced labour) including: colonial administration; prisons; and barracks and depots where convicts were housed, distributed, worked and punished and built new lives in their place of exile. The *Australian Convict Sites* also illustrate convictism as a distinctive type of forced migration with many unique features that are of outstanding universal value. Unlike slavery and indentured labour, the state had responsibility for the punishment and reformation of prisoners and an ongoing commitment to the establishment and expansion of the penal colonies. The reformation of the criminal elements of society was not a feature of the other types of forced migration. The *Australian Convict Sites* are of outstanding universal value for their association not only with the subjugation of one part of humanity by another, but also for the reformation and emancipation of the world's criminals.

Criterion (vi) Global developments in the punishment of crime

Table 3.4: Sites associated with key elements of penology developments in the modern era.

CRITERION (VI) THEMATIC ELEMENTS	PENAL TRANSPORTATION AS DOMINANT MODEL	SHIFT IN THE PUNISHMENT OF CRIME IN THE MODERN ERA FOLLOWING THE AGE OF ENLIGHTENMENT	INFLUENCE OF PENAL TRANSPORTATION AND RISE OF NATIONAL PENITENTIARY SYSTEM
Convict sites			
Andaman Islands	✓ Administrative Headquarters	✓ South Point Barracks ✓ Cellular Jail ✗ Female Factory (site has not survived)	
Strait Settlements	✓ Istana Government House		
French Guiana	✓ St Laurent du Maroni Transportation Camp	✓ Île Saint-Joseph	
Non convict sites			
Britain		✓ Brixton Prison ✓ Parkhurst Boys' Prison ✓ Pentonville Prison ✗ Fullham Female Prison (site has not survived) ✗ Millbank Prison (site has not survived)	✓ Pentonville Prison
America		✗ Mount Pleasant Female Prison (site has not survived) ✓ Eastern State Penitentiary	
France		✗ La Petite Roquette Children's Prison (site has not survived) ✓ La Colonie Agricole de Mettray	
The Netherlands		✗ Spinhuis (site has not survived)	
Russia		✗ Spinning House (site has not survived) ✗ Tel'minsk Linen Factory (site has not survived)	

The *Australian Convict Sites* can be compared to a number of places associated with global developments in the punishment of crime in the 19th century. Convictism intersected with other global developments in penology such as special prisons for females and juveniles and the 'separate system'. The penal transportation system influenced broader penal developments while at the same time, penology impacted on the penal transportation system and penal practices in the colonies. The nominated sites are the only examples from the convict era that demonstrate all of the key aspects of this intersection. The following section compares the *Australian Convict Sites* with important convict and non-convict sites associated with ideas and beliefs about the punishment of crime in the modern era.

Penal transportation as dominant model of punishment

Several convict sites in French Guiana, the Andaman Islands and Singapore demonstrate the large-scale expansion of transportation. The key sites are the St Laurent

Transportation Camp (French Guiana), Administrative Headquarters (Andaman Islands) and Istana Government House (Singapore). The key features of these sites are outlined above and at Appendix C. While a substantial number of convicts were transported to these colonies, the scale of transportation (such as number of convicts, size of the colony) and achievements of convict labour were not as notable as in Australia. None of these penal colonies exerted an influence on major state powers or the spread of penal transportation. This was in contrast to Australia which influenced to copy the Sydney Cove model. French Guiana was important in terms of the number of convicts, duration of the colony and providing a harsh deterrent. However, the penal colony was ultimately unsuccessful as it was plagued by disease, death and economic failure. In comparison with the *Australian Convict Sites*, the convict sites are not the most remarkable example of large-scale penal transportation.

Shift in the punishment of crime in the modern era following the Age of Enlightenment

Development of segregated prisons for female prisoners

Australia was one of the first places in the world to establish purpose-built institutions for female prisoners, typified by the *Australian Convict Sites*. Cascades Female Factory can be compared with a female convict barracks in the Andaman Islands (South Point Barracks) and a women's prison in Britain (Brixton Prison).

South Point Barracks (1860s, Port Blair) and the Female Factory (1860s, Port Blair) were two places for convict women at the Andaman Islands. Little is known about these structures or their purpose. South Point Barracks housed female convicts who worked during the day at work sheds. Today the barracks serve as accommodation for government servants. The surviving structures have been modified, partitioned, repaired and encroached upon following closure of the penal colony. The Female Factory was a workplace for convict women awaiting marriage but there are no remains of the site.

The world's first prisons for female prisoners were established in America, Britain and Europe. The world's first purpose-built 'prisons' for women included: the Spinhuis (Amsterdam, 1645), the Spinning House (St Petersburg, prior to 1723) and Tel'minsk Linen Factory (1827–39).³⁷¹ However, these institutions functioned more as workhouses for poor and disruptive women (such as females who could not be kept by parents or husbands, prostitutes and drunks) rather than prisons for female criminals, and there are no

surviving remains.³⁷² The first segregated prisons for female criminal offenders were Mount Pleasant Female Prison (America, 1835), Brixton Prison, Millbank Prison and Fulham Female Prison (Britain, mid 1850s).³⁷³ All of these were demolished in the late 19th and early 20th centuries with the exception of Brixton Prison. Brixton Prison was a four-storey building that held around 800 female prisoners. It was based on a polygonal plan surrounding a central octagonal watch tower. The prison has undergone substantial modifications and today functions as a male prison.

Development of segregated prisons for juvenile prisoners

The nominated sites can be compared with special prisons established for juvenile offenders in Britain and Europe during the 19th century. Important segregated prisons for juvenile boys included La Petite Roquette Children's Prison (France, 1830), Parkhurst Boys' Prison (Britain, 1838) and La Colonie Agricole de Mettray (France, 1840). There are no surviving convict sites for juvenile convicts apart from Point Puer in Australia.

La Petite Roquette Children's Prison (France, 1830) was the first purpose-built juvenile prison in the world and was designed to punish and reform juvenile offenders through labour. It was constructed on a radial design with four wings extending from a central watch tower. The prison was demolished in the 20th century. Parkhurst Boys' Prison was a large elegant house that incarcerated and taught trades to around 100 boys. The prison drew on the philosophy of discipline and punishment practised at Point Puer.³⁷⁴ Parkhurst Boys' Prison survives today but has undergone significant modifications.



Her Majesty's Prison, Brixton, London, Britain.

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Her Majesty's Prison, Parkhurst, Isle of Wight, Britain.

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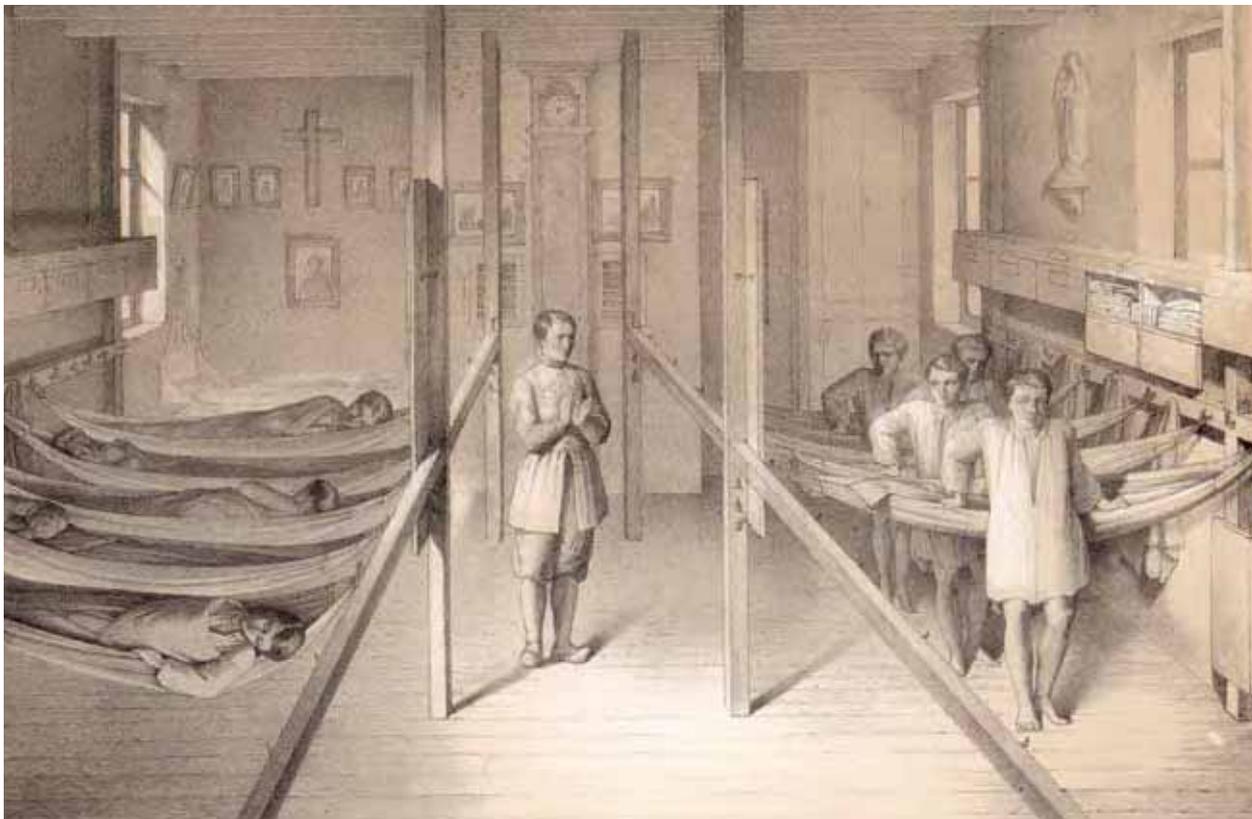
1842 photograph showing a view of Pentonville Prison, London, Britain.

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La Colonie Agricole de Mettray is a complex of 10 separate boarding houses on two sides of a central square surrounding a church. Each house accommodated approximately 40 boys. One floor was used as a workshop and the upper two floors were used as dormitories and refectories. Boys were rehabilitated through hard labour and punishment such as solitary confinement. Many of the original buildings are extant. Today the site is used as a rehabilitation and medical centre and is not open to the public.³⁷⁵

Development of the 'separate system'

The nominated sites can be compared with convict prisons at the Andaman Islands and French Guiana and prisons in Britain, America and France. The Australian penal colonies, typified by the *Australian Convict Sites*, are the only example of the establishment of the 'separate system' during the convict era. However, the Andaman Islands and French Guiana introduced classification systems and cellular isolation, and built panopticon design prisons. The Cellular Jail (Andaman Islands) and Île Saint-Joseph (French Guiana) typify these features and are outlined above ('Use of transportation to deter crime'). Prisons that introduced the 'separate system' include Eastern State Penitentiary (America, 1829), La Petite Roquette Children's Prison (France, 1830) and Pentonville Prison (Britain, 1842). Eastern State Penitentiary was the first prison in the world designed to implement the 'separate system'. It was designed by John Haviland along a radial pattern



c.1850s juvenile prisoners sleeping in hammocks in a dormitory at La Colonie Agricole de Mettray, France.

Reproduced courtesy of: Mary Evans Picture Library.



Front entrance of the Cellular Jail, Andaman Islands.

Reproduced courtesy of: Andaman Softwrights.

containing isolation cells. The prison was decommissioned in the late 20th century and functions today as a museum. Pentonville Prison was designed to hold up to 520 prisoners who were constantly observed, compelled to remain silent and exercised and ate alone. The prison comprises a central watchtower with five radiating wings, each with three storeys. This structure remains intact and continues to function today as a prison. La Petite Roquette Children's Prison was based on the separate system but no longer survives (see above).

Influence of penal transportation and rise of the national penitentiary system

Australia is one of several sites of outstanding universal value that are associated with the rise of the national penitentiary system in Britain and Europe. Pentonville Prison (Britain, 1842) is a significant representation of the national penitentiary system established in Britain from 1842 until the late 1800s. The prison is outlined above. The *Australian Convict Sites* are the best representation of the impact of penal transportation on the rise of the national penitentiary system in Britain. The Australian colonies had the greatest impact among all the penal colonies on the British government's decision to establish a national penitentiary system in Britain. It was the Australian experience that was at the forefront of Britain's concern about her reputation as a major power in the post Enlightenment period. Negative reports about the poor state of several other British penal colonies also had an impact on Britain's global reputation. A number of reports identified a high incidence of homosexuality in the Straits Settlements and the failure of schemes to integrate female convicts into the colony. However, there are no known convict sites that reflect this.



Eastern State Penitentiary, Philadelphia, America.

Reproduced courtesy of: Albert Večekra, Eastern State Penitentiary Historic Site.

3.D Statement of integrity and authenticity

The *Australia Convict Sites* have a high degree of integrity and authenticity and meet the requirements of the *Operational Guidelines to the Implementation of the World Heritage Convention*. The major issues that relate to integrity and authenticity are outlined in the statements below. More detailed information on each of the sites is outlined under Parts 4 to 6 and each site's management plans (see Appendix I).

3.D (I) Statement of integrity

The *Australian Convict Sites* are an example of the forced migration of convicts and of global ideas and developments associated with the punishment of crime during the 18th and 19th centuries. The 11 sites are necessary to provide a complete representation of all of the significant elements which together express the outstanding universal values. Each of the sites and its respective elements are essential to understanding the distinctive character of convictism and penology, and the 11 sites are the best examples of surviving structures and landscapes. Each site possesses a different mix of elements. Collectively, the surviving fabric and landscapes demonstrate the relationship between the elements and enable a full understanding of the forced migration of convicts and global developments in penology during the modern era.

The conditions of integrity of each of the sites and their elements of wholeness and intactness fulfil the requirements in the *Operational Guidelines*. The outstanding universal value of the *Australian Convict Sites* lies firmly in the integrity of the buildings, structures, ruins, archaeological remains and landscapes and the continuing relationship between the sites and their settings. The boundaries of each of the sites are based on historical spaces and enclose landscapes that have a high degree of integrity. The nominated areas fully represent the key elements that are necessary to convey their heritage significance. The buffer zones protect the relationship between the sites and their settings that contribute to their World Heritage values.

Collectively, the physical evidence represents the outstanding universal values of the sites. There is a high level of intactness of the fabric and settings. The sites have been managed for heritage conservation purposes or their continuing function for many decades and some for up to 90 years. Each is a record of the development of conservation practice across Australia over that period. The convict structures and their significant features are generally in fair, good or excellent condition. The condition of structures at some of the sites is typical of buildings that are 150 years old and have been disused and exposed to environmental pressures (particularly fire and rain) for several decades.

Table 3.5: Summary of elements of the *Australian Convict Sites*

ELEMENT SITE	CRITERION IV			CRITERION VI		
	EXPANDING GEO- POLITICAL SPHERES OF INFLUENCE	PUNISHMENT AND DETERRENCE	REFORMATION	TRANSPORTATION AS DOMINANT MODEL OF PUNISHMENT	INFLUENCE OF ENLIGHTENMENT: SHIFT FROM PUNISHMENT OF BODY TO MIND	INFLUENCE ON EMERGENCE OF NATIONAL PENITENTIARIES
KAVHA	✓	✓	✓		✓	
Old Government House and Domain			✓	✓		
Hyde Park Barracks			✓	✓		
Brickendon– Woolmers	✓		✓		✓	
Darlington			✓		✓	
Old Great North Road		✓		✓		
Cascades	✓	✓			✓	
Cockatoo Island	✓					✓
Port Arthur	✓	✓	✓		✓	
Coal Mines		✓				✓
Fremantle Prison	✓				✓	✓



Above: Fremantle Prison in 1859. Below: Fremantle Prison operated as a prison for 136 years and was converted to a heritage conservation site following its decommissioning in 1991.

Reproduced courtesy of: (top) National Library of Australia, H Wray, Convict prison, Fremantle, W. Australia, pic-an5758270.

The lack of continual care was partly the result of popular beliefs about the ‘convict stain’ which were prevalent around the world. Several buildings at Port Arthur including the Penitentiary were damaged by major fires in 1895 and 1897. Many of the original structures at Cascades have not survived. Nevertheless, the remaining physical fabric and the setting provide a good representation of the main features of Australia’s system of female factories. These features include: the site’s strategic and severe physical location at the bottom of a valley hidden from town; the surviving high perimeter walls; the division between subsequent yards showing the evolution and expansion of the female factory and the role of segregation of classes; the Matron’s Cottage that oversaw convict women and their infants; and rich archaeological remains including solitary cells, the nursery for convict babies and convict artefacts.

Other minor integrity issues relate to components of some of the sites that have undergone changes to their functions and minor reconstruction and development. These issues are being addressed through management plans and are outlined below. Development has not affected the internal integrity of the sites and the visual integrity of the landscapes has been maintained. The characteristics and constituents of each of the sites have been retained (see 3.D ii below).

All elements of the sites that contribute to their heritage significance have been identified and management policies developed to conserve their significance into the future. Comprehensive policy regimes and legislation protects each site at a local, state/territory and national level from any future activity that could adversely affect its National

Heritage or proposed World Heritage values regardless of where that activity occurs. Rigorous management plans are in place at each site to ensure the integrity of fabric and heritage values are preserved. All sites are subject to regular maintenance and monitoring programmes to control the impact of adverse effects of development, neglect or deterioration (see Parts 4 and 6).

3.D (II) Statement of authenticity

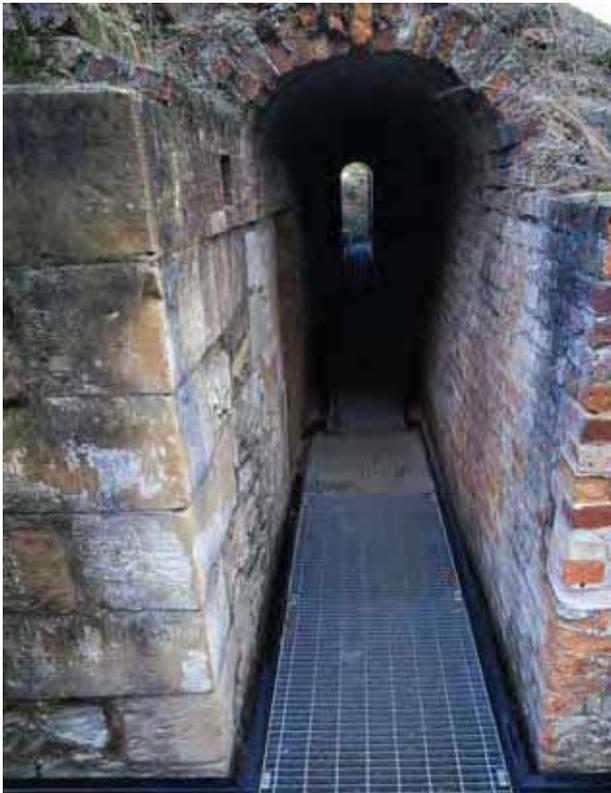
The *Australian Convict Sites* fulfil all the criteria for authenticity in relation to World Heritage properties set out in *Operational Guidelines* and the *Nara Document*. As outlined in Parts 3.A, 3.B and 3.C, the *Australian Convict Sites* have a high degree of authenticity as the only surviving suite of convict sites in the world today that cover all of the key features of convictism and major developments in penology in the modern era. The sites retain the form they had during the convict era with minor exceptions regarding a limited number of features for some of the sites (detailed below).

Each site retains substantial standing structures and works with high individual authenticity of materials and design. Conservation of the sites has been in accordance with best practices, with attention to traditional methods, skills and materials. These have been supplemented by modern methods only where absolutely necessary to stabilise the original fabric. All of the sites have comprehensive management plans in place which contain policies to protect their authenticity.

The authenticity of the *Australian Convict Sites* has been maintained to a high degree as a result of minimal adaptive re-use (as outlined above), preservation of the original function for many decades after the convict era and/or evolution into heritage sites. The structures and landscapes are part of a long continuing history. For many of the sites the continuing use of the original function was maintained for 130 to 155 years. The plateau area of Cockatoo Island continued as a gaol until 1908–09, while the dock and associated buildings continued their ship repair role until 1991. Today, Cockatoo Island is a heritage site. Brickendon–Woolmers have been farming estates



Old Government House retains extensive evidence of its formal government use from 1788 to 1857.



The well preserved underground cells at the Coal Mines show a high degree of integrity and authenticity.

associated with six generations of the Archer family for 190 years. Fremantle Prison operated as a prison for 136 years and was converted into a heritage conservation site upon being decommissioned as an operating gaol in 1991. Old Great North Road continued as a road for public use until 1978 when it became a heritage site for use as a pedestrian pathway within Dharug National Park. KAVHA retains several of its original functions. The convict-built landing pier is an important aspect of the site and is still in operation today. Old Government House retains extensive evidence of its formal government use from 1788 to 1857. It then operated as a boarding house until 1970 when it became a museum with occasional vice regal use. Hyde Park Barracks provided accommodation for immigrants (until 1887) and a variety of government offices/law courts (until 1979) and has operated as an historical museum since 1984.³⁷⁶ Today, all of the sites operate as heritage sites to transmit the heritage significance to the Australian community and international visitors. Port Arthur has operated as an historic site for tourists for over 40 years, and prior to that was an informal tourism village for nearly 100 years. Several buildings at the sites operate as museums including: a room of the Asylum, the Commandant's and Junior Medical Officer's Houses and Trentham Cottage at Port Arthur; the Pier Store, Commissariat Store, Foreman of Works Quarters and Surgeon's Quarters at KAVHA; the Matron's Cottage at Cascades; and Woolmer's Homestead and outbuildings at Woolmer's Estate.

At a small number of sites, individual buildings or landscape features have been adapted to new uses. The main buildings that have changed their functions are: the Bakehouse and Store at Hyde Park Barracks (used as administration offices and a café); the Convict Chapel at Woolmers (converted to an apple packing shed); the Convict Barracks at Cockatoo Island (used as air-raid shelters during the second world war) and at KAVHA, the Commissariat Store (used as a church since 1868, now a museum and archives office), the Old Military Barracks (used by the Legislative Assembly) and the Stipendiary Magistrate's Quarters (converted to a golf clubhouse). A small number of buildings at some of the sites are used for short stay accommodation such as Workers' Cottages (Brickendon–Woolmers), Convict Barracks (Darlington) and some Colonial Authorities' Residences (Fremantle Prison). These re-uses have maintained the significant fabric of the sites. The physical structures, exterior of the buildings and their setting remain true to their original form. Also, the changes have contributed to sustainable practices that facilitate the on-going care and conservation of the sites. Other examples include the removal of a staircase at Hyde Park Barracks and the addition of modern kitchen and bathroom facilities in some buildings at KAVHA and Cockatoo Island.

The low level of development and reconstruction work contributes to the high level of authenticity of the *Australian Convict Sites*. All of the sites retain the spirit of the convict era to a very high degree. There has been minimal urban or rural development within close vicinity to the sites

except for those located close to the urban heart of the colonies. KAVHA, Port Arthur, Coal Mines, Old Great North Road, Darlington, Old Government House and Brickendon–Woolmers are located within landscape settings that have changed little since the convict era. KAVHA is an exceptional landscape that evocatively captures the atmosphere of the convict experience. Development has been virtually non-existent except for a handful of isolated small buildings which are not intrusive. Old Great North Road has survived in virtually its original setting and state, and has a strong sense of place and character. To visit the site is like stepping back into the convict days. Some development has taken place at Darlington such as the construction of cement ‘silos’ in the early 1900s. However, the silos are located away from, and do not impact on, the main convict precinct. Hyde Park Barracks, Cockatoo Island and Fremantle Prison were prominently located within their urban settings and this relationship has been retained.

Reconstruction work has been undertaken on some buildings, generally using traditional materials and in accordance with original documentation or other evidence. Several convict structures at KAVHA such as the Officers’ Quarters, Old Military Barracks and the Stipendiary Magistrate’s Quarters have been restored to varying degrees. The Officers’ Quarters were significantly rebuilt following a fire in 1970. Traditional materials were used consistent with original plans. Some re-roofing works to officers’ buildings have used different materials from the original ones or the roof alignment has been slightly altered. These works are unsympathetic but do not affect the potential

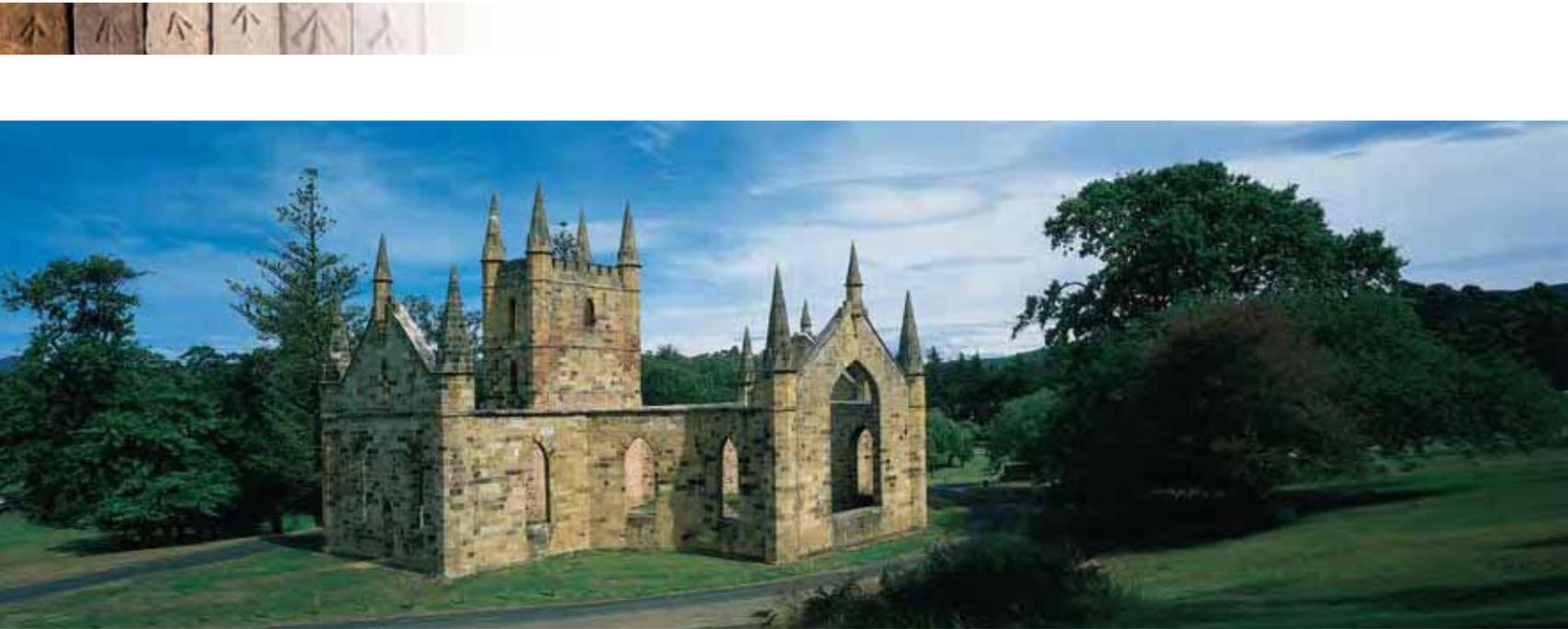


Brickendon–Woolmers have been farming estates associated with six generations of the Archer family.

World Heritage values of the site. The Matron’s Cottage at Cascades has been sympathetically extended and altered, retaining its original 1850s features and character. In some cases, works have been necessary to conserve or preserve the surviving fabric.³⁷⁷ A significant proportion of the bricks that make up the exterior of Hyde Park Barracks have been reversed to expose their least weathered surfaces. This was done for conservation purposes to prevent deterioration of the bricks. In addition, a small number of buildings at some of the sites have been altered as a result of their evolving functions. The Engineer’s and Blacksmith’s Shop



Old Great North Road continued as a road for public use until 1978 when it became a heritage site.



1837 Church, Port Arthur.

Reproduced courtesy of: Port Arthur Historic Site Management Authority.

on Cockatoo Island had another storey added in 1913 in alignment with the dockyard function. Overall, these are minor elements within the sites that do not impinge on the heritage values of the individual sites or the series.

Minor intrusive works have taken place at some sites but these are minimal and management policies are in place to remove or alter them. At Cockatoo Island, the concrete additions in the north-east corner of the convict barracks courtyard and verandah structures will be removed to recreate the original space. The Visitor Centre at Cascades is intrusive and not in harmony with the convict era remains. The potential impact is minimal due to its location in an area of low archaeological significance.³⁷⁸ Nevertheless, policies are in place under the management plan for the removal of the Visitor Centre. Paintwork has not been in accordance with original plans and traditional materials have not been used for a small number of buildings at some of the sites including several officers' buildings at KAVHA. These minor restoration works do not affect the potential World Heritage values.

The *Australian Convict Sites* are exceptionally well documented. The sites have the longest and most continuous recorded history of any convict sites in the world. Australia's convict history is the subject of extensive and diverse research and publication. Detailed original

documentation includes written and pictorial records of the design, layout and construction of the buildings, structures and landscapes. These records provide extensive information on the sites' form and design, materials and substance, use and function, techniques, location and setting and spirit. This documentation makes it possible to know the nature, meaning and history of each site to an exceptional degree. The remaining fabric and records are credible sources of information thus ensuring the authenticity of the sites' heritage values. The strength of the relationship between the physical components and the associated documentary evidence provides a strong basis for evaluating and demonstrating the authenticity of the heritage values. The extensive documentary evidence from multiple sources has a strong alignment to the physical fabric of the sites. The documentary record is identified in bibliographies and management plans, and forms a fundamental basis for policy and decision-making. The records are subject to active, long-term conservation in reputable archives.

Policies and other measures are in place to build a multidisciplinary and community consensus on the heritage values of the sites. These promote an understanding and knowledge of the heritage values to ensure the material safeguard, presentation, restoration and enhancement of the *Australian Convict Sites* (see Parts 4 to 6).

PART 4

STATE OF CONSERVATION AND FACTORS AFFECTING THE PROPERTY



STATE OF CONSERVATION AND FACTORS AFFECTING THE PROPERTY

All elements of the sites are currently in a good to excellent physical condition and none of the sites are under threat from major environmental, developmental or tourism pressures or natural disasters.³⁷⁹ Comprehensive statutory and associated frameworks are in place across several levels of government to ensure the present condition of the sites is maintained to a high standard. These frameworks ensure that the identified heritage values will be retained. The sites are maintained and preserved/conserved through regular and rigorous repair programs and are scrutinised at high levels including the Australian and state and territory governments. All sites are listed as heritage places on national and state heritage registers which ensure their protection under the various laws and policies detailed in Part 5.B. A comprehensive management system which includes management plans for each of the sites is in place. The full suite of conservation and monitoring measures is detailed in Part 5 and Part 6.

4.A PRESENT STATE OF CONSERVATION

All of the fabric and landscape settings of the sites are in good to excellent physical condition and are not subject to any major threats.

Kingston and Arthur's Vale Historic Area (KAVHA)

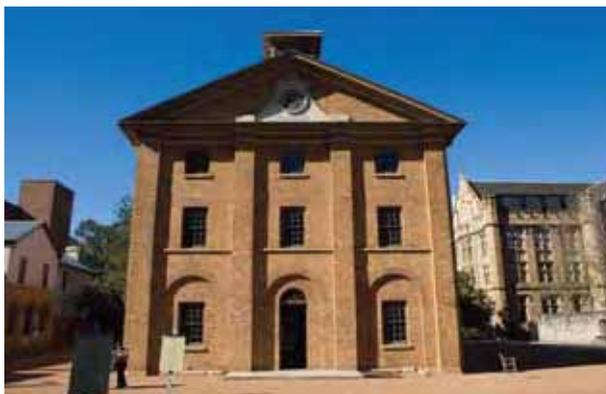
The structures and ruins are in excellent physical condition. The fabric is well maintained and several buildings have undergone various degrees of sympathetic restoration (see Part 3.D). The landscape and physical layout has been maintained to represent the convict period. An ongoing program to conserve the significant fabric of the buildings and structures, archaeological resources and landscapes is in place. The principal buildings were re-roofed in timber shingles as used in the convict era in 2007. Minor developmental pressures are governed by management frameworks and national and territory laws.

Old Government House and Domain

The landscape and fabric of the structures and the landscape are in excellent condition. Conservation management plans for the site guide specific works, changing functions and ongoing conservation to preserve the heritage values of the site. The plans include *Old Government House and Domain, Parramatta Park management plan* (2007), *Parramatta Park landscape master plan* (2002), *Old Government House supplementary volume to the conservation management plan* (2001) and *Old Government House conservation management plan* (1997) as well as plans for individual structures.

Hyde Park Barracks

The structures are in excellent condition. The stonework of the perimeter buildings is conserved in its original form and is managed under the *Hyde Park Barracks management plan* (2007).³⁸⁰ Some of the brickwork of the main barracks building has been reversed using traditional techniques and workmanship and unobtrusive modern stabilisation techniques have been used where necessary. The remaining perimeter wall stonework is in good condition.



Hyde Park Barracks has been conserved to a high level since its construction in 1819.

Brickendon–Woolmers Estates

The convict era fabric is generally in excellent structural and physical condition. The landscapes and buildings are largely unchanged from the 19th century and have been maintained to preserve their original condition.

Brickendon receives regular and ongoing maintenance as required. Some of the timber buildings require additional maintenance work. Woolmers is closed annually for a short time for maintenance and repairs. External floors, walls and doors are sympathetically conserved using methods such as white washing and natural oils or other protective methods which conform to expert conservation recommendations. The management plans outline maintenance regimes for the estates.

Darlington Probation Station

All convict structures and landscapes are in good physical condition. Some convict elements survive as archaeological sites and there is scope for investigating and recovering additional archaeological remains. A number of the buildings are re-pointed and lime washed to maintain integrity and protect the fabric approximately every five to 10 years. Standard maintenance on brickwork, drainage and stonework is addressed in the *Maria Island–Darlington Settlement & Point Lesuer conservation management plan* (2007). A few buildings, in particular the Superintendent's Quarters, Visiting Magistrate's Quarters, Officer's Quarters and Chapel, require minor stabilisation which is also addressed in the Conservation management plan.



c.1825 Commissariat Store at Darlington Probation Station.

Old Great North Road

Old Great North Road structures and landscapes survive in good structural and physical condition and receive regular maintenance and ongoing repairs as necessary. Some retaining walls show some evidence of stress and distortion of shape.³⁸¹ Monitoring and stabilisation processes are in place to address these issues. The current state of conservation is detailed in the *Old Great North Road Dharug National Park management plan* (2008). Conservation and maintenance works are detailed in the *Old Great North Road conservation management plan* (2005), the *Maintenance plan* (2007) and *Old Great North Road Dharug National Park management plan* (2008). Recent conservation works include resurfacing, clearing and restoring culverts using traditional materials, removing vegetation from walls, features and surfaces and repositioning stones.³⁸² Further repairs on sections of some walls are proposed for the 2008–09 financial year.³⁸³



Rangers remove vegetation at Old Great North Road

Reproduced courtesy of: DECC, David Young.

Cascades Female Factory

The original fabric survives as ruins and archaeological remains except for the Matron's Cottage. The Matron's Cottage is in good physical condition and the stonework of the remaining perimeter and internal walls are in reasonable condition. Stabilisation works were undertaken on the perimeter wall in Yard 1 in 1992–93 and 2007–08. In 2000, conservation works were undertaken on the western wall of Yard 3 and the eastern wall of Yard 1. Substantial works have been undertaken to ensure the ongoing stability of the site walls and Matron's Cottage, as well as to repair capping on top of the walls in accordance with the *Cascades Female Factory conservation management plan* (2007). Archaeological remains are conserved according to best practice. Routine maintenance is undertaken to remove weed growth and debris from the perimeter walls. The condition of the exposed remains was reviewed in the *Site conditions assessment report* (2007). Potential minor threats to the site include water seepage into archaeological remains, vegetation growth and theft of stones. The management plan outlines the substantial potential for the presence of archaeological remains at the site.

Port Arthur Historic Site

All buildings and ruins are in sound structural condition and the stonework, fabric and landscape setting are in good condition. The *Port Arthur conservation and development project* (1980–90) and *Conservation Capital Investment Program* (2000–10) have ensured a high level of maintenance and conservation. Monitoring, conservation planning and works deal with weathering and structural issues. Conservation planning and works ensure the implementation of a sustainable cyclical maintenance program. Some buildings and ruins require minor conservation and stabilisation works and these have been identified for future attention.³⁸⁴ The first stage of a

conservation project for the Separate Prison commenced in 2007. Stabilisation works have been undertaken for several buildings including the ruins of the Penitentiary and Hospital. Features such as masonry walls, culverts, drains and foundations are being assessed and recorded on the *Asset Management System* to assist in managing and programming prioritised works.

Coal Mines Historic Site

All features of the site are in sound structural and physical condition. The landscape, stone structures and coal mining sites are in good condition. A maintenance program has been in place for 20 years. Substantial conservation of standing structures was undertaken between 1999 and 2002 including stabilisation works and conservation of stonework. A review and assessment program will monitor and maintain the structural integrity of the site. Research and stabilisation works are planned for ruins including the Catechist's Quarters, Assistant Superintendents Quarters, Hospital and clay pits. A master plan is being developed that will set future review and assessment guidelines for the site.

Cockatoo Island Convict Site

All convict era buildings on Cockatoo Island are in good structural condition and there are no major conservation threats. The stonework on all convict buildings is generally in good condition. Some individual stone blocks and mortar joints require conservation work and this is being addressed by a proposed stonework restoration program. The *Cockatoo Island conservation management plan* (2008) recommends minor conservation works for convict era buildings including removal of unsympathetic post convict-era additions (see Part 3.D). Minor conservation issues such as rising damp, stone and joinery wear and roof leaks are being addressed in the Engineers' and Blacksmiths' Shop and other convict buildings.

Fremantle Prison

Fremantle Prison is an exceptionally intact complex and is in an excellent state of conservation. All buildings are structurally sound and there are no major or minor threats to the site. A series of conservation projects has been undertaken since 1991 to improve the overall state of conservation of the site including work on the Gatehouse complex, Main Cell Block western façade stonework and the Anglican Chapel façade.³⁸⁵ Regular maintenance programs are in place to promote long-term and sustainable conservation and protection of the site. Adherence to management plans (1998, 2006 and 2007) along with regular maintenance programs ensure the site remains in excellent condition.³⁸⁶

FACTORS AFFECTING THE PROPERTY

4.B (I) DEVELOPMENTAL PRESSURES

None of the sites are subject to major developmental pressures such as encroachment, adaptation, agriculture or mining. All of the sites are protected from major development pressures by comprehensive planning regimes and provisions in their respective management plans. All of the sites, except Brickendon–Woolmers, are in public ownership and managed to ensure the protection of their heritage values. In addition, all sites with the exception of KAVHA are protected by buffer zones. Minor developmental pressures and measures to address these are outlined below.

Kingston and Arthur's Vale Historic Area (KAVHA)

Developmental pressures within KAVHA are managed under Norfolk Island planning and heritage legislation. Any application for development within the site is processed by the Planning Officer under the Norfolk Island Plan 2002 and referred to the Norfolk Island Planning and Environment Board for advice, which is collectively considered by the responsible Norfolk Island Government Minister. A separate statutory requirement for proposed development must be referred to the Australian Government for assessment under the *Environment Protection and Biodiversity Conservation Act 1999*.

Bilateral management arrangements between the Australian and Norfolk Island governments for the heritage and conservation management of the site are provided for in the KAVHA *management plan* (2008). The plan is the guiding management tool for the site and has precedent over the *Norfolk Island plan* (2002) where there is a disparity.

The current framework provides a high level of protection for the heritage and conservation of the values within the site and ensures any development is widely considered by the appropriate bodies and in consultation with the Norfolk Island community.

Old Government House and Domain & Hyde Park Barracks

Minor pressures such as encroachment or inappropriate development in the vicinity of the sites are addressed by planning controls under existing local and state legislation and liaison with property owners.

Port Arthur Historic Site

The land holdings of the site have been consolidated under state government ownership to reduce the threat of encroachment by development. The main road has been rerouted around the site and beyond its viewshed.

The Port Arthur Historic Site Management Authority engages with the community to resolve potential sight line issues that may arise in a predominantly rural and forested area. A motel overlooking the historic site is proposed for demolition and will be replaced by a more sympathetically designed development. The development proposal is being scrutinised by the management authority and will be reviewed by the Port Arthur Historic Site Management Board and Australian Government.

Cockatoo Island Convict Site

Land and buildings on the island are owned by the Australian Government and cannot be bought or sold. The majority of the convict-era buildings cannot be leased and are reserved for use during special events. The leasing of up to three convict era residential buildings (potentially the Superintendent's House, Military Officer's Quarters and Clerk of Petty Sessions' Cottage) is to be considered in the future. The Sydney Harbour Federation Trust acts as the planning authority and leaseholder for the island and will ensure that use of any leased buildings are appropriate to their heritage values.

4.B (II) ENVIRONMENTAL PRESSURES

None of the nominated sites are currently subject to the major pressures of pollution or desertification. Port Arthur, Coal Mines, Darlington, Cockatoo Island and KAVHA are located in marine environments subject to varying degrees of salt damage. These sites are subject to the possible risk of climate change due to rising sea levels and water tables and extreme storms. Industrial contamination was a significant pressure at Cockatoo Island but this has been addressed. The impact on the structures is monitored and managed at each site and protection measures are in place. Other minor environmental pressures are outlined below. All of the sites are comprehensively managed and conserved to assist with future planning for major environmental threats, such as climate change, in accordance with the world's best practice.³⁸⁷

Kingston and Arthur's Vale Historic Area (KAVHA)

Topsoil instability is a minor environmental pressure, especially at Flagstaff Hill, Watermill Dam and the low land in Kingston. This has been greatly reduced by implementing recommendations of the KAVHA *Landscape management plan* (1994). The presence of animal activity and vegetation growth is being addressed by various measures provided for in the conservation management plan (2008) and *Landscape management plan*.

Brickendon–Woolmers Estates

A regular maintenance schedule is undertaken to manage vegetation growth at the estates. There are no other environmental pressures.

Darlington Probation Station

The impact of vegetation and wildlife are minor environmental pressures that are addressed by a cyclical maintenance program. This includes regular maintenance of the convict structures and remains, as well as vegetation control around the ruins by staff and volunteers.

Old Great North Road

Extreme rainfall and vegetation growth on the road surface and structures are minor risks to the site. Excess rainwater can cause sedimentation of downstream drainage lines. The road is being stabilised to address the effects of uncontrolled or misdirected run-off water. Stabilisation will also safeguard important weathered surface features on rock faces along the road such as the liesegang.³⁸⁸ A vegetation management procedure is being developed to protect the heritage values. The *Maintenance schedule* (2007) provides for cyclical maintenance works to ensure that drains and culverts remain clear of debris.

Cascades Female Factory

Minor environmental pressures to the site include drainage, traffic vibration and invasive plants. The potential for water seepage to damage the archaeological remains at the site is subject to regular monitoring. Measures are being implemented to address other pressures in accordance with the conservation management plan (2007) including monitoring the effect of ground water and traffic vibration.



Ongoing maintenance works to remove vegetation growth at Old Great North Road.

Reproduced courtesy of: DECC, David Young.

Port Arthur Historic Site

Port Arthur is located in a high rainfall area and this has the potential to affect the site's maintenance and conservation. The clay present in historic fabric such as convict-made bricks can decay. Another pressure includes salty groundwater which can affect the fabric through rising damp and salt attack. Salt-laden wind can erode wall tops and surfaces and affect metals. These pressures have been addressed through maintenance programs and an annual assessment of the site's condition. Conservation priorities are continually reassessed from updated data. Damage by vegetation is not a threat as works programs are in place.³⁸⁹ Appropriate protective vegetation around buildings and features is planned and monitored within the annual works program and detailed in the *Landscape plan* (2002).

Coal Mines Historic Site

Wildlife presence is a minor environmental pressure at the site and is being addressed by appropriate measures.³⁹⁰ The impact of vegetation on the historic features is a potential threat. Vegetation is managed by a cyclical maintenance program. This involves regular maintenance of tracks and structures within the site and vegetation control around the ruins by staff and volunteers.



Conservation work at Port Arthur.

Reproduced courtesy of: Port Arthur Historic Site Management Authority.

Cockatoo Island Convict Site

Decontamination has been a significant environmental pressure due to the island's long history as a shipyard. To date, decontamination measures and the removal of waste have been undertaken in accordance with the strict requirements of the NSW *Contaminated Land Act 1997* and *National environment protection assessment of site contamination measure* (1999). The impact of seagulls and pigeons is a potential minor pressure on larger convict buildings. This has been addressed by restricting nesting

areas on the island and measures to curb feeding of the birds. The root growth of a small number of trees near convict structures is a minor environmental issue and several trees are scheduled for removal.

4.B (III) NATURAL DISASTERS

Australia is located in a very stable geological area where the risks of natural disasters such as earthquakes are low. The sites are located in low risk cyclone or tsunami areas. Floods and fire present a minimal risk to all of the sites and are comprehensively addressed by a number of management measures.

Kingston and Arthur's Vale Historic Area

Fire risk on Norfolk Island is minor due to the mild maritime climate. The risk of uncontrolled fire has been minimised by maintaining short grass in public picnic and barbecue areas, car parks and walking tracks. The site is provided with high-pressure ground level water hydrants and all of the structures are protected by fire detection systems maintained by the Norfolk Island Fire Service. Excess water on the low land in Kingston can be a factor in the deterioration of some bridges, and drainage channels can become blocked. A management plan for the Kingston Swamp and Drainage Channels is currently being prepared. To date, flooding has not affected the site and the situation is being monitored carefully.

The Norfolk Island *Disaster and Emergency Management Act 2001* establishes requirements for dealing with natural disasters. Under the Act, responses to cyclones and other natural disasters are co-ordinated by the Norfolk Island Emergency Management Committee. While high winds associated with cyclones sometimes bring down trees on the island, the risk to the site is low. A Norfolk Island tsunami warning system is co-ordinated by the Norfolk Island government in conjunction with Emergency Management Australia, the Australian Bureau of Meteorology and Norfolk Island Police.

Old Government House and Domain

The site is situated within a riverine environment traversed by the Parramatta River. The riverbanks are subject to a 1-in-100 years flood zone but this does not affect the buildings or archaeological sites. The risk of bushfires is minimal and confined to specific natural areas along the creek lines and river. The *Parramatta Park Trust disaster plan for the historic buildings and monuments in Parramatta Park* (2004) provides strategies to identify and minimise threats from natural disasters, as well as measures to minimise the impact on heritage values in the event of a natural disaster. Buildings and structures are monitored remotely by smoke and temperature detectors and security systems plus regular night and day security patrols. The site is covered by an *Emergency evacuation plan* (2007) and the *Parramatta Park emergency incident management plan* (2007) to protect cultural resources in the event of a natural disaster.

Hyde Park Barracks

Although flood or fire is highly unlikely at Hyde Park Barracks a *Disaster management plan* (2007) is in place. It includes an action plan for the evacuation and removal of collections. It also addresses procedures for dealing with disaster and post-disaster situations including flooding, fire, earthquakes and other natural disasters.

Brickendon–Woolmers Estates

Flooding can present a minor seasonal pressure to the low lying areas of the site but does not rise high enough to affect any structures. Damming of the river upstream has further reduced this risk. A fire monitoring system is in place via smoke detectors and sprinklers in fire risk areas, both internally and externally within the homesteads and some buildings. An alarm system is in direct contact with local fire fighting services. Fire breaks are maintained to assist in minimising the threat of summer fires. Regular mowing, garden maintenance and grass slashing takes place to prevent the spread of fire.

Darlington Probation Station

The site is a low fire risk area due to native fauna grazing. Smoke detectors have been installed in buildings and a reticulated water supply is available. Comprehensive fire management policies are in place to minimise likelihood of fires. Fire management policies also form part of management plans for reserves that are close to the site. Plans include the *Fire management policy* (2006) and the *Maria Island National Park and Ile Des Phoques Nature Reserve management plan* (1998). Flooding is not a risk as the site is situated several hundred metres from the high tide mark and has substantial drainage systems in place. Guttering is cleared during cyclical maintenance and can withstand substantial rainfall.

Old Great North Road

Bushfires are a minor threat to the site and measures are in place to address this. Fires can directly affect the conservation of convict material and increase erosion and runoff. Fire regimes to conserve habitats and protect historic features from potential damage are addressed in the *Yengo National Park, Parr State Recreational Area and Dharug National Park fire management plan* (2003). Periods of very high intensity rainfall present a minor risk to the fabric of the road. Extreme rainfall conditions may lead to erosion of the road pavement, overload drains, culverts and damage the backfill and retaining walls. Structural stabilising works have been undertaken to combat these risks following recommendations in the management plan. Floods are unlikely to be a threat to Old Great North Road.

Cascades Female Factory

The site has a *Fire management plan* (2000) in place. However the urban area makes the threat of fire low. Historically, the site has been prone to flooding in the past but this has not occurred for many years since the Hobart City Council undertook control measures of the nearby waterway in 1966.

Port Arthur Historic Site

Fire or floods do not present a foreseeable threat to the site. However, security and fire systems have been established and the site has its own fire fighting crew with direct contact to local fire fighting services. The *Emergency management plan* (2006) establishes procedures for dealing with natural disaster emergencies. The *Collections protection plan* (2007) outlines strategies for managing threats to the site's collections.³⁹¹ A *Risk register* identifies risks to management objectives, and identifies controls and treatment plans. It is linked to the *Emergency management plan* and annual *Corporate plan*.³⁹² In addition, a detailed structural monitoring program is being developed which includes laser scanning of susceptible fabric.³⁹³

Coal Mines Historic Site

The *Lime Bay State Reserve and Coal Mines Historic Site fire management strategy* (2002) is implemented through a partnership between the management authority and the Tasmanian Parks and Wildlife Service; however the threat of bushfire is low. The elevated position of most of the structures at the site makes flooding unlikely.

Cockatoo Island Convict Site

The rocky nature of the island and its well drained location make fire and flood unlikely. Appropriate sprinkler systems will be installed in the convict-era buildings in 2008 to combat any risk of fire and other protective measures such as evacuation procedures and specially trained staff are in place for other natural disasters such as earthquakes.

Fremantle Prison

The site is elevated so not subject to flooding and the surrounding urban land use minimises the risk of bushfire. The prison has fire detection, management systems and safety evacuation plans in place. Smoking and the use of naked flames are not permitted on the site.

4.B (IV) VISITOR/TOURISM PRESSURES

There are no current major visitor pressures at any of the sites. All of the sites have the capacity and management frameworks in place to absorb current and future numbers of visitors without adverse effects. All of the sites have regular maintenance to preserve the structures and several have world class frameworks in place. Visitor management measures are outlined below. All sites have such measures in place or in preparation. For details on visitor numbers and facilities, see Part 5.H.

Kingston and Arthur's Vale Historic Area (KAVHA)

The number of visitors present at any one time is limited by the number of flights to Norfolk Island. A number of companies operate vehicle tours to the site and give an historical commentary and many buildings are open for tourists.³⁹⁴ Occasionally Government House is open for inspection by invitation of the Norfolk Island Administrator. Most visitors tour KAVHA at least once during their visit. Pedestrian and vehicular movements are monitored by regular inspection and conservation solutions are developed by the KAVHA Management Board. KAVHA is a large site and can comfortably accommodate potential increased visitation without adverse affects.

Old Government House and Domain

Visitor entry to Old Government House is by fee and visitor numbers can be strictly managed. Access to the Domain is free of charge and visitor activities are closely monitored and managed by two public authorities.³⁹⁵ The visitor centre and car park centralise visitor facilities and reduce the physical and visual impact on the site. All visitors take guided tours through the house in groups of 10 and there are supervised programs for school children.³⁹⁶ Designated walking paths, boardwalks and stairs are in place to protect archaeological resource materials, landscape features and

ecological communities in the Domain.³⁹⁷ There are also self-guided and sign-posted walking tours of the Domain landscape.³⁹⁸ Many areas immediately surrounding Old Government House are designated 'non-pegging' areas to protect archaeological materials from repetitive impacts from visitor activities.³⁹⁹

Hyde Park Barracks

The site operates as a museum with entry by fee and guided tours for visitors. It also provides a variety of children's education programs, interpretive displays, a bookshop and a café. A monitoring program includes inspection of visitor movements by staff guides. The configuration of the building and visitor management strategies enables relatively large numbers of visitors to access the site. For example, average weekend visitation is approximately 250–400 visitors, increasing to around 5,000–6,000 visitors over the Australia Day weekend.⁴⁰⁰ An anticipated increase in overseas visitation of approximately 5 per cent would bring the annual visitation to approximately 210,000–220,000 which the site is well able to manage.

Brickendon–Woolmers Estates

A visitor reception service is provided at Brickendon and Woolmers and entry fees are charged. At Brickendon, tours of the convict and farming village are self guided. Accommodation is also available in five self-contained cottages. At Woolmers, tours of the site run four times daily with more in peak season. Visitors can follow a self-guided tour through the outlying buildings and grounds. Visitors are catered for in the Servants' Kitchen Restaurant and can be accommodated in seven self-contained cottages on site. Tours will be implemented at Brickendon–Woolmers to offer additional interpretation of the outbuildings if visitor numbers increase. Guided tours would improve visitor management and help preserve the fabric.

Darlington Probation Station

Access to the station is controlled as visitors can only get to Maria Island by water. A ferry service runs regularly. Visitors can visit the island on private vessels though numbers are small. A Parks and Wildlife Service ranger is present on the island at all times to manage visitors. The visitor information and reception centre is located within the Commissariat Store. Entry to the island is by a park pass for which a fee is charged. Interpretive panels are located throughout the site. Visitor movement is controlled by walkways and cycle paths. Short stay accommodation and water/waste facilities are available in the penitentiary and campground sites for a small number of visitors who wish to remain overnight. It is estimated that the site could accommodate an increase in visitors and a management and infrastructure plan will be developed in response to any significant visitor increase.



Australia Day Concert in the Domain at Old Government House.

Reproduced courtesy of: Christopher Levins.

Old Great North Road

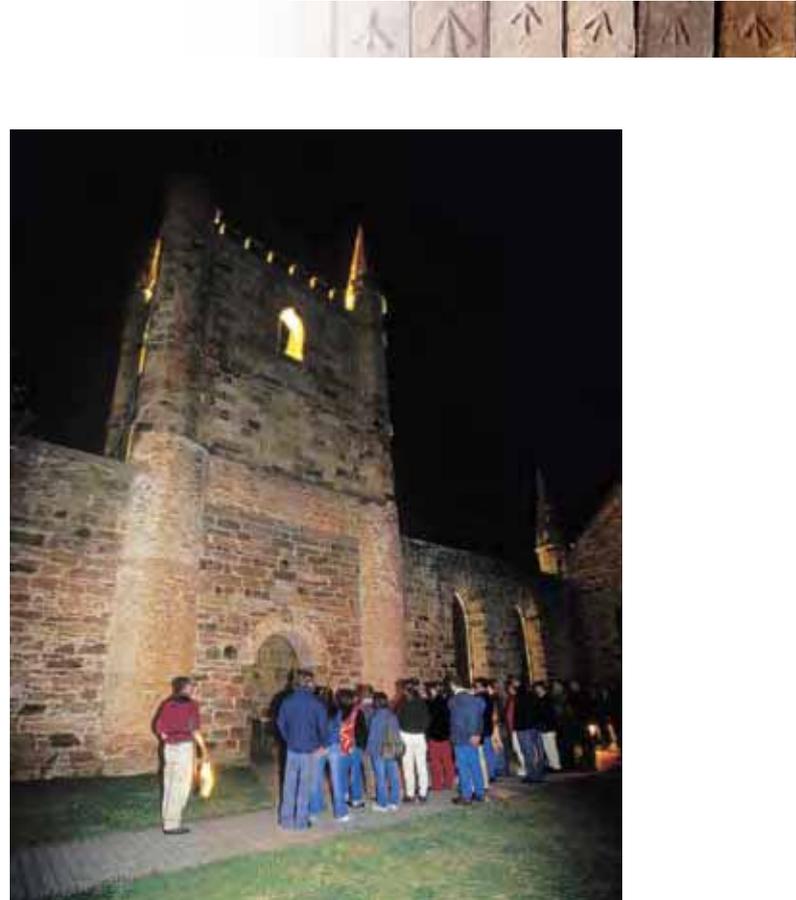
The site is used for many forms of recreation such as walking, mountain bike riding, historical and school trips and overnight trekking. Minor threats from potential increased visitation include vandalism, theft, illegal four wheel driving and horse riders. Steps taken to manage visitors include closure of the road to vehicles and the requirement that all bikes be walked. An exposed drainage channel has been fenced off to protect its sensitive values from visitor impact. Interpretive and directional signs are provided throughout the site to encourage visitors to remain in designated areas. The site is currently patrolled, managed and maintained by an area manager and a ranger. Current visitor numbers are well under the carrying capacity for the site. Formal camping areas and limits on numbers, times and locations may be instituted where necessary. Other long-term objectives for managing increasing levels of visitation include audio tours and a possible off-site visitor centre and provision of picnic facilities at the Stockade site.

Cascades Female Factory

Yard 1 is open continuously to the public and the Tasmanian Parks and Wildlife Service field officers and volunteers monitor the yard during business hours. Twenty-four hour monitoring of this area or closure overnight is currently under investigation. Yards 3 and 4 have low visitor/tourism pressures. A reception service is provided at the site shop and an interpretive panel is located in Yard 1. Groups limited to a maximum of 30 are offered guided tours of the site including the Matron's Cottage for which they pay a fee. School groups also visit the site in groups of 20–60 students. Steps to manage current and increased visitor numbers are detailed in the conservation management plan (2007) and are part of a security review.



Interpretive panel in Yard 1, Cascades Female Factory.



Regular ghost tours are one of many organised activities at Port Arthur.

Reproduced courtesy of: Port Arthur Historic Site Management Authority.

Port Arthur Historic Site

The visitor centre and car park, organised tours and programs for visitor activities are important mechanisms for managing tourism pressures. Visitors pay an entry fee and engage in organised activities at the visitor centre. The programs and tours assist in controlling visitor access, movement and impact. Timber and low impact steel mesh walkways are provided for safe access and to reduce impact in high use areas. Areas of sensitive heritage fabric have restricted access. Site maps and audio tour guides direct visitors around the site. These programs enhance the visitor experience and provide an informed and respectful visit. The management authority is currently developing a monitoring program to address potential issues about the site's capacity in light of increased visitor numbers.

Coal Mines Historic Site

There are extensive interpretation panels and devices to assist visitors at the site. Visitor numbers are periodically monitored through the use of traffic counters. The site is currently open to access at all times and entry is free. There is occasional vandalism such as minor damage to interpretive devices and minor disturbance to fabric. While there is no management presence except for maintenance activities the management authority is considering a more permanent presence and other visitor management measures. These include marketing and promotion of the site over the next few years and organised tours. It is estimated that the site is well below the potential threshold for significant visitor impact.

Cockatoo Island Convict Site

Access to the site is controlled as visitors can only get to the island by water. Public ferries provide return trips up to seven times daily. The site was able to comfortably accommodate 18,000 visitors over a three-day festival held in 2005 without any adverse effects. Visitors can take a self-guided tour or a guided tour which runs three times a week. School groups are encouraged to visit the island as part of their curriculum and approximately 5,000 children visit each year. Interpretive signs are located throughout the site and information leaflets and maps are available in the visitors recreation centre. There is no threat from visitor numbers at present and the site can comfortably absorb a significant increase in visitor numbers without adverse affects. Visitation will continue to be monitored carefully and a control program will be established if necessary.

Fremantle Prison

The site offers a variety of visitor experiences including thematic tours of the site, education and public programs and events. Visitors pay an entry fee. Access in and around the site is strictly regulated with all visitors taking part in fully escorted guided tours. Tour routes are restricted to mainly bitumen and concrete surfaces and the impact on the site is minimal. Careful attention to the condition of surfaces accessed by the public is maintained through

employee observation and regular building condition assessments (see Part 6.C). Alternative routes are also available during maintenance and to spread the load during peak periods. Tours are limited to a maximum of 30 people. It is estimated that Fremantle could accommodate up to 500,000 visitors annually and hence the forecasted visitor growth to 250,000 per annum is not expected to place unmanageable pressures on the site in the foreseeable future.⁴⁰¹



Visitors at the gift shop at Fremantle Prison.

4.B (V) NUMBER OF INHABITANTS

Table 4.1: Number of inhabitants within the property and buffer zone in 2007.

ESTIMATED POPULATION	NOMINATED SITE		BUFFER ZONE		TOTAL
	PERMANENT	TEMPORARY	PERMANENT	TEMPORARY	
KAVHA	31	55	0	0	86
Old Government House	0	0	0	0	0
Hyde Park Barracks	0	0	0	0	0
Brickendon–Woolmers	8	20	0	0	55
Darlington	1	26	0	0	
Old Great North Road	0	198	2	56	256
Cascades	0	0	24 ⁴⁰²	0	24
Port Arthur	0	0	200 ⁴⁰³	0	200
Coal Mines	3	65	200–300		268–368
Cockatoo Island	0	0	0	0	0
Fremantle Prison	1	40	0	3 ⁴⁰⁴	44
	0	6	700	0	706

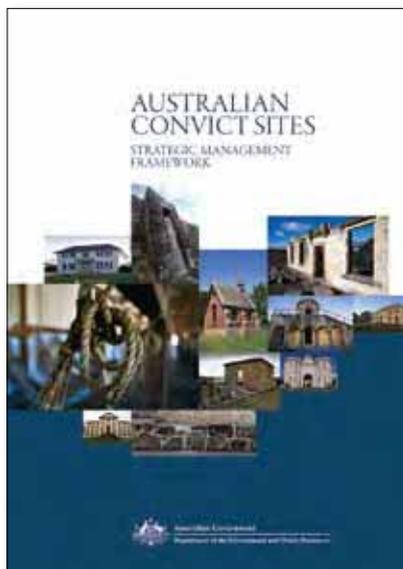
PART 5

PROTECTION AND MANAGEMENT OF THE PROPERTY



PROTECTION AND MANAGEMENT OF THE PROPERTY

The *Australian Convict Sites* are comprehensively protected and managed under a management system entitled the *Australian Convict Sites strategic management framework* (2008). The framework is endorsed by the Australian Government and the NSW, Tasmanian, WA and Norfolk Island governments. The framework comprises legislative regimes across Australia's three levels of government, management plans for each of the sites and a range of strategies to ensure the highest level of protection for the sites. The Australian Convict Sites Steering Committee oversees the implementation of the framework.



Australian Convict Sites strategic management framework (2008) – hereafter referred to as *Strategic management framework* (2008).

5.A OWNERSHIP

Table 5.1: Ownership of the nominated sites.

		OWNERSHIP
NORFOLK ISLAND	KAVHA	Largely owned by the Commonwealth of Australia with some portions of land privately owned
NSW	Old Government House	State of New South Wales
	Hyde Park Barracks	State of New South Wales
	Old Great North Road	State of New South Wales
	Cockatoo Island	Commonwealth of Australia
TASMANIA	Brickendon–Woolmers	Brickendon Estate is privately owned and occupied by the Archer family. Woolmers Estate is owned by the Woolmers Foundation Inc.
	Darlington	State of Tasmania
	Cascades	State of Tasmania and Female Factory Historic Site Ltd *
	Port Arthur	State of Tasmania
	Coal Mines	State of Tasmania
WA	Fremantle Prison	State of Western Australia

* The site is expected to be wholly owned by the Tasmanian Government in 2008. The Female Factory Historic Site Ltd will remain actively involved as a community organisation.

5.B PROTECTIVE DESIGNATION

Legislation and associated planning and protection instruments have been established across three levels of government – national, state and territory (provincial), and local – to ensure the *Australian Convict Sites*' heritage values are comprehensively conserved and managed. All of the sites are protected by listing on statutory heritage registers

at all levels of government. These registers include specific provisions for managing the heritage values of the site. Buffer zones are proposed for the nominated sites on the basis that they will be implemented upon inscription of the *Australian Convict Sites* on the *World Heritage List*. More details about specific buffer zones are in Part 5.D.

Table 5.2: National and state heritage list legislation

SITE	LISTING			
	NATIONAL HERITAGE LIST		STATE/TERRITORY HERITAGE REGISTER	
	LEGISLATION	DATE	LEGISLATION	DATE
KAVHA	<i>Environment Protection and Biodiversity Conservation Act 1999.</i> All sites are listed in the National Heritage List.* Cockatoo Island is also listed on the Commonwealth Heritage List.	1 Aug 2007	Norfolk Island Heritage Register – <i>Norfolk Island Heritage Act 2002</i>	17 Dec 2003
Old Government House		1 Aug 2007	State Heritage Register New South Wales – <i>Heritage Act 1977</i>	9 June 1989
Hyde Park Barracks		1 Aug 2007	State Heritage Register New South Wales – <i>Heritage Act 1977</i>	2 Oct 1981
Old Great North Road		1 Aug 2007	State Heritage Register New South Wales – <i>Heritage Act 1977</i>	2 Apr 1999
Cockatoo Island		1 Aug 2007		
Brickendon–Woolmers Estates		23 November 2007	Tasmanian Heritage Register – <i>Historic Cultural Heritage Act 1995</i>	B – 9 Dec 1998 W – 7 Oct 1998
Darlington		1 Aug 2007	Tasmanian Heritage Register – <i>Historic Cultural Heritage Act 1995</i>	21 Nov 2001
Cascades		1 Aug 2007	Tasmanian Heritage Register – <i>Historic Cultural Heritage Act 1995</i>	Y1 – 9 Dec 1998 Y3 – 19 Sep 2001 Y4S – 9 Dec 1998 Y4N – 2008*
Port Arthur		3 June 2005	Tasmanian Heritage Register – <i>Historic Cultural Heritage Act 1995</i>	10 Mar 1998
Coal Mines		1 Aug 2007	Tasmanian Heritage Register – <i>Historic Cultural Heritage Act 1995</i>	9 Dec 1998
Fremantle Prison	1 Aug 2005	State Register of Heritage Places Western Australia – <i>Heritage of Western Australia Act 1990</i>	10 Jan 1992	

* Part of Yard 4 (Y4N) was recently purchased and is expected to be listed on state and national registers in 2008.

5.C MEANS OF IMPLEMENTING PROTECTIVE MEASURES

Australia provides a high level of legal protection to its National Heritage and World Heritage properties with legislation across the three levels of government - national, state and territory and local. The heritage values of the *Australian Convict Sites* and the proposed buffer zones are safeguarded through a robust protection and management system. The *Strategic management framework*, endorsed by the Australian Government and relevant state and territory governments, includes a wide range of measures provided under planning and heritage legislation and policies of the Australian Government and the NSW, Tasmanian, Western Australian and Norfolk Island governments (see Part 5.D). This legislation provides protection beyond the site limits and buffer zones of the properties as outlined below. An overview table of the legislative context is provided at Table 5.3 below.

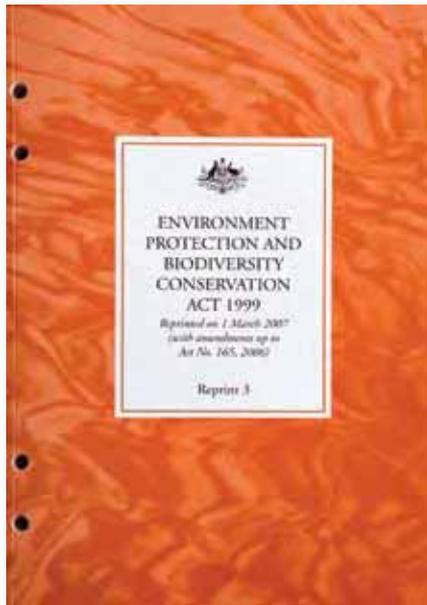
Table 5.3: National, state/territory and local legislation for each of the sites.

	New South Wales				Tasmania					Western Australia	Norfolk Island
Convict Sites	Old Government House	Hyde Park Barracks	Old Great North Road	Cockatoo Island	Port Arthur	Coal Mines	Darlington	Cascades	Brickendon-Woolmers	Fremantle Prison	KAVHA
National Legislation	Environment Protection and Biodiversity Conservation Act 1999										
State or Territory (Provincial) Legislation	Environmental Planning and Assessment Act 1979				Sydney Harbour Federation Trust Act 2001						
	Heritage Act 1977				Land Use Planning and Approvals Act 1993					Planning and Development Act 2005	Planning Act 2002
	National Trust of Australia (NSW) Act 1990	Historic Houses Act 1980	National Parks and Wildlife Act 1974		Historic Cultural Heritage Act 1995					Heritage of Western Australia Act 1990	Heritage Act 2002
	Parramatta Park (Old Government House) Act 1967				National Parks and Reserves Management Act 2002						Public Reserves Act 1997
	Parramatta Park Trust Act 2001				Port Arthur Historic Site Management Authority Act 1987						
Local Legislation	Sydney Regional Environment Plan no 28 Parramatta 1999	Sydney Local Environment Plan 2005	Gosford Interim Development Order (IDO 122)		Tasman Planning Scheme 1979	Glamorgan Spring Bay Planning Scheme 1994	City of Hobart Planning Scheme 1982	Northern Midlands Planning Scheme 1995	City of Fremantle Local Planning Scheme No 4 2007	Norfolk Island Plan 2002	

Australian Government legislation

Environment Protection and Biodiversity Conservation Act 1999

Australia's obligations under the World Heritage Convention are reflected in the provisions of the *Environment Protection and Biodiversity Conservation Act 1999* to promote a nationally consistent standard for the management of Australian World Heritage properties. The legislation provides comprehensive national level protection for National Heritage and World Heritage places including protection that extends beyond the property boundary and the buffer zone. The Act established the National Heritage List to recognise and protect places of outstanding heritage value to the nation. All of the *Australian Convict Sites* are National Heritage places (see Part 5.B). In the event the sites are inscribed on the *World Heritage List*, they will become a World Heritage property protected under the Act. Any proposed action to be taken inside or outside the boundaries of a National Heritage place or a declared World Heritage property that may have a significant impact on these heritage values is prohibited without the approval of the Minister for the Environment, Heritage and the Arts. The Act requires that actions that may have a significant impact on National Heritage or World Heritage values must be subject to a rigorous assessment and approval process. The Minister makes the final decision on whether or not to approve the action. The Act provides a further level of protection for sites owned by the Australian Government (i.e. most of KAVHA and Cockatoo Island). Any action on those sites which may have significant impact on the environment is prohibited without approval.



Sydney Harbour Federation Trust Act 2001

The *Sydney Harbour Federation Trust Act 2001* sets out further requirements for the management of Cockatoo Island which is owned by the Commonwealth of Australia as part of the Sydney Harbour Federation Trust. This is detailed under 'Legislation relating to NSW' below.

Legislation relating to Norfolk Island

Heritage Act 2002

Under the *Heritage Act 2002*, all proposed use or development within KAVHA that requires approval must be publicly exhibited and referred to the Norfolk Island Planning and Environment Board for comment prior to determination of the development application.

Planning Act 2002

The *Planning Act 2002* provides for the *Norfolk Island plan* (2002) and associated controls on the use and development of land in Norfolk Island and for related purposes. Some of the key objects of the Act are to: promote conservation and preservation of the island's unique cultural and built heritage; promote the proper management, development and conservation of the natural and man-made resources; promote conservation of the island's natural environment and landscape beauty; determine the preferred future use, development and management of the island; ensure that health and safety, and the amenity of the island are promoted by activities subject to development approval; and provide standard development approval procedures.

Public Reserves Act 1977

Much of KAVHA is public reserves under the *Public Reserves Act 1977*. This Act ensures the public reserves are managed to promote the conservation of the natural environment and heritage of Norfolk Island. The Act requires that the management of public reserves involve the community through consultation and comment. A Conservator of Public Reserves is responsible for the management of all public reserves, in accordance with the plan of management for each reserve.

Legislation relating to NSW sites

Heritage Act 1977

The *Heritage Act 1977* provides protection for places of natural and cultural heritage significance in NSW. It provides for the listing of heritage items or places on the State Heritage Register and the making of orders for their protection. Old Government House, Hyde Park Barracks and Old Great North Road are individually listed as heritage places. Any development application for these sites must be considered by the NSW Heritage Council.

Cockatoo Island is an Australian Government-owned property and therefore is subject to additional heritage provisions of the *Environment Protection and Biodiversity Conservation Act 1999*.

Environmental Planning and Assessment Act 1979

The *Environmental Planning and Assessment Act 1979* establishes the environmental and land use planning system for NSW and regulates the management, development and conservation of natural resources and the built environment. The Act allows for the creation of environmental planning instruments such as state environmental planning policies and local environmental plans. These planning instruments set out the planning provisions and rules that apply to areas the NSW Minister for Planning considers are of state or regional significance.

Parramatta Park Trust Act 2001 – Old Government House and Domain

The *Parramatta Park Trust Act 2001* vests the lands comprising Parramatta Park ('the Domain') in the Parramatta Park Trust. The Trust is a statutory body and is subject to the control of the responsible NSW minister. The Act sets out the objects and functions of the Trust and the scope of its powers to manage the land. The objects and functions are consistent with the maintenance, improvement and use of the land for recreational, historical, scientific, educational and heritage activities and conservation of the heritage values. Under the Act, proposals for changes to the site must be approved by the Parramatta Park Trust and in some cases the Minister administering the Parramatta Park Trust Act.

Parramatta Park (Old Government House) Act 1967 – Old Government House and Domain

The *Parramatta Park (Old Government House) Act 1967* appoints the National Trust of Australia (NSW) as trustee of Old Government House and its outbuildings and gardens. Under the Act, the land is vested in the Trust for the preservation of the land and Old Government House and other buildings on the land as an historical site and historic buildings.

National Trust of Australia (New South Wales) Act 1990 – Old Government House and Domain

The *National Trust of Australia (New South Wales) Act 1990 No 92* establishes the National Trust of Australia (NSW) as a statutory corporation. The objects of the National Trust are to: acquire, maintain and protect for public benefit places of beauty or historical or cultural interest; encourage and promote public appreciation of such places; provide access to such places; and cooperate with other

organisations with similar objectives. The Act provides for the Trust to make by-laws to enforce these objectives with regard to its properties, including their management and use, the preservation of plants, soils and animals, and charging entrance fees. The NSW Governor may also make regulations to enforce the Trust's objectives.

Historic Houses Act 1980 – Hyde Park Barracks

The Historic Houses Trust was established under the *Historic Houses Trust Act 1980* as a statutory authority of the NSW Government to manage, conserve and interpret the properties vested in it for the education and enjoyment of the public. Under the Act, the 'principal objects' of the Trust in their management of properties including Hyde Park Barracks are clearly identified as relating to the care, management and interpretation of their significant heritage values. The Act also includes provisions for and controls on maintenance, alterations to historic buildings or places, conservation plans to guide 'alterations and improvements' and disposal. Under the Act, proposals for changes to the site have to be approved by the Historic Houses Trust.

National Parks and Wildlife Act 1974 – Old Great North Road

Old Great North Road is located within Dharug National Park which is reserved and managed under the *National Parks and Wildlife Act 1974*. The heritage values and the management of reserved lands are therefore also regulated through the Act. The Act also requires a plan of management for reserved lands and management must be consistent with such a plan once made. The objectives of the Act include: the conservation of nature; the conservation of objects, places or features of cultural value within the landscape; fostering public appreciation, understanding and enjoyment of nature and cultural heritage values and their conservation; and providing for the management of reserved land in accordance with the applicable management principles. Under the Act, proposals for changes to the site have to be approved by the NSW Department of Environment and Climate Change.

Sydney Harbour Federation Trust Act 2001 – Cockatoo Island Convict Site

The *Sydney Harbour Federation Trust Act 2001* sets out other requirements for the management of Cockatoo Island (which is part of the Trust). The Act establishes the Sydney Harbour Federation Trust Board to protect, conserve and interpret the environmental and heritage values of the site.

Legislation relating to Tasmanian sites

Historic Cultural Heritage Act 1995

The *Historic Cultural Heritage Act 1995* is the primary legislation that governs the management of places of historic cultural heritage significance entered on the Tasmanian Heritage Register under Tasmania's resource planning and management system. Under the Act, the Tasmanian Heritage Council is the consent authority responsible for considering works proposed on places on the Tasmanian Heritage Register.

Land Use Planning and Approvals Act 1993

In addition to listing on the Tasmanian Heritage Register, the management of places of historic cultural heritage significance is also required to be in accordance with the relevant planning scheme, which is subject to the *Land Use Planning and Approvals Act 1993*. Each of the Tasmanian sites is also governed by planning schemes for the relevant local planning authority under this legislation.

Tasmanian state coastal policy (1996) – Darlington Probation Station, Port Arthur Historic Site and Coal Mines Historic Site

The *Tasmanian State coastal policy (1996)* is a statutory document created under the *State Policies and Projects Act 1993*. The policy applies to the 'coastal zone' which includes the seabed, tidal waters and foreshore, the water, plants and animals and associated areas of human habitat and activity. The main principles of the policy are to ensure: the protection of the natural and cultural values; ensure the area is used and developed in a sustainable manner; and ensure there is shared responsibility for the management and protection of the area. All future use and development of public land in the coastal zone is to be consistent with this policy.

National Parks and Reserves Management Act 2002 – Cascades Female Factory, Darlington Probation Station, Port Arthur Historic Site and Coal Mines Historic Site

Darlington, Cascades, Port Arthur and the Coal Mines are on declared reserved land under the *Nature Conservation Act 2002*.* The sites are managed in accordance with the objectives of the *National Parks and Reserves Management Act 2002*. These objectives include: to conserve sites or areas of cultural significance; to encourage education based on the purposes of reservation and the natural or cultural values of the national park, or both; and to encourage and provide for tourism, recreational use and enjoyment consistent with the conservation of the national park's natural and cultural values. The Maria Island National Park (Darlington) is currently managed in accordance with a statutory management plan, the *Maria Island National Park and Ile Des Phoques Nature Reserve management plan (1998)*. The plan sets out the values, significance, goals and management objectives.

* Cascades is expected to be declared March 2008

Port Arthur Historic Site Management Authority Act 1987 – Port Arthur Historic Site and Coal Mines Historic Site

The *Port Arthur Historic Site Management Authority Act 1987* created the management authority as a statutory body responsible for the care, control and management of the site. The authority must: ensure the preservation and maintenance of the historic site as an example of a major British convict colony and penal institution of the 19th century; coordinate archaeological activities; promote an understanding of the historical and archaeological importance of the site; promote the site as a tourist destination in accordance with the management plan; provide adequate facilities for visitor use; and seek supplementary financial assistance (such as grants and sponsorship) to support its functions.

WA legislation

Heritage of Western Australia Act 1990 – Fremantle Prison

The *Heritage of Western Australia Act 1990* provides for the conservation of places which have significance to the cultural heritage of WA and establishes the Heritage Council of Western Australia. The Act establishes the Register of Heritage Places which lists places, buildings, archaeological sites, historic gardens, landscape features and historic cemeteries in WA that have been assessed by the Heritage Council and are considered to have cultural heritage significance. The owners of properties on the register are required to observe the requirements of the Act. Any development proposals concerning Fremantle Prison must be referred to the Heritage Council of Western Australia.

Planning and Development Act 2005 – Fremantle Prison

The *Planning and Development Act (2005)* is the principal and guiding legislation for planning in Western Australia and sets out the basis for the planning and development of land in an efficient and effective manner throughout the state. Local authorities develop local town planning schemes which must comply with this overarching legislation.

5.D EXISTING PLANS RELATED TO MUNICIPALITY AND REGION IN WHICH THE PROPOSED PROPERTY IS LOCATED

Municipal plans and policies are in place to provide for the protection of the *Australian Convict Sites*. These instruments are able to provide for a buffer zone to ensure the effective protection of the nominated sites from development within the surrounding area that may threaten the proposed World Heritage values.

Norfolk Island plan (2002) – Kingston and Arthur’s Vale Historic Area (KAVHA)

KAVHA does not have a buffer zone as the heritage values are fully protected within the existing viewsheds of the site. The *Norfolk Island plan (2002)* provides a strategic planning framework for the long-term preferred future use, development and management of land.⁴⁰⁵ Any development or use within KAVHA must be considered in the context of the plan to determine whether approval is required and whether the proposed use or development is permitted. The plan requires development or use in KAVHA to be fully examined and referred to the KAVHA Management Board for full consideration and heritage referral. The building codes and regulations are specific in their application.

Sydney regional environment plan no 28 Parramatta (1999) – Old Government House and Domain

The *Sydney regional environment plan no. 28 Parramatta (1999)* sets out the relevant planning and heritage controls on Old Government House and Domain under the *Environmental Planning and Assessment Act 1979*. The provisions of this plan create a special Government Precinct and control development with the aim to conserve, enhance and promote the national heritage significance of the precinct. In assessing any proposed development on or in the vicinity of the site (which is not otherwise exempted), the consent authority must have regard to its impacts on the heritage significance of the site including the local, state, national and proposed World Heritage values.

Sydney local environmental plan (2005) – Hyde Park Barracks

The *Sydney local environmental plan (2005)* sets out the relevant planning and heritage controls for Hyde Park Barracks under the *Environmental Planning and Assessment Act (1979)*. The plan requires development consent for all works that would ‘materially affect’ the heritage significance of the site or the heritage streetscape or ‘Special Area’ of which it is part. In assessing any proposed development on or in the vicinity (which is not otherwise exempted), the consent authority must have regard to its impacts on the heritage significance including local, state, national and proposed World Heritage values.

Gosford interim development order (1979) – Old Great North Road

The *Gosford interim development order 1979*, as amended by the *Local environmental plan 460 (2006)*, applies to land incorporating Dharug National Park and Old Great North Road. The key objectives of the heritage conservation provisions are: to conserve the environmental heritage of the area; to conserve the heritage significance of heritage items and heritage conservation areas including associated fabric, settings and views; and to conserve archaeological sites and places of Aboriginal heritage significance. The order does not control or regulate activities within Dharug National Park as these are determined by the *National Parks and Wildlife Act 1974*.

Cockatoo Island Convict Site

Cockatoo Island is not governed by local planning controls as it is owned and protected by the Commonwealth of Australia. It is listed on the National Heritage List. The waters around the island are managed through the *Sydney Harbour Catchment regional environmental plan (2005)* (see buffer zone table below).

Northern Midlands planning scheme (1995) – Brickendon–Woolmers Estates

A buffer zone will be established as an item of cultural significance under the *Northern Midlands planning scheme (1995)*. The scheme operates under the *Land Use Planning and Approvals Act 1993* and applies to all the land within the municipal area of the Northern Midlands Council. As part of sustainable planning one of the main goals of the scheme, through regulating land use and development, is to encourage conservation and retention of significant vegetation, wildlife habitats, scenic resources and Aboriginal and historic heritage for the benefit of the community and visitors. The heritage strategy in the scheme states that future development will be guided by the patterns of settlement already established and recognising the importance and value to the economy of the area’s heritage buildings, items and places. New development utilising these assets is subject to detailed assessment and is expected to enhance and complement the identified heritage values.

Glamorgan–Spring Bay planning scheme (1994) – Darlington Probation Station

A buffer zone exists within the Maria Island National Park and is protected under the *Nature Conservation Act 2002*. Both the Darlington precinct and Maria Island National Park are recognised as heritage sites under the *Glamorgan–Spring Bay planning scheme (1994)*. The scheme applies to the municipal area of Glamorgan–Spring Bay and outlines the requirements for approval prior to development. It requires that use or development of land cannot be carried out without first obtaining a permit from the Glamorgan–Spring Bay Council in accordance with the provisions of the scheme except where specifically stated that a permit is not required. The scheme includes provisions for heritage sites. Any use or development of a heritage site (with some exceptions) requires a permit. The Council takes into account the provisions of the planning scheme and the *Historic Cultural Heritage Act 1995* in considering applications for a permit.

City of Hobart planning scheme (1982) – Cascades Female Factory

A buffer zone for Cascades will be established under the new Hobart City Council planning scheme now in draft form. The *City of Hobart planning scheme (1982)* allows for the protection of Cascades through general planning scheme requirements and its listing on the Council's Heritage Register. It identifies the site as having a special significance to Hobart Municipality. In considering development applications the Council takes into account the definitions, conservation principles, processes and practices set down in the *Australia ICOMOS charter for places of cultural significance (the Burra charter)*.

Tasman planning scheme (1979) – Port Arthur Historic Site and Coal Mines Historic Site

Buffer zones for Port Arthur and Coal Mines will be established under the revised Tasman planning scheme, currently in draft form. The planning scheme sets out the requirements for use or development within the Tasman Municipality in accordance with the *Land Use Planning and Approvals Act 1993*. Associated plans show how land is zoned and include provisions on how the land can be used or developed. One objective of the scheme is to ensure that use or development in the vicinity of identified cultural and historic sites does not diminish the values associated with those sites. The strongest practical measures exist in relation to places on the local heritage schedule which include both Port Arthur and Coal Mines.

Metropolitan region scheme (1963), Fremantle West End Conservation Area policy (1992) and City of Fremantle planning scheme no 4 (2007) – Fremantle Prison

The *Metropolitan region scheme (1963)* is a large town planning scheme for land use in the Perth metropolitan area. The scheme defines the future use of land, dividing it into broad zones and reservations and providing planning rules for these areas. The Western Australian Planning Commission is responsible for keeping the scheme under review and promoting changes where necessary. The City of Fremantle has recognised and formally accepted responsibility for the city's heritage in the early 1980s. Fremantle City prepared the *Fremantle West End Conservation Area policy (1992)* which covers the Fremantle Prison precinct. There are complementary policies and guidelines on urban design and streetscape, colour schemes, preservation of historic buildings and the impact of developments on heritage places. The City of Fremantle has established plans that govern land use through the *City of Fremantle planning scheme no 4* and other activities are controlled by regulations. The purposes of the scheme are to: identify the city's planning aims and intentions for the area; set aside land as reserves for public purposes; zone land within the area for specific purposes as defined in the scheme; control and guide land use and development to ensure that the future development and use of land within the area occurs in the desired way; and set out procedures for the assessment and determination of planning applications.

AUSTRALIAN CONVICT SITES – BUFFER ZONES

Buffer zones for most of the 11 sites have been established or are in the process of being established under various mechanisms including national legislation, state legislation and state and municipal planning schemes (see Parts 5.B, 5.C and 5.D).

The *Environment Protection and Biodiversity Conservation Act 1999* provides comprehensive national level protection for National Heritage and World Heritage places including protection that extends beyond the property boundary and the buffer zone. This applies to any action which may have a significant impact on the National Heritage or World Heritage values.

KAVHA

KAVHA is comprehensively protected by a natural buffer zone within the boundaries of the site. The extensive boundaries and natural buffer areas of the site protect all of the significant fabric, views, vistas and landscape elements. They also guard against encroachment by development. The heritage values are protected by the 90 metre contour which is a natural buffer set mostly in steep uninhabited land. In addition, the convict precinct is fronted by the Pacific Ocean, providing a natural boundary that preserves the significant views of the site.

Old Government House and Domain

A buffer zone will be established under a State planning policy for World Heritage. The buffer zone will cover an area that has high levels of protection through the heritage listing of the area within the 'Government Precinct' under the *Sydney regional environmental plan no 28 Parramatta* (1999). The plan aims to protect the precinct's National Heritage significance and conserve the significant views, vistas and settings. Most of the land within the buffer is listed on the NSW State Heritage Register and protected under the *Heritage Act 1977*.

Hyde Park Barracks

A buffer will be established under a State planning policy for World Heritage. The buffer will cover an area that has high levels of protection within the 'Macquarie Street Special Area' and 'Hyde Park/College Street Special Area' under the *Sydney local environmental plan* (2005). The plan aims to retain and enhance their unique character, ensure development has regard to fabric, character, scale, proportions, materials and finishes in the Area, protect the heritage items and maintain and enhance views and vistas. Most of the land within the buffer is listed on the NSW State Heritage Register and protected under the *Heritage Act 1977*.

Brickendon–Woolmers Estates

A buffer zone exists as an item of cultural significance under the *Northern Midlands planning scheme* (1995). The item of cultural significance designation is the mechanism used to conserve and protect the world heritage values for which the site has been listed.

Darlington Probation Station

A buffer zone exists within the Maria Island National Park and is protected under the *Nature Conservation Act 2002*. Both the Darlington precinct and Maria Island are recognised as heritage sites under the *Glamorgan-Spring Bay planning scheme* (1994). The buffer zone will conserve and preserve: significant views and vistas to and from the Darlington historic site; the physical fabric and structural integrity of convict-built and engineered elements; and convict era archaeological sites that extend beyond the immediate area of Darlington and into the buffer zone. Darlington is situated on Maria Island which is a national park. This provides protection for the wider visual setting.

Old Great North Road

A buffer zone will be established under a State planning policy for World Heritage. The buffer zone covers an area that has high levels of protection. The buffer zone has two parts. One part falls within the Dharug and Yengo national parks and is protected under the *National Parks and Wildlife Act 1974*. The other part is protected under the *Hawkesbury local environmental plan* (1989), the *Gosford Interim Development Order 1979* and the *Hawkesbury-Nepean regional environmental plan* (1997). The buffer zone will conserve and protect the landscape setting, vistas and views of the site.

Cascades Female Factory

A buffer zone will be established under a revised City of Hobart planning scheme currently in draft form. The buffer zone acknowledges and protects the sites' world heritage landscape and setting values. These values include recognition of the site's historic curtilages and visual and physical enclosures, especially its location in a semi-enclosed valley segment in the foothill slopes of Mount Wellington, bounded by forested ridges to the north and south and the massive Mount Wellington to the west. The site's landscape and setting values are identified in a recent report commissioned by the Tasmanian Department of Tourism, Arts and the Environment.⁴⁰⁷ Management of the buffer zone around Cascades will be the responsibility of the Hobart City Council, through the *City of Hobart planning scheme heritage schedule*

(Schedule F). The scheme, in particular the Heritage Schedule, provide for the recognition and protection of values of 'Heritage Areas' as well as places and sites.

Port Arthur Historic Site

A buffer zone will be established under a revised Tasman planning scheme (draft). The World Heritage values are contained within a 114 hectare area within Port Arthur that is protected under the *Environment Protection and Biodiversity Conservation Act 1999*. This area is screened by forest from site management and operational facilities that are located within a buffer zone. The buffer zone of 1,205 hectares extends to the west and south, encompassing the ridge lines of Mt Arthur, and providing a visual setting and cultural landscape context for the World Heritage area.

Coal Mines Historic Site

A buffer zone will be established under a revised Tasman planning scheme (draft). The Coal Mines site is a 214 hectare reserve. The reserve and its 340 metre maritime extension are protected under the *Environment Protection and Biodiversity Conservation Act 1999*. The buffer zone for the site encompassing 191 hectare extends 200 metres on the west, north and seaward sides. The buffer zone protects significant views and sites features beyond the reserve, and provides a visual setting and cultural landscape context for the World Heritage area.

Cockatoo Island Convict Site

A buffer zone will be established under a State planning policy for World Heritage. The buffer zone will cover an area of water 200 metres wide around the circumference of the island. The buffer has a high level of protection under the *Sydney Harbour Catchment regional environmental plan* (2005). The plan manages issues such as scenic quality, maintenance of views, and working harbour uses.

Fremantle Prison

A buffer zone will be established as a registered heritage precinct under the *Heritage of Western Australia Act 1990*. The buffer zone will conserve and preserve: significant views and vistas to and from Fremantle Prison; the physical fabric and structural integrity of convict-built and engineered elements; and convict era archaeological sites that extend beyond the perimeter wall of Fremantle Prison into the buffer zone. In addition, a sense of the historical landscape connecting Fremantle Prison to the wider Fremantle community will be retained and enhanced.

5.E PROPERTY MANAGEMENT SYSTEM



Some of the management plans for the 11 convict sites that have been prepared over many decades.⁴⁰⁸

A comprehensive management system is in place for the *Australian Convict Sites* which operates across three levels of government. The system comprises the *Australian Convict Sites strategic management framework* (2008) endorsed by all ministers, legislation at the national, state and municipal levels and management plans for each of the sites.⁴⁰⁹

The management plans have been prepared by heritage specialists following the general guidelines for conservation management set out in the *Burra charter*. Table 5.4 shows the interaction between the *Australian Convict Sites strategic management framework* (2008) and the individual site management plans.

Australian Convict Sites strategic management framework (2008)

The *Australian Convict Sites* are comprehensively protected and managed under a management system entitled the *Australian Convict Sites strategic management framework* (2008). The framework is endorsed by the Australian Government and the NSW, Tasmanian, Western Australian and Norfolk Island governments. The framework comprises legislative and planning regimes across three levels of government, conservation management plans for each of the sites and a range of strategies to ensure the highest level of protection for the sites. Under the framework, strategies to integrate and promote best practices in protection, conservation and presentation across the 11 sites include: sharing historical, scientific and technical research and other materials; continuous improvement in conservation and management practices; common interpretive resources; and risk management approaches. The Australian Convict Sites Steering Committee will oversee the implementation of the framework.

Kingston and Arthur's Vale Historic Area (KAVHA) management plan (2008)⁴¹⁰

The *KAVHA management plan* (2008) guides conservation, uses and future development; provides a clear basis for deciding whether new proposals are consistent with the site's heritage significance; and supports the day-to-day maintenance and works planning. If there is inconsistency between the intent of the applicable zone under the plan and the intent of the management plan, the intent of the management plan prevails. All development applications for land within KAVHA must be referred to the KAVHA Management Board for comment and to the Norfolk Island Planning and Environment Board.

Old Government House and Domain, Parramatta Park management plan (2007)

The *Old Government House and Domain, Parramatta Park management plan* (2007) provides a framework for the protection and enhancement of the site's heritage values and a strategy for its future management. The plan contains: details about the major elements of heritage significance; landscape and management principles to inform all future works; appropriate policies for preserving the heritage significance of the site; and a strategy for future works. Measures for the maintenance and interpretation of the site are also outlined in the plan. Management of the site is also guided by the *Parramatta Park archaeological zoning plan* (1995), the *Old Government House conservation and management plan* (1997) with *Addendum* (2001) and the *Parramatta Park landscape master plan* (2002).

Hyde Park Barracks management plan (2007)

The *Hyde Park Barracks management plan* (2007) ensures a strategic approach to guide the long-term and short-term conservation and protection of the site. The plan contains conservation principles, a detailed analysis and assessment of the site's heritage significance, and guidelines and policies for the site's conservation, management and development. Requirements for specialist advice, on-going care and maintenance, interpretation and community interaction are also outlined in the plan. Risk management policies and procedures are outlined to ensure that potential future risks to the National Heritage and proposed World Heritage values of the site are managed appropriately. Management of the site is also guided by *the Royal Mint and Hyde Park Barracks conservation guidelines* (1990), the *Hyde Park Barracks museum plan* (1990), and the *Hyde Park Barracks conservation plan for perimeter structures* (1996).

Brickendon conservation management plan (2007) and Woolmers conservation management plan (2007)

The *Brickendon conservation management plan* and *Woolmers conservation management plan* (2007) provide policies to guide the management and conservation of the site. The plans provide assessment of the heritage values and a clear philosophy to guide decision-making based on a thorough understanding of the site's significance. They establish a conservation approach and a range of conservation policies including treatment of fabric, interpretation, use, adaptation, additions, conservation procedures and practices and review processes.

Maria Island – Darlington Settlement & Point Lesueur conservation management plan (2007)

The *Maria Island – Darlington Settlement & Point Lesueur conservation management plan* (2007) directs the management approaches and practices in accordance with both Tasmanian and Australian Government legislation in order to manage, protect, conserve and interpret the heritage significance and values of the island. The plan contains detailed assessments of heritage themes, values and significance as well as guiding conservation principles and policies for the ongoing management of the island's heritage. The *Maria Island National Park and Ile Des Phoques Nature Reserve management plan* (1998) is the island's overarching statutory plan prepared in accordance with the *National Parks and Reserves Management Act 2002* and the *Nature Conservation Act 2002*. The plan sets the context for the management objectives and strategies. It also summarises the environmental, heritage, recreational and educational values and significance of the island, identifying main planning considerations arising from the need to conserve and enhance those values, and includes strategies to attain the national park's management objectives. In addition, the site is managed in accordance with the *Tasmanian reserve management code of practice* (2003)

which contains guidelines, principles and approaches for managing cultural values, social values and natural and cultural landscapes.

Old Great North Road Dharug National Park management plan (2008)

The *Old Great North Road Dharug National Park management plan* (2008) was commissioned by the NSW National Parks and Wildlife Service. The plan provides a sustainable, achievable and strategic management approach to the cultural landscape, based upon the significance of the cultural landscape, identifying realistic management objectives, and optimal long-term outcomes. It contains conservation policies based on the identified heritage and other conservation values of Old Great North Road. The *Old Great North Road maintenance plan* (2007) was developed as a result of the management plan and is being implemented. The plan outlines conservation of the site focusing on the structural elements of the road.

Cascades Female Factory conservation management plan (2007)

The *Cascades Female Factory conservation management plan* (2007) contains an analysis and assessment of the site's cultural heritage significance and provides policies and strategies for its future management, use and conservation. The plan is in accordance with the *Tasmanian reserve management code of practice* (2003) for managing cultural values, social values and landscapes. Policies and recommended actions focus largely on Yards 1, 3 and 4 but also consider the original extent of the Cascades Female Factory site and its associated elements which are in private ownership. Policies and recommendations are directed at the ongoing management and conservation of the sites significant fabric as well as the conservation and interpretation of all identified heritage values. Management of site values includes the social values of the site and covering matters such as community consultation, historic interpretation, future research, community links etc. Policies and recommendations also address general site maintenance and repairs; site promotion, access, risk management, collections and funding. The plan will form the backbone for a number of secondary plans such as an interpretation plan, archaeology plan and a tourism strategy. The plan broadly follows the format of the Australian ICOMOS guidelines for the preparation of conservation plans and the principles set out in the *Burra Charter*.

Port Arthur Historic Sites statutory management plan (2007)

The *Port Arthur Historic Sites statutory management plan* (2007) ensures management decisions and processes are based on conservation management principles under the *Port Arthur Historic Site Management Authority Act 1987*. The plan provides a framework for the conservation and

management of the both the Port Arthur Historic Site and the Coal Mines Historic Site through: identification of the natural and cultural heritage resources and significance of the site; policies that guide conservation, interpretation, management and use; and informing stakeholders of the conservation planning processes. This plan meets the requirements of the *Environment Protection and Biodiversity Conservation Act 1999* and the *National Parks and Reserve Management Act 2002*. Policies and prescriptions are directed at achieving the site’s management objectives, principally to protect the cultural values of the site. The plan also outlines measures to protect the natural values of the sites and to enhance visitor experiences. The plan includes sections on planning, monitoring and implementation that detail prescriptions to provide a complete operational approach to the management of the sites.

Cockatoo Island management plan (2008)

The *Cockatoo Island management plan* (2008) was prepared in accordance with the *Sydney Harbour Federation Trust Act 2001* and the *Environment Protection and Biodiversity Conservation Act 1999*. The objectives of the *Sydney Harbour Federation Trust Act* are to conserve the natural and cultural heritage of Cockatoo Island and other Sydney Harbour Federation Trust sites, improve the amenity of

Sydney Harbour, maximise public access and manage suitable areas as parkland. The *Cockatoo Island management plan* (2008) is a multidisciplinary plan based on background studies and in particular, the more detailed conservation management plans (2005) and extensive community consultation. It guides the implementation of physical works such as conservation works, decontamination, landscaping and infrastructure.

Fremantle Prison conservation management plan (2007)

The *Fremantle Prison conservation management plan* (2007) provides for the conservation and management of the site to protect its significant cultural and local, national and proposed World Heritage values. It ensures that management decisions and processes are based on conservation management principles having regard to the significance of the resource, developed policies that guide conservation, interpretation, management and use, and consultation with stakeholders.

Table 5.4: Management system for the *Australian Convict Sites*.

	New South Wales				Tasmania					Western Australia	Norfolk Island
Convict Sites	Old Government House	Hyde Park Barracks	Old Great North Road	Cockatoo Island	Port Arthur	Coal Mines	Darlington	Cascades	Brickendon-Woolmers	Fremantle Prison	KAVHA
National Planning	Australian Convict Sites – Strategic Management Framework (2008)										
State or Territory (Provincial) Planning	Old Government House and Domain, Parramatta Park Management Plan (2007)	Hyde Park Barracks Management Plan (2007)	Old Great North Road Dharug National Park Management Plan (2008)	Cockatoo Island Management Plan (2008)	Port Arthur Historic Sites Statutory Management Plan (2007)	(included in) Port Arthur Historic Sites Statutory Management Plan (2007)	Maria Island – Darlington Settlement & Point Lesueur Conservation Management Plan (2007)	Cascades Female Factory Conservation Management Plan (2007)	Brickendon Conservation Management Plan (2008) Woolmers Conservation Management Plan (2008)	Fremantle Prison Conservation Management Plan (2007)	Kingston and Arthur’s Vale Historic Area Management Plan (2008)

5.F SOURCES AND LEVELS OF FINANCE

The *Australian Convict Sites* are financed primarily from state and territory governments with the exception of Brickendon–Woolmers which are primarily funded from private sources. The sites receive supplementary funding from a number of other sources including income generated at the individual sites and Australian Government grants programs. Brickendon–Woolmers are privately run operations that periodically receive grants funding from both the Australian and Tasmanian governments.

Australian Government Department of the Environment, Water, Heritage and the Arts

The Australian Government has an obligation to ensure that the objectives of the *World Heritage Convention* are met for each World Heritage property. These objectives include the obligations to identify, protect, conserve, present and, where necessary, rehabilitate and transmit to future generations the World Heritage values of the property. There are various Australian Government grant programs that provide assistance to protect and manage Australia's most important historic heritage places. The WA, Tasmanian and NSW governments provide the principal funding for the management of World Heritage places in their jurisdictions.

Kingston and Arthur's Vale Historic Area (KAVHA)

The Australian and Norfolk Island governments provide the major funding for KAVHA's conservation and management.⁴¹¹ It is forecast that annual funding in the range of A\$851,282 – A\$894,250 will be provided for KAVHA up until 2010. Additional income is generated from open house inspection fees, tours and sales of publications and film materials.⁴¹²

NSW sites

Funding for management of the World Heritage properties in NSW comes principally from the NSW Government. If the *Australian Convict Sites* are inscribed on the *World Heritage List*, this would apply to Old Government House, Hyde Park Barracks and Old Great North Road.

Old Government House and Domain

The annual budget is approximately A\$2.5 million. Sources of income include; government grants, income from commercial activities and events, leasing of gatehouses and property. The National Trust also provides funding of around A\$50,000 for curatorial and management services.

Hyde Park Barracks

The Hyde Park Barracks annual budget is approximately A\$1.08 million. Conservation of the site is primarily funded by the NSW Government through the Historic Houses Trust on a recurrent annual basis.⁴¹³

Old Great North Road

Ongoing funding is approximately A\$88,200 per annum. This provides for ongoing maintenance including resurfacing, monitoring, salaries, administration and overheads. Grant funding is also provided. From 2003–04 to 2005–06, a total of A\$136,400 was allocated as follows: maintenance planning and works (A\$60,900), monitoring and resurfacing Devine's Hill (A\$64,500) and revision of the management plan (A\$11,000).

Cockatoo Island Convict Site

Funding is provided through the Sydney Harbour Federation Trust from the Australian Government. Funding to date has totalled nearly A\$15 million. The on-going funding for the site for 2007–08 until 2009–10 is approximately A\$12–\$20 million.

Tasmanian sites

The Tasmanian Government provides substantial funding for the management and protection of heritage places. Port Arthur, Coal Mines, Darlington and Cascades receive funding allocations through the Tasmanian State Budget. Additional funding may be available through the Capital Investment Program, Tasmanian Community Fund, Regional Tourism Investment Program, and Tasmanian Conservation Funding Program. The Conservation Funding Program assists property owners with urgent and essential conservation works to heritage registered places up to the value of A\$25,000 per application.

Brickendon–Woolmers Estates

Brickendon and Woolmers estates generate their own income and are also eligible for financial support from the Tasmanian and Australian governments. Brickendon is a private property, commercial farming and tourist operation. From its tourism operations it generates an annual average of A\$102,000 of which 45 per cent assists in the ongoing maintenance of the site. Woolmers is a public non-profit trust and commercial tourism operation. The Woolmers Foundation funds the ongoing operations of the site. Tourism is a key income earner generating around

A\$500,000 per annum of which 40 per cent is directed back into site conservation and maintenance. While the estates do not receive recurrent government funding, they are eligible for other forms of government financial assistance. Both estates receive support and expertise from the Tasmanian and Australian governments including access to grant funding for conservation measures.

Darlington Probation Station

Darlington is funded by the Tasmanian Government. The ongoing management and maintenance of Darlington is funded out of the Tasmanian Parks and Wildlife Service annual recurrent budget of approximately A\$20 million. The budget is available for works statewide and is allocated on a priority basis. The site has also received specific funding through a range of different sources including the Australian Government. Since 1990 grants received have totalled A\$1.25 million. Two full-time staff manage the Tasmanian Parks and Wildlife Service historic sites of which Darlington is a priority.

Cascades Female Factory

The Tasmanian Government is the major source of funding for the site. In the 2006–07 financial year, it provided A\$500,000 for conservation works and other purposes. The Tasmanian Government also funds one and a half full-time staff to manage the site and one part-time expert to provide advice. The Female Factory Historic Site Ltd, a dynamic community management body, has also been very effective in raising funds for the ongoing operation of the site. In 2006–07, it generated around A\$231,000 through grants and other partnership sources. The Australian Government provided approximately A\$63,000 for conservation works in 2006 and 2007.

Port Arthur Historic Site

The Tasmanian Government has committed an annual allocation of A\$2 million from 2000 until 2010 for the site's conservation program. Port Arthur also generates significant revenue from tourism activities of approximately A\$8.5 million per annum which funds visitor services, infrastructure and conservation. In addition, the Australian Government provided around A\$500,000 in 2007.

Coal Mines Historic Site

The cost of the management and maintenance of the site is in excess of A\$80,000 per annum.⁴¹⁴ The Coal Mines is managed by the Port Arthur Historic Site Management Authority and staff expenses and other overheads are provided for through the funding outlined above.

Fremantle Prison

The Western Australian Government provides substantial ongoing funding to Fremantle Prison. In the 2007–08 financial year, the allocation was A\$1.33 million. Tourism generated A\$2.87 million in the 2006–07 financial year. The annual tourism income is forecast to increase to A\$4 million by 2010. In addition, the site received grant funding of A\$700,000 from the Australian Government in 2007.



Entry fees, tours, education and public programs and events are a major contributor to funding at Fremantle Prison.

5.G SOURCES OF EXPERTISE AND TRAINING IN CONSERVATION AND MANAGEMENT TECHNIQUES

Australia has access to a large pool of heritage professionals in government departments and private practice. The nominated sites can draw on specialist expert services as well as heritage officers in government departments and heritage advisory bodies. Some of these are outlined below.

- On site heritage consultants provide advice on maintenance techniques.
- Archaeologists and heritage architects provide advice on a wide range of issues.
- Consultants and contractors have expertise in heritage structures and ruins.
- Conservation consultants have been engaged to prepare and revise conservation management plans for each of the sites.
- At the state and territory level, heritage offices provide advice on conservation and management techniques and act as a conduit to specialist services.
- At the national level, the Australian Government Department of the Environment, Water, Heritage and the Arts provides advice on the protection, conservation and promotion of National Heritage and World Heritage properties.

Kingston and Arthur's Vale Historic Area (KAVHA)

The KAVHA Management Board includes four members from the Australian and Norfolk Island governments with expertise in heritage and management matters. The Board also engages a heritage architect, an archaeologist and an interpretation consultant as required. The KAVHA conservation works team has developed a wide range of conservation skills. Many members of the team have worked at KAVHA for more than a decade.



Conservation and interpretation works on Flagstaff Hill, KAVHA.

Reproduced courtesy of: KAVHA Management Board.

Old Government House and Domain

The Old Government House and Domain Executive Management Panel comprises representatives from a range of expert groups. Specialists are engaged for landscape works, building conservation, materials conservation and archaeology.

Hyde Park Barracks

The Historic Houses Trust utilises expert advice from in-house specialists and external consultants. Advice is sought from experts in a number of fields including history, conservation architecture, archaeology, materials conservation, museum curatorship and interpretation. Conservation guidelines, a museum plan and a conservation management plan for the site includes policy requirements and recommendations for using appropriate expert advice in a range of situations. This includes assessment and repair of structures, archaeological investigation and recording, care of collections and interpretation.

Brickendon–Woolmers Estates

The advice and/or services of professionals in the relevant field are engaged for specific projects or conservation works. The site has an appointed heritage adviser within Heritage Tasmania.

Darlington Probation Station

The Historic Heritage Section of the Tasmanian Parks and Wildlife Service comprise two heritage specialists and a Heritage Tasmania appointed advisor. The specialists advise field staff on heritage related issues. Tasmanian Parks and Wildlife Service officers undertake maintenance and minor works. These officers have skills in conservation management and heritage.

Old Great North Road

NSW National Parks and Wildlife Service officers who undertake day-to-day site management have tertiary qualifications in reserve conservation and management. Two field officers who assist with the management and maintenance of the site have park management qualifications. Heritage advice is provided by NSW Government professional staff who have tertiary qualifications in archaeology and heritage management. Consultants are also engaged as required. An independent engineering or archaeological assessment is commissioned for any major projects or repairs of historic features. A consultant was engaged to prepare the management and maintenance plans for the site.

Cascades Female Factory

Cascades Steering Group comprises experts from Port Arthur, Tasmanian Parks and Wildlife Service and Tourism. It provides advice and direction on conservation, interpretation and management of Cascades. Skilled officers of the Tasmanian Parks and Wildlife Service undertake maintenance and minor works. A dedicated heritage manager is employed to manage day-to-day issues and provide expert advice. A pool of volunteers has wide experience working at the site over a number of years on minor conservation works, interpretation and visitor services.⁴¹⁵

Port Arthur Historic Site

The Port Arthur Historic Site Management Authority has a board of directors and a large pool of highly qualified staff. The Director of Conservation and Infrastructure has expertise in heritage management. The Port Arthur Board consists of seven members incorporating international expertise in a range of management disciplines. Port Arthur staff have qualifications and specialist skills in cultural heritage management, tourism and visitor services, marketing, archaeology, museology, curatorial management, interpretation, asset management and financial management. The Port Arthur Conservation Advisory Committee comprises external specialists representing organisations including the Tasmanian Museum and Art Gallery, Heritage Tasmania, Australia ICOMOS, the University of Tasmania, and the Royal Tasmanian Botanical Gardens.

Coal Mines Historic Site

Coal Mines is managed by the Port Arthur Historic Site Management Authority. See above under 'Port Arthur Historic Site'.

Cockatoo Island Convict Site

Expertise and experience is available from within the Sydney Harbour Federation Trust. The qualifications and training of staff include tertiary degrees in architecture and town planning, heritage conservation experience and other qualifications. These officers are available to advise on proposed projects and their implementation. In addition, specialist consultants are contracted for some works including development of conservation management guidelines and plans.

Fremantle Prison

Fremantle Prison staff have qualifications in curatorial management, interpretation, heritage asset management, marketing, and tourism and visitor services. The Fremantle Prison Advisory Committee is made up of experts from management and heritage related fields that are able to provide advice on the management of the site. In addition, consultants with specialist skills are engaged to provide conservation and restoration advice or archaeological research. Contractors qualified and trained in heritage work also undertake remedial activities.



Conservation works to the New Gaol, Port Arthur (left) and the Main Cell Block, Fremantle Prison (right).

Reproduced courtesy of: Port Arthur Historic Site Management Authority (left). Fremantle Prison (right).

5.H VISITOR FACILITIES AND STATISTICS

Kingston and Arthur's Vale Historic Area (KAVHA)

The annual number of visitors to Norfolk Island is 35,000. Visitor facilities within KAVHA include four museums, the KAVHA Research and Interpretation Centre, four Heritage Walking Trails, the scenic Flagstaff walkway with site viewing areas, the Pier Store Café (Royal Engineer's Office) and Lions Club historic photographic display. Visitors are offered a guided cemetery tour, ghost dinner, museums tour and 'Trial of 15' play. There are interpretation signs throughout the site as well as interpretive booklets and a film.

Old Government House and Domain

The annual number of visitors to Old Government House and Domain is approximately 1.6 million and of these 18,000 visit Old Government House.⁴¹⁶ The site is accessible to the public all year.⁴¹⁷ Visitor facilities include tours, a shop, restaurant, café and event centre. Self-guided and signposted tours are available as well as special guided tours for tourists and school and tertiary students. Educational tours make up around 22 per cent of visitors to the site. A study program engages with the physical site using pictorial and written evidence to learn about the layers of history. Approximately 120,000 visitors each year attend special events and community celebrations at the site.

Hyde Park Barracks

The annual number of visitors is approximately 71,000.⁴¹⁸ The site is open to the public daily. A sales outlet and bookshop is located at the main building. Public amenities and a café operate in the courtyard and northern buildings. The site operates as a museum providing a series of changing displays and exhibitions. Special programs are run for school groups including overnight accommodation in hammocks in one of the dormitory rooms. The site is advertised and promoted as a major tourist venue in Sydney.

Brickendon–Woolmers Estates

The annual number of visitors is 36,000. Facilities include short-stay accommodation, public amenities, a gift shop and parking. Woolmers also has a restaurant. Interpretation is provided through guided and self-guided tours. Websites also provide information about each of the estates.

Darlington Probation Station

Average visitation to Darlington is approximately 15,000 per annum. Visitors arriving by ferry are greeted by Parks and Wildlife Service officers and provided with information and management messages. The Commissariat Store provides visitor reception, displays and information and park entry. A ranger's office is situated close to the centre of the

Darlington settlement. Amenities include a large open-sided shelter with gas barbecues and picnic tables and toilets. Basic accommodation is available in the old Penitentiary and in a large camping area; the two areas together can accommodate 196 people per night. The island is regularly serviced by a ferry.

Old Great North Road

The annual number of visitors is approximately 1,450.⁴¹⁹ The site provides a small number of car parks and walking trails. A variety of tours are available for visitors including guided tours over one to three days. An information pamphlet contains a map and points of interest along walking trails. A larger booklet details the history of the entire road and gives information on Devines Hill. Nineteen interpretive metal and sandstone signs along the Old Great North Road give information about the engineering achievements and history of the site.

Cascades Female Factory

The annual number of visitors is approximately 13,000. The site has a visitor centre which includes a shop that sells Tasmanian products and books relating to the site and to female convict history. Two rooms in the Matron's Cottage are used as a public gallery providing interpretation of the site and another room is used by the Female Factory Research Group. This group researches issues relating to female convicts, maintains the female family founders database, runs a research and transcription service for the public and hosts events to acknowledge the lives of female convicts. Guided tours, 'Morning Tea with the Matron' and a booklet on the history of the site are available for visitors. Interpretation panels (Yard 1) provide information about the convict history of the site. In addition, artworks are actively used to interpret the site (see Part 5.I).

Port Arthur Historic Site

The annual number of visitors is approximately 230,000. Visitor facilities include a gift shop, food outlets, picnic tables, toilets, a first aid room, wheelchairs, prams, 'Walk a Seat' hire and storage lockers. A wide range of visitor services and activities provide information about the history of the site. An Interpretation Gallery is located in the Visitor Centre, the Port Arthur Museum is found in the Asylum Building and House Museums are situated around the site. A variety of guided and self-guided tours are available for visitors, as well as walking trails, audio tours and a guidebook in various languages. Other activities include; historical research and convict transcription services and the Resource Centre, Convict Study Centre, Childrens' Activity Book, a Summer Archaeology Program and Summer Plays. A website also provides general visitor and conservation activity information.

Coal Mines Historic Site

The annual number of visitors is approximately 22,000. Facilities located at the site include interpretive signs, self-guided walking trails, car parking and toilets. A website provides information about the site.

Cockatoo Island Convict Site

The annual number of visitors is small but increasing due to public ferry access that commenced in April 2007. Facilities include a visitors' area, public amenities, a bar, a café and a camping ground. An activities/meeting room is located in the Administration Building and is used for school excursions and some visitor activities. An adjacent visitor orientation area provides information pamphlets, photographs and an educative video. Short stay accommodation is expected to be available in some of the non-convict residences in 2008 and in two convict buildings (the Superintendent's Residence and Clerk of Petty Sessions' Cottage) in 2009. Organised weekly tours are led by trained teacher guides for school groups (three to four times a week on average) and professional guides take visitor tours (mid-week and on weekends). Visual interpretation consists of building signage explaining their history and use and provides photos at strategic locations. A brochure and an audio tour of the island are available for self-guided tours.

Fremantle Prison

The annual number of visitors is approximately 175,000. The Gatehouse complex provides visitors with tour information and sales, a café and a gift shop. A visitor centre features a variety of museum exhibits and interactive displays. The Prisoner Art Gallery presents exhibitions relating to the history of the prison together with interpretive displays. Visitors can choose from two thematic tours as well as torchlight tours on certain nights every week. The prison offers guided tours of its one kilometre system of tunnels located 20 metres underground.



Interactive school group tour of Cockatoo Island.

Reproduced courtesy of: Sydney Harbour Federation Trust.

5.I POLICIES AND PROGRAMS RELATED TO THE PRESENTATION AND PROMOTION OF THE PROPERTY

Management plans and a range of policies and other measures ensure the high level presentation and promotion of the sites. The cultural significance of the sites is communicated to visitors through strategies tailored to the special features of each of the sites.

Kingston and Arthur's Vale Historic Area (KAVHA)

Interpretive mechanisms are in place to promote a good understanding of the heritage values of the site. These include interpretive panels, tours, brochures, publications, websites, historical videos and museum facilities (see Part 4.B iv). KAVHA is used extensively in the promotion of Norfolk Island as a tourist destination.

Old Government House and Domain

The landscape of the site provides a framework of opportunities for stories and interpretation of the site and its history. Management plans contain policies for interpretation and public access which aim to interpret the site's history in a manner which engages the visitor, to enhance understanding of the landscape, build empathy and appreciation, protect and care for the fabric and provide an enjoyable experience. The site is promoted as an authentic historic site conserved as a cultural and historic icon, harmoniously co-existing with recreational facilities and integrated with the surrounding environment and the community. The *Parramatta Park landscape master plan* (2002) identified a scope of works that will be undertaken over 2007–08 within the visual catchment of Old Government House to interpret and conserve significant features of the Domain.

Hyde Park Barracks

The management plan outlines the interpretive approach of the site. The key goals are to: communicate the story of Hyde Park Barracks and its people in an evocative, emotive, popular and challenging way, facilitate professional and popular research and documentation on the site; and bring a fresh approach to convict history as an area of primary significance to the site and to Australians' perceptions of their own history and identity. The site operates as a museum and offers world class displays, exhibitions, school programs and publications about the site's convict history (see Part 5.H).

Brickendon–Woolmers Estates

See Part 5.H.



Travelling exhibition of babies bonnets commemorates the babies of female convicts who died at Cascades Female Factory.

Reproduced courtesy of: Christina Henri.

Darlington Probation Station

See Part 5.H.

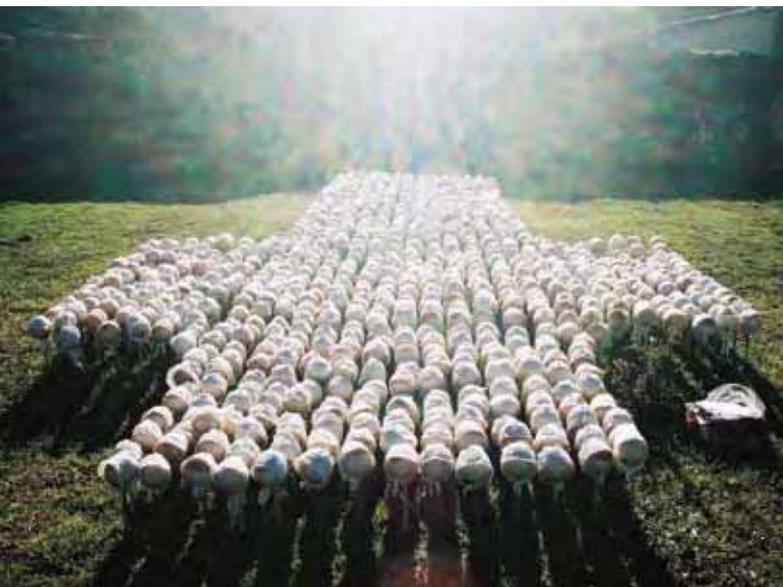
Old Great North Road

A range of interpretive strategies are used to promote an understanding of the site. The *Strategy for signage* outlines locations and types of signage to be implemented at the site. The site is promoted at nearby visitor centres and NSW National Parks and Wildlife Service offices. The Old Great North Road website includes maps, tour details, the history of the site and other information about the roads, bridges and convict heritage (see Part 5.H). Community awareness of the site is enhanced by the activities of the Convict Trail Project which has been closely associated with the ongoing maintenance and promotion of the site since the mid 1990s.

Cascades Female Factory

The management plan outlines strategies to promote and present the site. The site is widely promoted through tourism brochures, websites (including the Tasmanian Parks and Wildlife, Female Factory Historic Site Ltd and Female Factory Research Group) and exhibitions and

art installations conducted at the site and as travelling exhibitions. Cascades has been involved in several highly innovative community projects aimed at raising community awareness of the history of female convicts and their babies in female factories. In 2005, a travelling exhibition of babies' bonnets in the form of a cross was held at Cascades, at several female factories in Tasmania and at Hyde Park Barracks. In 2007, the 'Roses from the Heart' project involved more than 25,000 participants from Australia and overseas making individual bonnets to commemorate the lives of convict women.⁴²⁰ Ceremonies were held around Australia to pay tribute to the economic and social contribution of female convicts. Plans are in place for future exhibitions.



Exhibition symbolising the death of female convicts' babies at Cascades Female Factory. The exhibition travelled to other convict heritage sites in Australia.

Reproduced courtesy of: Christina Henri.

Port Arthur Historic Site

The *Port Arthur Historic Site interpretation plan* (2001) details programs and policies critical to the interpretation of the site. The site presents a comprehensive story of the convict experience through the interpretation gallery in the Visitor Centre, the museum housed in the Asylum, Convict Studies Centre, House Museums, guided tours and interpretation signage. At peak times the programs are extended to theatrical productions and the Summer Public Archaeology Program where visitors are encouraged to interact with the site.

Coal Mines Historic Site

The *Port Arthur Historic Sites statutory management plan* (2007) sets out policies for the presentation of the site including external promotion and marketing (see Part 5.H).



Interpretive signs inform visitors at the Coal Mines.

Cockatoo Island Convict Site

A convict trail around the plateau area is scheduled to commence in 2008.⁴²¹ A small book, *The story of Cockatoo Island*, can be purchased by visitors. An archaeological research program and other various activities encourage public participation at the site. An events program in 2007 included a major art installation, a music event and programs of the Sydney Writers Festival. Archaeological digs will also be used to promote interest in the convict history of the island.

Fremantle Prison

The *Interpretation policy* (2001), together with the management plans and conservation policies, guide activities at Fremantle Prison to communicate the cultural significance of the place to visitors. A comprehensive marketing plan supports the promotion of the prison as a visitor destination through tourist publications and other media. The prison publishes a regular newsletter and operates its own website that provides information including notes on the history of the site and a unique database that provides the records of all convicts transported to Fremantle. The prison conducts regular public programs to encourage interest in the site's history and visitation, and supports education programs with curriculum-aligned teacher's notes and student activity sheets.

5.J STAFFING LEVELS (PROFESSIONAL, TECHNICAL, MAINTENANCE)

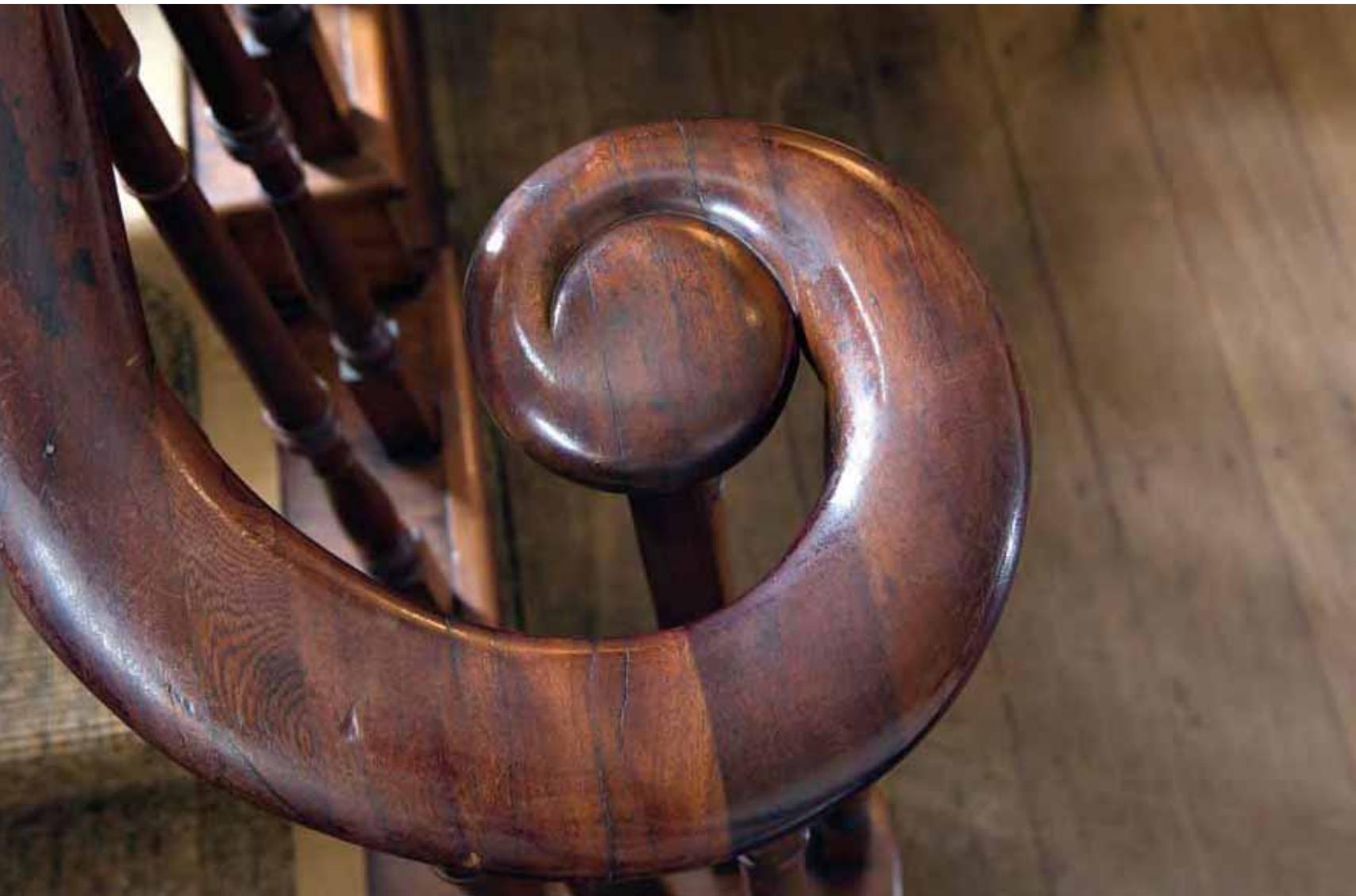
Table 5.5: Staffing at nominated sites

SITE	NUMBER OF STAFF IN OCCUPATIONAL CATEGORY					TOTAL NUMBER OF STAFF
	EXECUTIVE	MAINTENANCE	PROFESSIONAL AND TECHNICAL	CUSTOMER SERVICE	ADMINISTRATION	
KAVHA	0	13	0	1	2	16 plus a large pool of volunteers
Old Government House	3	2.6	8	2.5	3	19.1
Hyde Park Barracks	0	1	2	8	2	13
Brickendon–Woolmers	12	11	0	32	2	57
Darlington	1	0	5	1	0	7
Old Great North Road	1	3	0	0	0	4
Cascades	8 ⁴²²	0	1	1	0.5	11 plus a large pool of volunteers ⁴²³
Port Arthur Coal Mines }	7	23	12	79	10	131
Cockatoo Island	1	2	6	7	2	18
Fremantle Prison	1	3	3	26	1	34



PART 6

MONITORING



6.A INDICATORS FOR MEASURING STATE OF CONSERVATION

All of the sites have monitoring schedules that contain indicators for measuring the state of conservation of the structures and landscapes. The baseline data on the condition of the various elements of the sites and the indicators to monitor their conservation are detailed in conservation management plans for the sites. Some of these indicators and other mechanisms for monitoring the sites are outlined below. Comprehensive monitoring measures have been in place continuously for the past 20 to 40 years for Port Arthur, Coal Mines, KAVHA, Fremantle, Old Government House, Hyde Park Barracks and Darlington.

Kingston and Arthur's Vale Historic Area (KAVHA)

An audit of the state of conservation is undertaken annually by a consultant heritage architect to assist in the identification and management of the conservation and maintenance needs of the site. This involves a thorough visual inspection of the structures from ground level. A photographic record is also taken from photo monitoring points during annual audits of the site. Cyclic maintenance schedules are undertaken for all buildings which involve inspecting the state of conservation of the heritage features. Fabric stability is monitored and measures are taken to visually inspect issues such as topsoil stability, destructive animal activity, encroachment of destructive weeds in drainage channels and the condition of the lime kiln area.

Old Government House and Domain

The state of conservation of the site is monitored by cyclic inspection and assessment inspections of the landscape and structures by a skilled field team and curator. This includes a visual inspection of walls for cracks, evidence of rising and falling damp and observation of the condition of external and internal woodwork. The performance of sacrificial renders is monitored and an annual inspection is carried out by conservation specialists including engineers, architects and conservators. Cyclic inspection for pest infestation is carried out, in addition to programmed inspection of trees and major foliage across the site for damage and potential threats to the structures and public safety. These condition reports form the basis for conservation programs. Expert consultants are engaged to provide specific advice and assessment. Special events are assessed for their overall impact and appropriate plans and restrictions are put in place to protect the site.

Hyde Park Barracks

Annual condition surveys are carried out on a number of key elements of the site in accordance with the recommendations of the *Asset management plan* (2006). They include a yearly survey undertaken by a consultant architect of the condition of all buildings and grounds to determine a works program for the following year.⁴²⁴ A range of studies of the fabric and contents of the site using consultant arborists and stonemasons have been undertaken since 1991 to establish baseline condition information. Photographic metric recording of fabric is used to monitor major wear and damage.⁴²⁵ A cyclical maintenance plan which includes a condition survey is undertaken. Staff monitor the site daily to identify urgent maintenance and conservation requirements. Staff utilise a range of monitoring tools to ensure continual awareness of temperature and relative humidity levels in the exhibition spaces. Fluctuations in these conditions are controlled by appropriate application of dehumidifiers and heating equipment.

Brickendon–Woolmers Estates

A cyclical maintenance schedule has been in place for several years with assistance from the Tasmanian Government.⁴²⁶ Grounds and maintenance staff undertake regular visual inspections of structural and fabric condition such as stabilisation issues and damage by vegetation. A photographic record documents the state of conservation. An annual repair and maintenance schedule is also conducted which includes an audit of the structures and the landscape.

Darlington Probation Station

Cyclical maintenance schedules are undertaken and all buildings are monitored by on-site staff. Policies and practices are reviewed in management plan updates and in accordance with legislation. Rangers undertake regular inspections to monitor animal and vegetation impacts.

Old Great North Road

The historical features of the site were recorded in 1988 and provided a basis for the *Old Great North Road conservation management plan* (2005). An *Addendum* (2007) to this plan provides the current state of conservation of all the features identified in the 1988 report. The *Old Great North Road maintenance plan* (2007) sets out a standardised monitoring program to regularly monitor the state of conservation of the historic fabric (which is an indicator of the heritage values). This involves: an annual desk-based review and audit of the maintenance records; and an annual report that analyses results, maintenance targets and proposed changes to maintenance activities. Monitored elements include: water entry into the backfill of retaining walls and the free draining capacity of the backfill; the natural deterioration of the sandstone; and the condition of historic graffiti and weak stonework. Qualified surveyors monitor wall bulges and buttress movement every two years.⁴²⁷

Cascades Female Factory

A comprehensive long-term monitoring program is in place. The built fabric is assessed annually. Monitoring reports include photographic and written descriptions of the condition of the fabric. There is also daily monitoring by staff and volunteers.

Port Arthur Historic Site

Maintenance programs and annual assessment of the condition of the structures monitor threats and impacts on the site. The site is currently subject to a 10-year *Conservation capital investment program*. Some structures have been recorded using photogrammetric and photographic recording processes. There is also a detailed structural monitoring and disaster mitigation program in preparation which includes laser scanning of susceptible fabric. Conservation priorities are re-assessed based on information obtained from these monitoring procedures. Cyclical maintenance programs are undertaken to preserve the site's current state of conservation. A conservation advisory committee with members from key organisations including Australia ICOMOS and Heritage Tasmania provides advice on new conservation initiatives and projects.

Coal Mines Historic Site

The site is regularly maintained and monitored through cyclical maintenance programs and inspection in the same way as Port Arthur (see above).



Interpretive sign and entrance to Brickendon Estate.

Cockatoo Island Convict Site

A series of reports have been commissioned to record and monitor the state of conservation of the convict structures and landscape. Buildings are conserved in accordance with conservation management plans and maintained on a regular basis. Monitoring measures have been undertaken to record the condition of buildings including a stone conservation survey and a fabric analysis of the convict era buildings as part of the *Conservation management plan* (2005). Basic maintenance, infrastructure repair and decontamination works are regularly undertaken. Maintenance regimes are in place for all buildings and regular visual inspections by staff monitor their condition and ensure that any unforeseen problems are addressed.

Fremantle Prison

Regular commissioned *Building condition assessment* reports are the primary tool for monitoring the state of conservation of the buildings. These assist in identifying and managing the site's conservation and maintenance needs of the site. The comprehensive report is completed every two years by a qualified and experienced building inspector. The report identifies, quantifies, costs and prioritises the works required to maintain the building to a high standard. The report ranks the recommended works according to a five-tier condition scale and consequence codes to assist in conservation and maintenance program planning. This enables site management to develop and prioritise its conservation and maintenance programs.

6.B ADMINISTRATIVE ARRANGEMENTS FOR MONITORING

All of the sites have extensive administrative arrangements for monitoring in place. The name and contact information of the agencies responsible for the monitoring are detailed below.

Kingston and Arthur's Vale Historic Area (KAVHA)

Mr G E Anderson
KAVHA Project Manager
No. 11 Quality Row
KINGSTON NORFOLK ISLAND 2899
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Old Government House and Domain

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Mr Christopher Levins
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Parramatta Park Trust
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Hyde Park Barracks

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Tasmanian sites

Heritage Tasmania
Mr Pete Smith
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Tel: +61 3 6233 2037
Email: pete.smith@heritage.tas.gov.au

Brickendon–Woolmers Estates

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Mr Damian Saunders
General Manager
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Darlington Probation Station

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Cascades Female Factory

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General Manager
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Tel: +61 3 6233 3642
Email: Peter.Mooney@dtas.tas.gov.au

**Port Arthur Historic Site and Coal Mines
Historic Site**

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Port Arthur Historic Site Management Authority
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Cockatoo Island Convict Site

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Fremantle Prison

Mr Bevan Beaver
Executive Manager
Fremantle Prison
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6.C RESULTS OF REPORTING

Kingston and Arthur's Vale Historic Area (KAVHA)

Many reports on KAVHA's state of conservation have been undertaken including annual conservation audits and reports and the most recent *Report on the condition of structures and the maintenance program* (2007). The reports identified issues such as topsoil stability, the need to enhance interpretation and animal and vegetation threats.⁴²⁸ Many of the recommendations in the reports have been implemented. The *KAVHA landscape management and conservation plan* (1994) identified topsoil stability and drainage issues. Measures undertaken to address these issues included using appropriate fill and endemic plant species, removing aquatic weeds from drainage channels, de-silting drainage channels and controlling aquatic weeds in the reserves. Actions undertaken to address the results of other reports include: stabilisation works; fencing to control animals; cleaning buildings; improved interpretation; and measures to protect the lime kiln area.

Old Government House and Domain

The *Parramatta Park landscape master plan* (2002) identifies significance and guides conservation of the landscape and includes landscape design principles and guidelines, interpretative intervention and management recommendations. Major reports relating to the conservation of Old Government House have been undertaken since the 1990s. The results of cyclic monitoring are compiled in condition reports and databases to determine trends and changes in the condition of the site. The results of monitoring programs are used by field services staff to assess the condition of the site and to program future works and preventative conservation action.

Hyde Park Barracks

Monitoring takes place at the site on a regular basis from daily to annual checking of the fabric as outlined in the *Total asset management strategy* (2006). The Historic Houses Trust has carried out a number of studies on the fabric and contents of the site including the *Asset management plan* (2006). These reports will be kept as records of change and to establish base-line information on condition. They are also used to target policies for ongoing conservation and monitoring including identifying any deterioration in the condition of the fabric or collections. Long or mid-term maintenance schedules are developed with property staff each year as part of the action planning process and projected over 10 years. Urgent or essential items such as repair of fabric deterioration, cleaning gutters and identifying causes of damage are undertaken as required.

Brickendon–Woolmers Estates

A number of structural, architectural and conservation reports have been prepared for the site. Conservation management reports were prepared in 1996 and 2007 and other key reports include the *Maintenance schedule* (1995 and 2000) and *Interpretation plan* (2005 and 2006).⁴²⁹ In addition, there is the *Brickendon oral history* (2007) and the *Landscape report* (2007) for Woolmers which made over 160 recommendations on the state of conservation of the cultural landscape.

Darlington Probation Station

Many reports and plans have been prepared on the condition of the site.⁴³⁰ The Department of Tourism, Arts and the Environment houses most reports prepared for Maria Island which date back to the 1960s. There are over 100 reports, project files and plans that are archived in the department. Some of the reports identified conservation and stabilisation works for the Commissariat Store and archaeological work on part of the wall of the separate apartments.⁴³¹

Old Great North Road

An extensive range of reports have been prepared on the state of conservation of the site.⁴³² The most recent report is the *Addendum* (2007) to the *Old Great North Road Conservation management plan* (2005). The management plan recommended measures to conserve the masonry elements of the site such as vegetation management, management of historic graffiti and cleaning/disguising modern graffiti. The *Archaeological and conservation assessment of the graffiti and timber guardrails on the Old Great North Road* (May 2000) recommended removal of items for conservation and *in situ* conservation of timber items. The *Old Great North Road maintenance plan* (2007) includes a maintenance program to reduce the incidence of failure of elements of the road to conserve road surfaces, gutters, drains and culverts.

Cascades Female Factory

The *Conservation plan* (1992) and the *Cascades Female Factory conservation management plan* (2000 and 2007) provide indicators of the state of conservation of the site and maintenance schedules. Many other technical reports and surveys have been produced including a *Conditions assessment report* (2007), *Archaeological zoning plan* (2007), *Engineering assessment report* (2007) and *Cultural landscape assessment report* (2007).⁴³³

Port Arthur Historic Site

A number of reports have made recommendations on the conservation of historic features at the site. Following the recommendations of the report entitled *To conserve Port Arthur: report on the conservation of building fabric at Port Arthur* (1979), further reports and projects were commissioned, such as the 1980s *Port Arthur conservation and development project*. The *Port Arthur Historic Site management authority conservation plan* (2000) has provided indicators and analysis of the site's state of conservation and these have been incorporated in the *Port Arthur Historic Sites statutory management plan* (2008). A number of structural engineering reports were also prepared in the 1990s. An archaeological survey of Point Puer was undertaken in 1998. The *Conservation capital investment program* (2000–10) is implementing the recommendations from these previous reports and plans. A program of structural assessments was undertaken by conservation engineers between 1994 and 1999. An asset management system is recording all maintenance, capital works, historic records and images, conservation works and cyclical maintenance programming and will provide information for future capital works and funding requirements.

Coal Mines Historic Site

A wide range of reports including an archaeological survey in 1985 have been prepared to provide indicators of the site's state of conservation.⁴³⁴ The conservation management plan for the site has recently been reviewed and conservation recommendations implemented. Conservation capital works program were implemented in 1990 and 2000 to address adverse visitor impacts such as an intrusive road system, car parks too close to heritage features and walking tracks that were eroding the landscape. An asset management system will record all maintenance, capital works, historic records and images, conservation works and cyclical maintenance programming and will provide information for future capital works and funding requirements.

Cockatoo Island Convict Site

Reports on the site's state of conservation of the property include the *Cockatoo Island conservation policy and assessment of buildings* (1988), *Condition of buildings docks plant and equipment* (1992) and *Stone conservation study* (2003). The *Heritage strategy* (2005) identifies mechanisms to ensure the conservation and protection of the heritage values as required under the *Sydney Harbour Federation Trust Act 2001*. As a result of monitoring, a maintenance program is currently being set up as part of a Heritage Inventory Database designed under the terms of the *Environment Protection and Biodiversity Conservation Act 1999*. This will include all relevant heritage data for every building together with results of maintenance and inspection programs undertaken by staff and rangers. Other measures to address conservation issues include regular maintenance and the *Work program 2007–08*.⁴³⁵

Conservation works on convict buildings will commence in 2008 and be largely completed by 2011.

Fremantle Prison

Many reports have been prepared on the conservation of the site. Key reports include the *Building condition assessment* (2001 and 2006) and the *Fremantle Prison heritage precinct master plan* (2003).⁴³⁶ The *Master plan* identifies necessary conservation works and several have been completed such as restoration of the Gatehouse and re-roofing of the south-east section of the Gatehouse.⁴³⁷ The current conservation works program will continue to improve the site's overall condition. The condition of the site is monitored daily by Fremantle Prison management and employees. Urgent repairs and minor works are undertaken as required. Regular building condition assessments are undertaken by qualified building surveyors every two years. The assessments also inform the development of maintenance programs and the preparation of budget requests. They assessment identify the level of priority and estimated value of works necessary to meet the requirements of the conservation policies.



Painting the portico at Old Government House in the 1970s.

Reproduced courtesy of: National Trust of Australia (New South Wales) Archive.





PART 7

DOCUMENTATION



7.A PHOTOGRAPHS, SLIDES, IMAGE INVENTORY AND AUTHORISATION TABLE AND OTHER AUDIO VISUAL MATERIALS

Table 5.6: Image inventory of a selection of the nominated sites.

ID NO	FORMAT	CAPTION	DATE	PHOTOGRAPHER
001	TIFF	KAVHA	December 2007	Department of the Environment, Water, Heritage and the Arts
002	TIFF	Old Government House and Domain	December 2007	Department of the Environment, Water, Heritage and the Arts
003	TIFF	Hyde Park Barracks	December 2007	Department of the Environment, Water, Heritage and the Arts
004	TIFF	Brickendon–Woolmers Estates	December 2007	Department of the Environment, Water, Heritage and the Arts
005	TIFF	Port Arthur	December 2007	Department of the Environment, Water, Heritage and the Arts
006	TIFF	Fremantle Prison	December 2007	Department of the Environment, Water, Heritage and the Arts

7.B MANAGEMENT PLANS

Copies of the *Australian Convict Sites strategic management framework* including management plans and legislation for the sites are attached.

Kingston and Arthur's Vale Historic Area management plan (2008)

Old Government House and Domain, Parramatta Park management plan (2007)

Hyde Park Barracks management plan (2007)

Brickendon conservation management plan (2008)

Woolmers conservation management plan (2008)

Maria Island – Darlington Settlement & Point Lesueur conservation management plan (2007)

Old Great North Road Dharug National Park management plan (2008)

Cascades Female Factory conservation management plan (2007)

Port Arthur Historic Sites statutory management plan (2007)

Cockatoo Island management plan (2008)

Fremantle Prison conservation management plan (2007)

7.B (I) LEGISLATION

Australian Government legislation

Environment Protection and Biodiversity Conservation Act 1979 – all sites

Sydney Harbour Federation Trust Act 2001 – Cockatoo Island

Norfolk Island legislation

Heritage Act 2003

Planning Act 2002

NSW legislation

Heritage Act 1977

Environmental Planning and Assessment Act 1979

Parramatta Park Trust Act 2001 – Old Government House and Domain

Parramatta Park (Old Government House) Act 1967 – Old Government House and Domain

Historic Houses Act 1980 – Hyde Park Barracks

National Parks and Wildlife Act 1974 – Old Great North Road

Tasmanian legislation

Historic Cultural Heritage Act 1995

Land Use Planning and Approvals Act 1993 and Amendment 1995

National Parks and Reserves Management Act 2002 – Cascades Female Factory, Darlington Probation Station, Port Arthur Historic Site and Coal Mines Historic Site

Port Arthur Historic Site Management Authority Act 1987 – Port Arthur Historic Site and Coal Mines Historic Site

WA legislation

Heritage of Western Australia Act 1990 – Fremantle Prison

Planning and Development Act 2005 – Fremantle Prison

7.B (II) PLANS

Norfolk Island

Norfolk Island plan 2002

NSW

Sydney regional environment plan no. 28 Parramatta (1999) – Old Government House and Domain

Sydney local environmental plan (2005) – Hyde Park Barracks

Gosford interim development order 122 (1979) – Old Great North Road

Tasmania

Northern Midlands planning scheme (1995) – Brickendon–Woolmers Estates

Glamorgan Spring Bay planning scheme (1994) – Darlington Probation Station

City of Hobart planning scheme (1982) – Cascades Female Factory

Tasman planning scheme (1979 currently under review) – Port Arthur Historic Site and Coal Mines Historic Site

WA

Metropolitan region scheme (1963), *Fremantle West End Conservation Area policy* (1992) and *City of Fremantle planning scheme no 4* (2007)

7.C FORM AND DATE OF MOST RECENT RECORDS OR INVENTORY OF PROPERTY

The management plans (detailed in Part 5) outline the most recent records or inventory of the properties.

7.D ADDRESSES WHERE INVENTORY, RECORDS AND ARCHIVES ARE HELD

Australian Government

Department of the Environment,
Water, Heritage and the Arts
GPO Box 787
CANBERRA ACT 2601

Norfolk Island

The Norfolk Island Government
Old Military Barracks, Quality Row
Kingston
NORFOLK ISLAND

New South Wales

Department of Planning New South
Wales Heritage Office
Locked Bag 5020
PARRAMATTA NSW 2124

NSW Department of Environment
& Climate Change Cultural Heritage
& Services Division
(43 Bridge Street)
PO Box 1967
HURSTVILLE NSW 2220

Historic Houses Trust of NSW
Caroline Simpson Library &
Research Collection
The Mint
10 Macquarie Street
SYDNEY NSW 2000

Parramatta Park Trust
(Cnr. Pitt and Macquarie Streets)
PO Box 232
PARRAMATTA NSW 2124

National Trust of Australia (NSW)
Archives
National Trust Centre
Observatory Hill
GPO Box 518
SYDNEY NSW 2001

State Records NSW
(Western Sydney Records Centre
143 O'Connell Street)
PO Box 516
KINGSWOOD NSW 2747

State Library of NSW
Macquarie Street
SYDNEY NSW 2000

Cockatoo Island
Sydney Harbour Federation Trust
PO Box 607
MOSMAN NSW 2088

National Archives of Australia (NSW)
120 Miller Street
CHESTER HILL NSW 2162

Tasmania

Department of Tourism, Arts and
the Environment
Head Office
GPO Box 771
HOBART TAS 7001

Tasmania Parks and Wildlife Service
GPO Box 1751
HOBART TAS 7001

Tasmanian Archives
77 Murray Street
HOBART TAS 7000

Brickendon Estate
PO Box 72
LONGFORD TAS 7301

Woolmers Estate
PO Box 15
LONGFORD TAS 7301

Tasmanian Museum and Art Gallery
GPO Box 1164
HOBART TAS 7001

Port Arthur Historic Sites
Port Arthur Historic Site Management
Authority
Arthur Highway
PORT ARTHUR TAS 7182

Western Australia

Department of Housing and Works;
13th Floor Dumas House,
1 The Terrace
FREMANTLE WA 6160

Department of the Arts and Culture
PO Box 8349
PERTH WA 6849

State Records Office
Alexander Library Building
James Street West Entrance
Perth Cultural Centre
PERTH WA 6000

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New South Wales

www.heritage.nsw.gov.au

Old Government House

www.ppt.nsw.gov.au
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Old Great North Road

www.nationalparks.nsw.gov.au/npws.nsf/content/the+old+great+north+road

Hyde Park Barracks

www.hht.net.au/museums/hpbm/hyde_park_barracks_museum

Cockatoo Island Convict Site

www.harbourtrust.gov.au

Tasmania

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Port Arthur Historic Site and Coal Mines Historic Site

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Brickendon Estate

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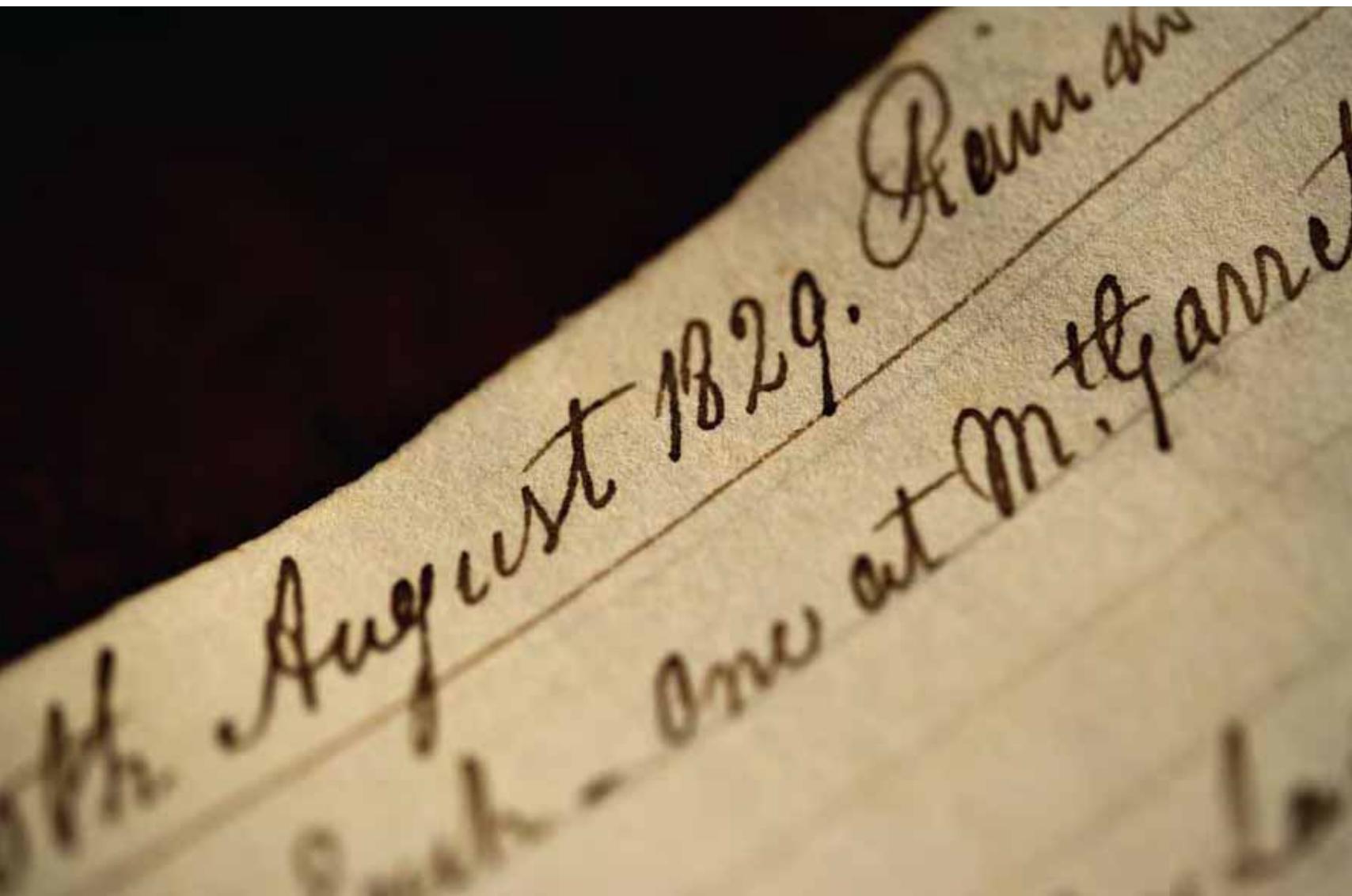


PART 9

SIGNATURE ON BEHALF OF THE STATE PARTY

A handwritten signature in black ink, appearing to read 'Peter Garrett', with a long, sweeping underline that extends to the right.

The Hon Peter Garrett AM MP
Minister for the Environment, Heritage and the Arts
January 2008





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ENDNOTES

- 1 The first Governor of NSW was Governor Phillip.
- 2 Whilst First Government House was the command centre of the colony, Government House also played an important role as many governors conducted their business while staying at Parramatta. First Government House was located in Sydney Cove while Old Government House was 11 miles west at Parramatta. Both places operated simultaneously for almost the first 70 years of the penal colony. It was up to the incumbent governor to decide whether to reside in either First Government House or Old Government House, or both residences. Governor Brisbane resided permanently at Old Government House. First Government House is a publicly accessible archaeological site with no extant buildings or legible domain.
- 3 The house retains its Georgian style externally as well as its interior detailing. The original furniture includes a cabinet, sideboard and candelabra.
- 4 See State Records of NSW collections inscribed on the UNESCO Memory of the World Register (2007).
- 5 See State Records of NSW collections inscribed on the UNESCO Memory of the World Register (2007).
- 6 Some hedges have been replanted.
- 7 Convict graves were sometimes marked with timber and only very rarely with stone.
- 8 The nursery was located in Yard One between 1828-38. Following a high number of deaths and controversy about the plight of convict babies and infants, the nursery was moved to other locations for certain periods between 1838 and 1855 at Cascades. The other locations were: a small house in Liverpool Street in Hobart (1838), a factory in Dynnyrne House (1842), New Town (1852) and Brickfields (1854).
- 9 This is the same political prisoner who stayed at Darlington and is mentioned above.
- 10 It was also a place for paupers and lunatics.
- 11 The Port Arthur Collections consist primarily of the Curatorial Collection, encompassing a large variety of items of movable cultural heritage related to the Port Arthur Historic site; the Archaeological Collection which comprises thousands of artefacts; and the Port Arthur Resource Centre Collection which comprises material relating to the Port Arthur Historic Sites and the Tasman Peninsula and includes photographs, slides, plans and archaeological data and systems of access, as well as copies of primary resource material held by other repositories.
- 12 Prisoners Barracks comprised a stone ensemble which included a Cookhouse, Bake house, Washroom, Guard House and Store.
- 13 Park (2005): 35-36.
- 14 Satchell (2003): 45.
- 15 Herman (1966): 470-473.
- 16 Maxwell-Stewart & Hood (2001):10
- 17 Walsh (1967): 373-374.18 Birman (1972): 425-426; Erickson (1993): 224-227
- 19 Fremantle Prison (2007).
- 20 Australia was then known as 'New Holland'. Britain experienced a rapid expansion in crime during the 18th century. The increased incidence of crime, particularly riots and other political activities by 'the lower classes', was seen as a major threat to the society and the government. There was an ever-increasing hysteria and desperation about crime in Britain and an entrenched public perception of pandemic criminal behaviour. Bogle (1999): 23-25. The mayhem of London streets flourished with street brawls, corrupt youth, dissolution and drunkenness, and some criminals became celebrated public figures. The dense population of London became 'the wonder of the world' decried as 'the city of Babylon' or the 'Great Wen'. Rapidly expanding internal migration led to a rapid expansion of the population in London, mainly comprising the unskilled, rootless and volatile. Bogle (1999): 23. To curb crime, the British government greatly increased the number of capital offences during the 18th century which appear to be trivial by contemporary standards and not to warrant the capital sanction. In 1826, 1,203 death sentences were passed in Britain and Wales. Capital offences rose from around 50 at the end of the 16th century to more than 200 by the end of the 18th century. Examples of offences included bigamy, setting fire to coal mines, cutting hop vines, consorting with gypsies, sending threatening letters, stealing a shroud from a grave and many other minor offences. The severity of punishment of criminals was seen to be justified because of the problems of law and order in Britain. Transportation to America aimed at both deterrence and supplying indentured labour and entrepreneurship to the colonies.
- 21 The preamble to Britain's Transportation Act 1718 specified both penal and economic objectives. The penal objectives were to rid Britain of criminals, deter others from crime and to reform convicts. The economic functions were referred to in the Transportation Act of 1718 in many of His Majesty's colonies and plantations in America, there was a great want of servants, who by their labour and industry might be the means of improving and making the said colonies and plantations more useful to this nation. Nicholas (1988): 14
- 22 Between 1718 and 1775, over 50,000 convicts were transported to the British colonies in America. Transportation was abolished to America following the American War of Independence. The number of serious criminal offences had increased rapidly over recent decades due to changes in legislation. The number of capital offences rose from around 50 at the end of the 16th century to more than 200 by the end of the 18th century in Britain. Bogle (1999): 23
- 23 There was no effective prison system in Britain and the local prisons were often 'incubators of crime'.
- 24 Brooke and Brandon (2005): 17.
- 25 The first penal settlement was established at Sydney Cove which was also known as 'Botany Bay' in Australia and around the world.
- 26 Quarty in Davison, Hirst and Macintyre (1998): 157. 'New Holland' was the name of the continent when Britain first settled the country in 1788. It was known as 'New Holland' until the 1810s.
- 27 Brooke and Brandon (2005): 13.
- 28 Brooke and Brandon (2005): 13.
- 29 Brooke and Brandon (2005): 13.
- 30 Brooke and Brandon (2005): 15.
- 31 Brooke and Brandon (2005): 223.
- 32 Individual Australian convict experiences depended on numerous variables: the time they entered, the system, their behaviour, the behaviour of those in charge of them and luck.

- 33 Whilst taking various forms over different times and places, there are key features that together characterise the Australian convict system. Many of the 11 Australian convict sites stand out as a representation of a particular feature of convictism, but also demonstrate other elements.
- 34 The following section is drawn mainly from Pybus (2006).
- 35 For example, in 1824, Robert Locke was assigned to his Aboriginal wife, Maria.
- 36 Shaw (1966):102-3; Kerr (1984a):57.
- 37 Ritchie (1976): 144-64.
- 38 Erickson (ed): (1983).
- 39 Davison, Hirst and MacIntyre (1998): 679. Farming was established to the south of Perth, in the upper Swan and over the Darling Ranges to the east.
- 40 By 1827 over 60 per cent of convicts in the NSW colony were assigned, and by 1838 almost 70 per cent of convicts were privately assigned (Kent & Townsend 2002:191, 192; Shaw 1966: 257).
- 41 In NSW, this included regulations and an Assignment Board. A similar system operated in VDL under the control of the Superintendent of Convicts who administered the convict system in VDL. There was also an Assignment Board in VDL.
- 42 Brooke and Brandon (2005): 220.
- 43 Kerr (1984): 61.
- 44 Alexander (2001): 290.
- 45 Pearson (2006) the convict experience and the NHL: 27.
- 46 Kerr (1984): 61.
- 47 Some masters ill-treated convicts or did not abide by the regulations such as giving them alcohol.
- 48 Road gangs were the dominant form of convict gang work. Around 5,000 men or about 18 per cent of transported males in NSW were confined to convict gangs at some time while serving out their sentence - Laugesen (2002): 35.
- 49 Penal stations were also established at Sarah Island, Port Macquarie, Moreton Bay and Wellington.
- 50 There were few female free settlers in the colonies particularly during the early years of penal settlement.
- 51 Many female convicts were considered to be prostitutes and whores. Authorities also believed that females were far more difficult to control than male convicts.
- 52 Report of Commissioner of Inquiry into the state of the colony of New South Wales (1822) was known as the Bigge Inquiry or the Bigge Report. Select Committee on Transportation: Report from the Select Committee on Transportation (1837-38) was also known as the Molesworth Committee.
- 53 Some females were in de facto relationships and others were married prior to transportation but married again.
- 54 Elizabeth Fry's ideas had an impact on the development of Australia's female factories. In 1823, she wrote to the British Under Secretary of State for the Colonies recommending the establishment of a female factory in VDL. Her views and principles on the management of female prisoners, Siting, superintendence and government of female prisoners, were published in 1825. The female factories reflected some of her penal philosophies.
- 55 Daniels (1998): 110-111. The classification system drew on Fry's penal ideas for the continuous gradation of convicts and the systematic application of rewards and punishments.
- 56 Convict women at Cascades Female Factory suffered the death of approximately 900 babies. This was well in excess of the infant mortality rate of the time. This has been attributed to harsh conditions such as severe overcrowding, exposure to cold and damp and lack of food, clothing and blankets. Kippin (2006):2-6
- 57 Several riots took place at the female factories at Parramatta (1824,1833,1836), Cascades (1829,1842), Launceston (1841) and Ross (1848)
- 58 The concept of 'just punishment through certainty' was advocated by penal reformers drawing on Enlightenment principles. It generally referred to penal systems (such as classification system and regulations) that set out clearly defined practices of reward and punishment for different groups of prisoners (based on their original sentence and subsequent behaviour in the prison).
- 59 Sprod in Alexander (2001): 290. A number of factors contributed to the failure of the probation system. Economic depression in the 1840s, lack of funding and poor administration led to a greatly reduced demand for the labour of pass holders from the probation stations, there was more labour available than there was a demand for and idleness, disorder and vice, particularly a dramatic increase in homosexuality, became rife under the probation system. This led to major concerns about the viability of the convict system in the colonies and Britain.
- 60 The information was recorded in numerous registers which were constantly expanded and cross-referenced. Muster lists defined and measured the convict population.
- 61 Pybus in Frost and Maxwell-Stewart (2001): 19; Brooke and Brandon (2005): 218.
- 62 Pybus in Frost and Maxwell-Stewart (2001): 27.
- 63 Brooke and Brandon (2005): 218.
- 64 Dyster (1988): 130. Between 1810 and 1820, under Governor Macquarie's liberal rule, around one fifth of convicts who arrived in NSW were given a ticket-of-leave. Shaw (1977: 84). In the early period of WA most convicts received a ticket-of-leave when they disembarked from their ship.
- 65 Hirst (1995): 271. However, individual governors continued to issue tickets for pragmatic reasons.
- 66 Brooke and Brandon (2005): 235. Protection afforded to convicts by the NSW courts (and VDL after 1825?) against mistreatment by their masters was greater than for free domestic servants and other employees of masters in Britain who had the right to inflict corporal punishments and other cruelties.
- 67 Hirst (1995): 267-270. Convicts could also sue to protect their possessions. By contrast, in America, masters had beaten convicts. In the colonies in Australia, governments reserved the right to take convicts away from masters if they were responsible for their ill treatment. During Governor Burke's governorship (early 1830s) it was reported that masters were brought before the bench almost daily
- 68 Hirst (1995): 270; Brooke and Brandon (2005): 233-234.
- 69 Clay (2001): 114.
- 70 Old Government House was the primary residence for Governor Brisbane from 1821 to 1825. Governor Macquarie used Old Government House as a base to travel around the penal settlement during the early years of his governorship. From 1816 onwards, Governor Macquarie lived there for six months of the year. Rosen (2007). The new government house, built with convict labour, remains the current Government House in NSW today.
- 71 Enlightenment ideals included the humane treatment of criminals resulting in their reformation.
- 72 B. Manera, Hyde Park Barracks (2007)

- 73 The youngest recorded convict was John Watt aged 13 years.
- 74 Brand (1990): 178.
- 75 Brand (1990): 23; Fry (1850).
- 76 Convicts with sufficient education and the elderly were not required to attend.
- 77 Dispatch from C.J. LaTrobe, Esq., Acting Governor of Van Dieman's Land, to Earl Grey, Melbourne, Port Phillip, May 31, 1847 (British Parliamentary Papers).
- 78 To 'revive the dread of transportation' was part of Governor Darling's instructions to Bigge in undertaking his Inquiry into the effectiveness of transportation (see Appendix B).
- 79 Rosen (2007): 31. Convicts working in the road gangs were young, on average around 23 years old although many were under 20 and at least one was as young as 11 years old.
- 80 Rosen (2007): 35. Some groups of convicts or entire gangs were given 50 or 100 lashes without a hearing.
- 81 The classes included: the third class ('crime class'); second class ('probation class'); and first class ('assignable class'); 'hospital class'; and 'nursery class'.
- 82 Cascades produced 2,500 pairs of trousers and 165 blankets in a two month period in 1843.
- 83 Shaw (1966): 366-368
- 84 Daniels (1998): 103-132
- 85 Kippin (2006):2-6
- 86 Female invalids and paupers, including ex-convicts, were also housed at Cascades Female Factory during this period. In 1877, insane and invalid male convicts from Port Arthur were also sent to Cascades.
- 87 Hughes (2003): 338
- 88 Statistical returns of VDL, 1830-1840
- 89 Other above ground work undertaken by convicts included agricultural work, shoemaking, carpentry, blacksmithing and tailoring.
- 90 Colonial Authority, date unknown.
- 91 Cockatoo Island conservation management plan (2005).
- 92 Cockatoo Island conservation management plan (2005): 22.
- 93 Jeremy (1998): 19.
- 94 Brooke and Brandon (2005): 222.
- 95 Hattersley (1965): 6. Retired Governor FitzGerald stated this to the British Inquiry in 1857.
- 96 Gascoigne (2002): 143.
- 97 Hughes (2003):338
- 98 Themes that are identified in the UNESCO Global Strategy. The two thematic areas are: 'Human coexistence with the land' which includes 'movement of people', 'settlement', 'modes of subsistence' and technological innovation; and 'Human beings in society' which includes 'human interaction', 'cultural co-existence' and 'spiritual and creative expression'.
- 99 There were earlier instances of transportation.
- 100 Nicholas and Shergold (1988): 37.
- 101 Nicholas and Shergold (1988): 7.
- 102 Each of the sites represent critical elements of the convict system in Australia. Many male and female convicts experienced many or all of these systems while serving out their sentences: assignment, a road gang, a penal station, a female factory, a ticket-of-leave. Convicts moved to places of harsh punishment or greater freedom depending upon their behaviour and luck.
- 103 There are no comparable works about convictism that have survived in other places around the world, partly due to the 'convict stain' that has been prevalent in many countries. There has been a long held hostility, embarrassment and rejection of the history of convicts in many countries. In addition, many penal colonies had limited record systems. In other cases, convict records that were kept in penal colonies (such as the Andaman Islands) have since been lost or destroyed during periods of war and conflict.
- 104 Brooke and Brandon (2005): 241. The works include: indent lists; Assignment Board reports; convict registers; police reports; tickets-of-leave; applications for pardons and special privileges; pardon certificates; diaries; marriage certificates; 'family history' narratives; novels and poetry; and religious materials. Marcus Clarke's, *For the term of his natural life* (1874) is directly associated with Port Arthur and Norfolk Island. Convicts produced ballads many of which survive today.
- 105 Although the convict stain was a tradition in Australia for many years many of the records have survived. Unlike other places, Australia has recovered and maintained a large collection of works associated with convictism.
- 106 They create comprehensive layers of information about the convict era and tell stories of the minutiae of many thousands of convicts' lives and experiences in the penal colonies. The lives of individual convicts can be pieced together in minute detail through these works. Official records provide detailed information about individual convicts such as: height, weight, eye and hair colour, tattoos; skills; marital status; offspring; how long they served at individual locations; and their conduct.
- 107 The materials capture feelings of pain, suffering, hardship, disappointment and adversity along with aspirations of hope and new futures, joy and success.
- 108 Many other works are located in other places around Australia and include works that are directly associated with the Australian Convict Sites. The document part of the convict collection at Port Arthur includes only copies of the originals.
- 109 Collections of original convict records from the State Records Authority of New South Wales and the Archives Office of Tasmania.
- 110 Forster (1996): 1.
- 111 Forster (1996): 2.
- 112 The great powers also used convicts as sailors and soldiers to fight in military conflicts such as the French Revolution and the Napoleonic wars.
- 113 Broeze (1998): 26. Britain abolished slavery in 1807. See Part 3.C and Appendix C for more details regarding the role of slaves and indentured labourers in other penal colonies.
- 114 Nicholas and Shergold (1988): 37. Convicts were the main labour force used to establish a colonial and naval presence in new places such as the Straits Settlements or to create infrastructure to defend the wider empire such as building fortifications at Bermuda. Convicts were instrumental in the creation of new colonies in Australia, French Guiana, New Caledonia and part of the Straits Settlements (Singapore) and in the growth of fledging colonies such as Bermuda. New colonies were established to enhance the defence of the home state and its supply lines (such as the Spanish and French colonies in North Africa and the Caribbean) or to extend provincial economic and political influence more widely, particularly by Britain and France.
- 115 Rand (1958): 1.

- 116 This was the era of the Industrial Revolution and as production spiralled Britain became involved in a network of international commercial and financial activities.
- 117 Rand (1958): 1. In 1783, a French midshipman who had sailed on earlier Cook's expedition (1774), advocated a penal settlement in the lucrative NSW, proclaiming its 'immense tracts of fertile land with only a few primitive natives engaged in little other than fishing. Excellent climate ... it could produce sugar, tea, coffee, silk, cotton, indigo, tobacco, and especially timber.'
- 118 Hopkins (2002): 7. Britain's maritime strength was a major source of her global power in the 18th century.
- 119 Nicholas and Shergold (1988): 43.
- 120 Nicholas and Shergold (1988): 47
- 121 Nicholas and Shergold (1988): 52.
- 122 Production included mining, agriculture, wool and wheat.
- 123 Nicholas and Shergold (1988): 52-53. Female convicts were important to the survival of the penal colonies particularly during the critical early years of penal settlement. There were few female free settlers in the colonies until the mid 1820s. In the late 1830s, the natural increase in the colonial born was approximately 20 per cent of the population in NSW. Textile production included blankets, cloth, clothing and rope which were in short supply and very important to the colonies.
- 124 In the mid 1780s, William Pitt and Lord Sydney (Home Secretary and Secretary of State for the Colonies) stated that it was timely for Britain to establish a strategic base in the Antipodes to pre-empt the activity of rival states.
- 125 Wheat was a major component of rations for convicts and a basic element of colonial cuisine.
- 126 Nicholas and Shergold (1988): 70; Bogle (1999): 45-46.
- 127 Reid (1995): 215
- 128 Hopkins (2006): 12.
- 129 Hopkins (2004): 18.
- 130 In late 1841, the British government ordered the stored grain to be sold as it interfered with free market forces.
- 131 Davidson, Hirst and MacIntyre (1998): 679. Farming was established to the south of Perth, in the upper Swan and over the Darling Ranges to the east
- 132 Shaw (1966): 355.
- 133 In the 18th and 19th centuries, the British government and the public believed that a new 'criminal class' had emerged particularly in London. Britain experienced crime waves during this period due to the impact of the Industrial Revolution, overpopulation, lack of housing and high unemployment particularly among the working class. The poor had few options other than to turn to stealing in order for themselves and their families to survive.
- 134 Brooke and Brandon (2005): 22.
- 135 This ranges from the accounts of the severity of the convict experience in Australia (e.g. Robert Hughes' *Fatal shore*) through to more positive commentaries of the convict era in NSW by Stephen Nicholas et al in *Convict workers*.
- 136 In the late 1780's, the sea voyage to Australia was considered to be a very long voyage into a relatively uncharted part of the globe. Nicholas and Shergold (1988): 47-49.
- 137 Holden (2000): 5. A 1791 philanthropic report documents how some mothers sentenced to death rejected offers of transportation for life because they could not bear to leave their children behind, even though they would eventually face the gallows. In one case, a mother declined the offer of transportation 'on account of not being permitted to take her children with her, and was taken back to Newgate in strong convulsions, and her shrieks were re-echoed through the whole gaol.'
- 138 During the early period.
- 139 In Australia, around 95 per cent of convict population did not return home. In some penal colonies, a significant proportion of convicts did return home. See Appendix C. This has been described as: 'a provisional death of the person'; 'the erased person'; 'a terminal punishment'; and 'a sort of death'. Pybus (2001): 15-31.
- 140 Gretton in Field and Millett (1998): 39, 42, 44. Created before their voyage of exile, the recurring themes bring the pain and hopelessness to the surface: 'If you wait till I return you may wait till the day of doom'; 'May we live to meet again'; 'Dear Father Mother a gift to you from me a friend whose love for you shall never end'; 'Far from my friends, far from my home, on a distant land I am to roam'; 'Dear Brother when this you see remember me when I am far away'; and 'seeing this will grieve you sore when I am on foreign shore'. Many love tokens had drawings of a sailing vessel on one side and a convict in chains on the other or scenes of family farewells.
- 141 Shore (2002): 81-102.
- 142 Atkinson (1998): 134, 258, 262; Hirst (2007). In the early years, the aim of the British government was to use transportation and exile as the primary forms of the punishment for convicts. After 1820, the government sought to create systematic harshness to more effectively deter crime.
- 143 Nicholas (1988): 112-113; Ritchie (1986): 130; Atkinson (2004): 82-85. Actual or threatened violence were used against convicts to maintain discipline and order.
- 144 See Part 2.B and criterion vi.
- 145 Pybus in Frost and Maxwell-Stewart (2001): 25-26. Records show that convicts forced to watch floggings who were horrified and revolted by the barbarism of the public spectacle; convicts who screamed out in pain and were then doubly mortified at their shame; and convicts who gave verbal abuse to the flogger but were still reduced to 'a barely human mess of battered flesh'. Convicts felt degraded by the punishment which was seen as 'stripping away every vestige of manhood'. Some reports claimed that convicts preferred to commit suicide to escape the ordeal.
- 146 Atkinson (2004) 84; Shaw (1977): 202. Examples of minor breaches included insolence or neglect of work. The frequency of its use varied each year from between one in four convicts to one in ten convicts in the 1830s, with the average sentence being 50 strokes in NSW and 33 in VDL. In 1833, an estimated 36,000 male convicts were given 323,000 lashes in NSW and VDL excluding convicts in penal settlements. In 1839, 374 convict boys received beatings, with an average of 18 strokes each. Flogging was sometimes meted out unjustly or brutally.
- 147 Brand (2003): 53. All convicts could be flogged, not just those in penal stations.
- 148 Brooke and Brandon (2005): 233. Maconochie saw the physical coercion and absence of reform principles as tantamount to slavery. Braithwaite (1999): 9. 'On balance, I read the bits and pieces of records on the frequency and severity of flogging as showing that the flogging of Australian convicts probably was more brutal than that of American slaves'. He notes that flogging in Australia was ordered in a more procedurally fair fashion; as masters had to get permission from a magistrate.
- 149 Forster (1996): 111.
- 150 Convict James Tucker, quoted in Atkinson (2004):84.

- 151 Working conditions could be severe in Australia despite the generally good material conditions and treatment of convicts.
- 152 While elements of the assignment system had similarities to slavery there were also fundamental differences between the two systems. See Appendix C.
- 153 This was not the case for skilled convict workers who generally were well treated during their assignment.
- 154 Female convicts were subject to more subtle demands on their labour, and various forms of surveillance and control compared to male convicts. Demands were made on their domestic labour at all hours of the day and night, and every aspect of their personal behaviour was under constant surveillance.
- 155 See Appendix B.
- 156 See Appendix B.
- 157 Brooke and Brandon (2005): 230; Nobbs (1991): 128.
- 158 Smith (1997): 62.
- 159 Smith (1997): 62; and Nobbs (1991): 128.
- 160 Atkinson (2004): 143.
- 161 Atkinson (2004): 144.
- 162 Brand (2003): 31. 'we saw a gang of thirty men stoop down with the overseer at their head and shoulder a log many tons in weight until they carried it to its destination. Seen at a distance they look like an enormous centipede which they are sometimes called while moving along joined together as if it were by the log itself for a backbone to which, like so many legs, they were severally attached. Self preservation compels every one to do his best to support the immense weight, which, notwithstanding, he must be strongly impressed within himself would crush him to death, whatever his efforts might be unless his companions in like manner did their part. This is considered the most severe labour on the settlement ... [it] is much dreaded by all.' Description of Port Arthur gangs in 1837.
- 163 Atkinson (2004): 143.
- 164 Brand (2003): 103; Atkinson (2004): 143.
- 165 This was the great road network comprising the Great North Road, the Great South Road and the Great Western Road.
- 166 Head shaving and cropping was the main type of punishment for female convicts until the late 1830s.
- 167 Daniels (1998): 112, 114-116; 146. In 1833 women at Parramatta Female Factory rioted after having their hair cut. Brooke and Brandon (2005): 238. Several hundred women seized and shaved the head of an overseer and then threatened to go to Sydney to shave the head of the Governor.
- 168 See Appendix B.
- 169 Severe conditions included: damp, extreme temperatures of cold and heat, inadequate food and compulsory weaning of babies at three to six months. This contributed to the high infant mortality rate of convict babies and toddlers at Cascades Female Factory. While some of the conditions were partly due to mismanagement at the factory authorities were aware of the problems. Several public inquiries investigated the high death rate at the factory but the government failed to adequately address the causes. Britain and colonial authorities were aware of this but they did not take adequate actions to address these.
- 170 Pridmore (2002): 21-24.
- 171 The carts were sometimes powered by convicts.
- 172 Brand (2003): 20.
- 173 Brooke and Brandon (2005):236
- 174 Penal colonies that did not seek to reform convicts included: Bermuda, Puerto Rico and Cuba. Reform took place alongside the punishment of convicts – sometimes the two objectives were compatible, at other times tensions were irreconcilable.
- 175 Many of reformatory systems also contained mechanisms to discipline convicts and to punish those who misbehaved. Similarly, many of the punishment regimes (see deterrence theme above) had measures aimed at reforming convicts such as hard labour and the 'separate system'.
- 176 These included: 'tickets-of-leave', classification systems and segregated systems for convict boys and female convicts. See Part 2.B and Part 3.C.
- 177 The reformatory impetus in the colonies varied between places and time throughout the convict era in Australia.
- 178 The deployment of convicts to various forms of work had the dual purpose of punishment and reformation.
- 179 Grocott (1980): 142.
- 180 Daniels (1998): 65; 225; 229. Some lived free men of higher social status and gained access to land grants on becoming free. A small number of female convicts earned a living as self-employed seamstresses, midwives or milliners or helped husbands run small businesses.
- 181 Daniels (1998): 65; 225; 229. Examples include; Mary Haydock, a highly successful and prominent businesswoman, was held up as a symbol of what was possible for a convict to achieve in NSW. While this was not typical, there were a number of other examples such as Sarah Thornton, Mary Reibey and Maria Lord. See page 40-41 for selected convict biographies.
- 182 Grocott (1980): 166, 206-210; 227. Governors and commandants sometimes used them to count heads, make addresses and issue government orders.
- 183 Atkinson (1998): 176. Rosen (2007): 22, 38. The first minister of religion to NSW brought 4,262 religious books to the colony. Regulations were introduced to prescribe compulsory religious attendance. Grocott (1980): 75; 145, 149, 151, 168, 181, 204, 208-209. Compulsory religious instruction was widely resented by convicts who saw religion as 'an engine of government' and just another form of punishment.
- 184 Grocott (1980): 144. This included convicts sentence to convict gangs or penal stations.
- 185 Grocott (1980): 207, 214. Non-attendance could be punished by additional work or by forfeiting a day's provisions. A second offence could be punished by 'corporal chastisement'. Catholic convicts who refused to attend services in an Anglican church could be punished by flogging or imprisonment.
- 186 Brand – Boyd's report 1845: 211. Services were led by chaplains and prayers were often read by superintendents and overseers.
- 187 Denholm (1979): 11. For example, lighter labour.
- 188 Hirst (1983): 109-111; Braithwaite (1999): 9. Note: these rights varied over time and place.
- 189 Hirst (2007).
- 190 Hirst (1983): 106-132.
- 191 Hirst (1983): 106-132.
- 192 Daniels (1998): 96. This could lead to removal from their home.
- 193 Nicholas ('The care and feeding of convicts') in Nicholas (1988): 180; 186-189; 192-193. Convict rations were substantial with a very high nutritional content compared to the rations of other forced workers, the working class in 19th century Britain and modern dietary standards. Until 1819, convicts in NSW generally worked an average of 56 hours over five and a half days each week. The standard for indentured Indians, and Spanish and American slaves and free labourers in Britain was a six day working week. Working conditions for convicts were similar

- to those in British urban factories and workshops in Britain. Convicts in Australia received a higher standard of medical attention than prisoners on the Woolwich hulks and many indentured labourers. The stone and brick hospitals in NSW compared favourably to those in British Guiana, the Caribbean plantation hospitals and primitive plantation hospitals in Queensland which lacked minimal requirements of nourishing foods, bedding and clothes.
- 194 Braithwaite (1999).
- 195 Within limits, the length of a convict's sentence was now up to the convict himself. Hughes (2003): 500.
- 196 These were entered into the Commandant's ledger and were personally overseen by him.
- 197 Hughes (2003): 501.
- 198 Hobbs (1991): 72.
- 199 Hobbs (1991): 72.
- 200 Hobbs (1991): 69.
- 201 Hughes (2003): 506-507. This included magazines on engineering, craft, farming and cookbooks for brewers and bakers to teach trades. Hirst (1983).
- 202 Nobbs (1991): 69.
- 203 Hughes (2003): 507; Nobbs (1991): 67.
- 204 Hughes (2003): 510. Under Maconochie's rule, Protestant and Catholic churches were built and he gave Jewish convicts their own right to worship as well as books and other items.
- 205 Nobbs (1991): 72.
- 206 Hughes (2003): 503-504, 510. Smith (1997): 99. Maconochie dismantled the gallows, took down the gibbet, threw open locked doors and got rid of the 'double-loaded cats' used for flogging. He ceased construction of the New Gaol because the theory of its design was inconsistent with his approach. Convicts were given a public holiday to celebrate Queen Victoria's birthday. They were free to roam the island, swim in the surf, given special food (including rum with dinner), a play was performed by convicts and there were fireworks. In an important symbolic gesture, Maconochie removed large guns from the front of Government House to Flagstaff Hill during the celebrations. The guns previously formed an important part of the defence of Government House and were not returned to the residence.
- 207 Hughes (2003): 510.
- 208 See footnote under criterion (vi) for evidence of this.
- 209 Smith (1997): 35-36.
- 210 Smith (1997): 71.
- 211 Dalkin (2001): 73.
- 212 Dalkin (2001): 78. The convict was 'an exceedingly well disposed hard working ... but exceedingly penurious ... he hoarded up every thing he got and accelerated his death by not applying for aid in time lest he should lose his marks'.
- 213 Dalkin (2001): 90-91.
- 214 Ritchie (1986): 132; 160. One of Macquarie's three primary objectives was to reform and rehabilitate convicts: 'the greatest inducement that can be held out to the reformation of the manners of the inhabitants, ...Emancipation, when united with rectitude and long tried good conduct, should lead a man back to that rank in society which he had forfeited and do away, in as far as the case will admit, all retrospect of former bad conduct.' Macquarie quoted in Shaw (1966): 80. The encouragement of religion and increased discipline of convicts were his other important goals.
- 215 Ritchie (1986):130.
- 216 Ritchie (1986): 130, 133. Convicts with life sentences had to serve only 15 years before being eligible for a ticket-of-leave or pardon and the rest of the convict population had to serve only three quarters of their 7 or 14 year sentence. Between 1810 and 1820, Macquarie gave 366 absolute pardons, 1365 pardons and 2319 tickets-of-leave. Macquarie was lenient in the application of rewards, granting around 500 exemptions which affected one in four convicts who received a ticket-of-leave or pardon. This compared to only two pardons during the governorship of Bligh (1806-1808). Between 1810 and 1822, between a quarter and a fifth of those who arrived at Port Jackson were granted a ticket-of-leave. [Shaw (1966): 84].
- 217 Ritchie (1986): 130.
- 218 Ritchie(1986): 131-133; 151; Nicholas and Shergold 'Convicts as migrations' (1988): 62. For example, five ex-convicts made up half of the first settlers selected for the Bathurst Plains in 1818 which permitted them to set up as wheat farmers on 50 acre blocks; former convict William Redfern was made an assistant surgeon; convict Francis Greenway was appointed the Colonial Architect and constructed Hyde Park Barracks, Parramatta Female Factory and St Matthews Church among many others; three ex-convicts were appointed to the magistracy in 1813 and another was appointed in 1820; James Meehan became acting surveyor; Richard Fitzgerald was made head storekeeper; George Howe became the NSW government printer and editor of the Sydney Gazette; and a large number of convicts were appointed as superintendents and overseers.
- 219 Ritchie (1986): 161.
- 220 Many free settlers resented the status of ex-convicts and lodged complaints to Britain. There was a general reformatory trend since the establishment of the colony. Macquarie drew on these existing reformatory elements and further developed and expanded them.
- 221 These settlers formed one of the colony's earliest political factions known as the 'Exclusives'. Ritchie (1986): 153. There were also concerns about the increased financial burden for Britain during this period. The British Treasury was alarmed that the government was spending more money per capita annually on maintaining convicts in the penal colonies (between 0.1 and 0.3 of the total national income of Great Britain) than it did on poor relief at home.
- 222 O'Toole (2006): 32.
- 223 Convicts with sufficient education were not required to attend school.
- 224 Hughes (2003): 586.
- 225 Winston Churchill 1910 quoted in Brodie, Croom and Davies (2002): 1.
- 226 Brooke and Brandon (2005): 35.
- 227 Brooke and Brandon (2005): 35
- 228 Brooke and Brandon (2005): 35. These were documented by the famous penal reform, John Howard. After 1770, thousands of British prisoners were sent to prison hulks in the Thames that were equally brutalising experiences. Between August 1776 and March 1778, 176 prisoners died out of a total of 632 and another 24 escaped. In this context, prisoners were relieved to be sentenced to transportation compared to these alternatives.
- 229 Brodie, Croom and O'Davies (2002): 19. In the early 1720s, 78.9 per cent of capital sentences led to executions, whereas this had dropped to 38.1 per cent due to the increased use of transportation after the 1718 Act.
- 230 Redfield (2000): 56.
- 231 Hughes (2003): 586

- 232 At the heart of the debate were questions such as: 'did Australia's experiment prove that a penal colony was a more effective response to crime (both on penal and economic grounds) than domestic prisons?'; 'could convicts be the foundation for the development of a free and prosperous society which could then become a centre for French trade, migration and influence?'; and 'could the conditions in Australia be replicated in a later era?' Pieris (forthcoming); Gentes (2007).
- 233 Forster (1996): 2-3.
- 234 Forster (1996): 1-11
- 235 Forster (1996): 106.
- 236 Redfield (2000): 57-59, 62; Forster (1996): 2. It was argued that 'fallen citizens would moralise themselves through the toil of developing new lands.' Transportation also achieved a flourishing colony and economy in Australia which aligned with French ambitions to regain her lost empire after 1814. Proponents of transportation argued it was a more effective response to crime than domestic imprisonment, both on penal and economic grounds. Transportation could render a harsh punishment to criminals setting a terrible example to deter crime while also providing a more humane treatment to reform criminals and achieve a flourishing new colony
- 237 Forster (1996): 4.
- 238 Gentes (2007).
- 239 Forster (1996): 2-3.
- 240 There was contradictory evidence about the effectiveness of the penal colonies in Australia.
- 241 Braithwaite (1996).
- 242 Harvey (2006): 758
- 243 See Part 3.C and Appendix C.
- 244 Gascoigne (2002): 11.
- 245 Forster (1996): 2.
- 246 Gascoigne (2002): 11.
- 247 As noted above, Aboriginal people occupied and settled the continent for over 40,000 years and developed their own traditions, culture and ways of life. The Australian landscape was shaped by Aboriginal peoples in ways unseen by Europeans. Aboriginal people had developed a way of life unique to Australia over a millennium. There were no free settlers and the small indigenous population was considered to be capable of containment.
- 248 Gascoigne (2002)
- 249 Gascoigne (2002): 11.
- 250 Gascoigne (2002): 115; 122. In a dispatch to the British government in 1834, Lieutenant-Governor Arthur insisted that 'in no part of the world are the influence and teaching of the divine and the exertions of the schoolmaster so essential as in VDL.' A report to the British government in 1844 argued that the path of penal reform lay with education: 'The right to punish involves the duty to instruct' and that the state's obligation was 'to impart a sound, moral, and religious education'.
- 251 Gascoigne (2002): 12. An eminent phrenologist in the 1840s noted the similarities between the scientific improvement of agriculture and of human nature as in Maconochie's penal experiments: 'In improving human nature, as in reclaiming an agricultural soil, the more barren the ground, the higher must be the cultivation applied to it, in order to remove its sterility'. As noted above, the goals of punishment and reformation often operated alongside one another despite some inherent tensions between them.
- 252 New technologies of disciplinary punishment is a term used by Michael Foucault (see Glossary).
- 253 Key systems and features included: the 'open air panopticon' model; special systems for convict women and boys; the probation system; the Separate System; and the penal bureaucracy. See Part 2.B.
- 254 Foucault may not have had a detailed knowledge about convict developments in Australia. His *Discipline and punish; the birth of the prison* (1975) focused primarily on French institutions.
- 255 Gascoigne (2002): 135.
- 256 Brand (2003): 19.
- 257 Examples include: New Caledonia, French Guiana, Straits Settlements and Andaman Islands.
- 258 Gascoigne (2002): 135.
- 259 Gascoigne (2002): 135. Arthur's pamphlets included *Observations upon secondary punishment and A defence of transportation*. He advocated the rational management of convicts following the harsh findings of the Molesworth Committee and public concerns in Britain and the colony. In 1833, Arthur claimed that VDL had become 'one large penitentiary'.
- 260 Gascoigne (2002): 135.
- 261 Gascoigne (2002): 135. In 1833, Arthur reported to the Colonial Secretary that the facilities afforded by this colony for carrying classification into effect are such as never could be attained within the walls of a penitentiary'. VDL could be considered to be 'a kind of open air panopticon'. See Appendix D for a definition of the Panopticon.
- 262 Magistrates presided over this system.
- 263 Townsley (1991): 59. For the slightest infraction of the rules, a free settler could lose a convict or a convict could lose their liberty.
- 264 Atkinson (2004): 84.
- 265 Speech was not banned altogether as Arthur didn't want to destroy common social relations.
- 266 Gascoigne (2002): 135. Females were transported to other penal colonies but their numbers were significantly lower and special schemes were rare.
- 267 Townsley (1991): 59.
- 268 Maconochie's contemporaries as well as historians and penologists today saw his ideas and the Mark System as radical.
- 269 Parker (2007): 64. He was a prisoner of war for three years during the Napoleonic Wars.
- 270 Hughes (2003):501.
- 271 Titles included *Crime and Punishment*, *The Mark System*, framed to mix Persuasion with Punishment, and *Make their Effect Improving, yet their Operation severe* (1846). Hughes (2003): 521
- 272 Gascoigne (2002): 141. Maconochie christened it the 'social system' (also known as the 'mark system') because it enabled prisoners to prepare 'for society' unlike the false environment of the 'silent system' or 'separate system' inside a penitentiary.
- 273 Nobbs (1991): 67.
- 274 Maconochie quoted in Hughes (2003): 500.
- 275 Hirst (1995): 291.
- 276 Townsley (1991): 60.
- 277 These theories also drew on Enlightenment principles. See Appendix D.

- 278 Townsley (1991): 60; Gascoigne (2002): 142; Hirst (1995): 292; and Nobbs (1991): 68. There were constant complaints that the system went too far, that convicts were given 'the air of free men'. Britain wanted discipline to be used to generate terror in order to deter crime back home. Increasing concerns about the radical nature of the Mark System led Britain to see the reformation of the criminal as a secondary goal. The British government was also alarmed at the alleged increase in the incidence of homosexuality which was considered to be one of the worst crimes. Maconochie's request for female convicts to be sent to Norfolk Island was refused by the British government and the apparent high level of homosexuality was partly due to his efforts to bring offenders to justice.
- 279 British Deputy Commissioner Miller quoted in Nobbs (1991): 71.
- 280 Gascoigne (2002): 143; Nobbs (1991): 71. Governor Gipps' reported favourably to Britain following his visit to the settlement in 1843: Norfolk Island was an ordered settlement ('good order everywhere prevailed'), the convicts were respectful and quiet and there was a decline in violence and murder. Others reported that his reform system was 'miraculous ... he succeeded in taming the hitherto tameless, making the savage gentle'. A famous case was the reform of a violent convict with a long history of being perpetually chained to a rock day and night both in Sydney and Norfolk Island, flogged repeatedly until maggots bred in his raw skin. Maconochie tasked him to tame unruly bullocks so that by taming them he could learn to tame himself. Governor Gipps observed that the convict was an upstanding and respectable individual with a post of responsibility on the island. Recidivism during Maconochie's rule was reported to be around 3 percent which was much lower than rates for the colony as a whole which was alleged to be around 35 per cent. In 1846, Maconochie tabled figures in the British House of Lords that supported his claim that the Norfolk Island crime rate was twice as high under his predecessors and successors than under his rule.
- 281 Brooke and Brandon (2005): 233.
- 282 Brodie, Croom & O'Davies (2002): 121
- 283 Hirst (1995): 292. An indeterminate sentence is a sentence not defined by a period of time.
- 284 Female convicts were transported to the Andaman Islands, French Guiana and New Caledonia.
- 285 Atkinson (1998): 160. Daniels (1998): 110-111. Elizabeth Fry was an influential British advocate of penal reform of female convicts and her ideas had an impact on the development of Australia's female factories. In 1823, she wrote to the British Under Secretary of State for the Colonies recommending the establishment of a female factory in VDL. Her views and principles on the management of female prisoners were outlined in *Siting, superintendence and government of female prisoners* (1825). The establishment of dedicated female factories reflected some of her penal philosophies. The classification system, introduced in NSW and VDL between the mid 1820s to mid 1830s, similarly drew on Fry's schema for the continuous gradation of prisoners and the systematic application of rewards and punishments. The British government and colonial authorities commissioned inquiries and reports including the inquiry into female convict discipline (1841-43) and a magistrates inquiry into the treatment of women in Cascades Female Factory (1855). The discipline and reform of female convicts figured prominently in all of the major British commissioned investigations including the Select inquiry into transportation (1812), the Bigge Inquiry (1819-21) and the Molesworth Committee (1837-38). Several coronial inquiries were also held to investigate the deaths of inmates and general conditions at female factories such as the 1838 inquest of Cascades Female Factory. Diverse ideas about the problems and the best ways to punish and reform convict women were documented in the official reports. These reports reflected tensions between punishment as a deterrent to criminals in Britain on the one hand, and reforming convicts to become members of the new society, on the other. The British government and colonial authorities commissioned inquiries and reports including the inquiry into female convict discipline (1841-43) and a magistrates inquiry into the treatment of women in Cascades Female Factory (1855). The discipline and reform of female convicts figured prominently in all of the major British commissioned investigations including the Select inquiry into transportation (1812), the Bigge Inquiry (1819-21) and the Molesworth Commission (1837-38). Several coronial inquiries were also held to investigate the deaths of inmates and general conditions at female factories such as the 1838 inquest of Cascades Female Factory. Diverse ideas about the problems and the best ways to punish and reform convict women were documented in the official reports. These reports reflected tensions between punishment as a deterrent to criminals in Britain on the one hand, and reforming convicts to become members of the new society, on the other.
- 286 Atkinson (1998): 160. Tensions persisted between differing principles of the Enlightenment and the old order, as well as competing objectives of punishment and reform in the colonies.
- 287 A segregated assignment system across NSW and VDL was also an important element of this.
- 288 Daniels (1998): 105, 112-115; Kerr (1984): 66-67. Flogging and head shaving, initially important forms of punishment for deterring crime, were abolished in order not to inhibit 'feminine virtues'.
- 289 Atkinson (1998): 134. While some females worked in the fields, the vast majority were to be assigned as domestic servants.
- 290 Hirst (1995): 274. The indeterminate sentence punished acts committed while confined at a female factory. This predated Maconochie's system.
- 291 Parramatta Female Factory has potential World Heritage significance but the site does not have adequate management arrangements in place to fulfil the technical requirements for World Heritage inscription. The site currently has low authenticity and integrity.
- 292 This was a crucial part of their institutional discipline and reform designed to destroy the 'harmful' culture at the factory. A ticket on the door of each apartment recorded the circumstances in which the female convict was confined and a weekly report of her conduct. All of the doors had peepholes for observation.
- 293 Morris and Rothman (1995).
- 294 Guile (2005): 17; Shaw (1977): 244. Arthur believed that convict boys were 'thrown upon the world totally destitute ... the agents of dextrous thieves ... but objects of great compassion.' Several thousand convict boys were transported to NSW and from the early 1830s, separate transport ships for boys sent them directly to the juvenile prison at Point Puer. The total number of convict boys transported to Australia is not recorded. Brooke and Brandon (2005): 133. Approximately 3,500 convict boys were sent to Point Puer up until its closure in 1849. The youngest was around nine years old. The average age was between 14-15 years.
- 295 Pridmore (2002): 30. Hargraves in Alexander (2005): 278.
- 296 Pridmore (2002): 29.
- 297 Some of the boys were given training for a trade such as sawyers, shoemaking, stonemasonry and boat building. The boys also grew their own vegetables at Point Puer.

- 298 Pridmore (2005): 27.
- 299 The 'separate system' was established in various forms at a number of penal stations, female factories and probation stations in Australia including at Port Arthur, Cascades and KAVHA.
- 300 Gascoigne (2002): 12.
- 301 There were many opponents of penal transportation including free settlers in Australia and proponents of a national penitentiary system in Britain. These groups were highly influential. They claimed that the colonies were 'crime and vice ridden' places and a failed penal model. These claims were widely circulated in newspapers and beyond Britain. Britain was sensitive to these claims and keen to defend its reputation as an Enlightened global power.
- 302 Brooke and Brandon (2005): 245. Some critics simply wanted to make transportation a more ferocious punishment so that the fear of it would keep criminals under control.
- 303 Competing priorities of the British and colonial governments made it difficult to introduce changes to make the convict system in Australia more severe.
- 304 Around 95 per cent of convicts continued to live in Australia on completion of their sentence and contributed greatly to the development of the nation unlike many convicts in other penal colonies. All but one returned home. Harris (2007).
- 305 A number of European states examined and copied the 'Botany Bay' model. France introduced transportation and established its first penal colonies in New Caledonia and French Guiana following studying the penal colony in NSW. This included a study mission to Sydney, extensive parliamentary debates and treatises by penal reformers including by Alexis de Tocqueville. Russia also drew on the success of Australia before transporting convicts and setting up its first penal colony at Sakhalin Island.
- 306 See Part 3.A. The large scale exile of criminals and political prisoners to new penal colonies during the 18th and 19th centuries increasingly replaced the use of execution in Britain and other parts of Europe.
- 307 Bogle (2007): 7
- 308 Hughes (2003).
- 309 Toth (2007).
- 310 Australia's 7,692,024 square kilometres is far greater in area than any other site settled and colonised by convict labour, the next largest was French Guiana (86,504 square kilometres). Examples of small islands include: Bermuda, Gibraltar, Mauritius, Cuba, Puerto Rico, the Iles du Salut in French Guiana, the Straits Settlements and New Caledonia.
- 311 At least 25,000 convicts (almost 16 per cent of the convict population) were women and thousands of convicts were aged between nine to 18 years of age, a far younger cohort than any other penal settlement. While convict women were sent to some penal colonies (such as the Andaman Islands, French Guiana, New Caledonia and Mauritius), they did not form a significant proportion of the convict population (around two to ten per cent). The exception was America, where convict women made up 17 per cent of the population. Some penal colonies received convict children but figures are not available. Convict women from the maisons centrales in France could volunteer to be transported to French Guiana or New Caledonia to serve out their prison sentences.
- 312 Unlike Australia, the three British colonies in America were first established during the 17th century well before the arrival of convicts. Also, most of the infrastructure had been completed by slaves, indentured labourers and free people prior to the arrival of convicts. In addition, convicts were sent to only three of the 13 colonies in America and Chesapeake comprised only a small part of the country.
- 313 Maxwell-Stewart (2006).
- 314 Gentes (2007).
- 315 There are no significant convict-built buildings or public works in Melaka. Melaka and Georgetown (part of Penang) were nominated for World Heritage listing in 2001. However, they were not nominated for convictism.
- 316 See Appendix C.
- 317 Turnbull (1989): 46. Convicts made their own high quality bricks for local use in Singapore, some of which were exported to Malacca. In 1867, convicts were awarded a Silver Medal for the quality of their bricks at the Agra Exhibition. St. Andrews Cathedral and Sri Mariamman Hindu Temple were built from convict bricks.
- 318 Extensive additions were added to the complex since its operation as a convent in 1858 until the present day.
- 319 The renovations were undertaken between 1996 and 1998.
- 320 Pieris (forthcoming).
- 321 This gave the chapel the shape of cross from an aerial view. In addition, a contemporary design construction named 'Quiet Places' was carried out in 2004. This involved the construction of a single-storey extension block containing a chapel, amphitheatre and visitor centre.
- 322 The Convict Establishment at Bermuda is known today as the Royal Naval Dockyard.
- 323 Harris (2007).
- 324 Prior to the transportation of convicts to Bermuda, slaves and indentured and free labourers formed the workforce at the dockyard. However, the small population at Bermuda could not supply the labour needs for the naval base. Following the emancipation of slavery in 1834, convicts took over construction work.
- 325 There is contradiction in numbers. Anderson states 'tens of thousands', Nichols states 11,373 between 1906-18 but doesn't indicate how many before then. Maxwell-Stewart states approximately 12,000. Anderson (2007) states that the administration's annual reports detail there were around 10,000 convicts in the settlement at any one time.
- 326 They also built houses for administrators.
- 327 These were convicts under the 'associate system' which was an important feature of the penal colony. Convicts worked in enclosed agricultural areas and were housed in barracks.
- 328 Anderson (2007).
- 329 Neelam (2007). This includes the addition of pathways for tourists.
- 330 Neelam (2007).
- 331 Anderson (2007).
- 332 Anderson (2007); Nichols states 1865-1897.
- 333 Bullard (2000): 93.
- 334 Bullard (2000): 93.
- 335 Convicts made an important contribution to the colonisation of New Caledonia but on a global scale it was less substantial and impressive compared to the role of convicts in the development of colonies in Australia and the building of a new nation. A small convict population complemented a labour force comprising substantial numbers of indentured labourers and free settlers in developing the small island of New Caledonia. New Caledonia comprised comprising approximately 19,060 square kilometres compared to Australia's 7,692,024 square kilometres.

- 336 Toth (2007); Saussol (1988): 41, 44; Sénes (1993):60; There were: 350 free settlers and 250 convicts in 1864; 2,700 free settlers in 1878 and 6,000 convicts in 1875; 5,600 free settlers in 1887 compared to 9,700 convicts; and 9,600 free settlers compared to 8,850 convicts in 1891.
- 337 Australia is the only site in the world where male and female convicts played a major role in the development of a continent and a nation.
- 338 Prisoners comprised convicts as well as political prisoners who were not convicted of crimes.
- 339 Anderson (2007)
- 340 Instruments of torture included the oil mill and the crankmill.
- 341 Anderson (2007); Neelam (2007). Around one-third of convicts sent in 1858 died or were executed within the first three years. Many convicts tried to escape and 86 failed escapees were hanged in a single day in 1858. Many convicts were under the mistaken notion that there was a northern land bridge connecting the islands to the mainland.
- 342 Neelam (2007). When transportation to the penal colony was started in 1858 convicts were put to work on Ross and Chatham islands to clear the jungle. At that time, the island was an open jail and they were not kept under any kind of confinement.
- 343 Neelam (2007).
- 344 Neelam (2007).
- 345 Bogle (2007); Neelam (2007).
- 346 Anderson (2007): 5.
- 347 After their period at the Cellular Jail, convicts were moved to barracks (known as an 'associate' prison) where they were divided into 'gangs' and put to hard labour on roads or felling trees. They slept at the barracks and had relative freedom of movement.
- 348 The watchtower had an extra floor to facilitate surveillance.
- 349 Convicts were at the Cellular Jail between 1906–10 and 1932–38.
- 350 Toth (2007); Redfield (2007). There are few surviving remains of the prison camp at St Jean du Maroni, one of the primary places of detention for around 1,600 convicts. This *relégué* camp accommodated petty criminals who had considerable freedom of movement but made a minimal impact on the local landscape. There are no known convict buildings at the other penal settlements at Montagne d'Argent (the first jungle camp that was used for deforestation and convict road building) and St Georges d'Oyapock. Work camps in the forest near St Laurent and Saint-Joseph were reserved for convicts guilty of disciplinary infractions such as attempting to escape or refusal to work on the mainland.
- 351 Belbenoit (1938).
- 352 Redfield (2007). This figure includes around 20,000 convicts from other parts of the French empire.
- 353 The mortality rate was around 70 to 80 per cent of the convict population. It was assumed that the severe climate and tropical diseases would 'finish off' even the most hardened criminals. The main diseases were malaria and yellow fever.
- 354 Some of the walls were partially rendered in concrete.
- 355 Toth (2007). They were showing signs of deterioration as of 2001.
- 356 Toth (2007).
- 357 Toth (2007).
- 358 The stone bench on which he sat and viewed the ocean waters also survives. Dreyfus was 'a famous Jewish military officer falsely accused and convicted of treason' (Toth (2007). Captain Dreyfus' quarters includes a surviving stone bench.
- 359 Toth (2007).
- 360 Administered by the French Government *départements d'outre-mer*.
- 361 Bullard (2000):244.
- 362 Mathur (1985): 52-55.
- 363 Bullard(2000):93.
- 364 Bullard(2000):93.
- 365 New Caledonia introduced a number of substantial measures to rehabilitate convicts predominantly the moralising influence of work and provision of concessions such as land grants. As in Australia, many of these measures aimed at reforming convicts drawing on Enlightenment principles. However, these were limited to Rousseau ideals of civilising prisoners by removing them from the evils of the metropolis and placing them in a new, idyllic wilderness. The penal colony at New Caledonia did not have as extensive a range of reformatory regimes or periods of experimentation championed by colonial rulers as Australia. The reformatory systems in Australia comprised various ideological frameworks, institutions, regimes and practices which included schooling, trade training, religious instruction and physical and psychological disciplinary systems. Macquarie and Maconochie were well before their time and contributed significantly to penal philosophies for the reformation of convicts.
- 366 Davies (2006): 130-148. Millions of persons were also exiled under the Gulag system (after 1917). This was a penal system of forced labour camps (in reality extermination camps) which primarily received political prisoners and functioned as a mechanism for repressing political opposition to the Soviet state.
- 367 No convicts were allowed to remain in Bermuda, bar one, at the end of their prison terms. Most were repatriated to Britain and some were sent on to Western Australia.
- 368 Redfield (2000): 70; 104. Even though land was cleared and trees were cut, there was no lasting agricultural presence. The single road constructed by convicts during the penal settlement at French Guiana was 24 kilometres long and took over 50 years to complete. Convict labour did little to develop colonial resources or infrastructure. Consequently, only a few convict structures were built at French Guiana.
- 369 Measures were undertaken to reform the convict population into agricultural labourers similar to those in New Caledonia there are no surviving sites that reflect this. A family migration scheme where female convicts could volunteer to be shipped to the colony was not successful. It aimed to increase the habitation and productivity of the colony. Freed convicts could marry and gain a land grant. However, less than 1.5 per cent of female convicts were transported to the colony. Toth (2007). Clair, Krakovitch and Préteux (1990: 15). In the period 1859-1914, 980 women were transported to the colony. This was approximately 1.5 per cent of the total convict population (102,100) transported during the period 1852 -1938. Figures are not available on male convicts between 1914-1938. A camp near St Laurent housed a small number of female convicts under the supervision of nuns but there are minimal remains. Toth (2007); Redfield (2007). The lasting effects of the reformatory attempts in French Guiana are minimal as most freed convicts were forced to remain in the economically underdeveloped colony and many ended up as derelicts. There are no sites that illustrate the classification scheme at the colony including convicts who were employed by free settlers or helped with the administration of the penal colony.

- 370 Anderson (2007).
- 371 Other female prisons in Russia include Kara women's prison and Sofiisk women's prison about which no further information is known.
- 372 Zedner (1995): 294-295.
- 373 Mount Pleasant Female Prison is an enclosed Doric-style building with three floors, each with 24 cells. Millbank Prison was a massive fortress-like structure with six terraces radiating outwards from an octagonal plan. Brixton was based on a polygonal plan surrounding a central octagonal watch tower that held around 800 offenders. Fulham was a five-storey building designed for around 200 female offenders and implemented a rehabilitation program drawing on Joshua Jebb's ideals.
- 374 Hooper (1954); Humphrey (1992).
- 375 Toth (2007). The centre is called the Village des Jeunes.
- 376 Hyde Park Barracks provided accommodation for immigrants until 1887 when the site was used to accommodate a variety of government offices and law courts. In 1979 the site was restored and then opened as a museum in 1984.
- 377 The Officer's Mess in the New Military Barracks at KAVHA was sympathetically rebuilt and restored following a fire in 1970.
- 378 The overlap of the Visitor Centre and the archaeological footing of the separate apartments is less than 5% - see site map.
- 379 This will be confirmed following discussion on best practice regarding climate change.
- 380 The conservation of stonework of perimeter structures is also managed under the Hyde Park Barracks conservation plan for perimeter structures (1996).
- 381 This has been the result of excess pressure from water, lack of supporting foundation rock, growth of nearby trees and vehicles driving too close to the edge.
- 382 These were undertaken between 2004-2007.
- 383 These are for section of wall opposite Hangman's Rock on Devine's Hill and for sections of wall on Finch's Line
- 384 Stabilisation works include the Separate Prison, Penitentiary, Military Barracks, Point Puer and the Dockyards area. Features such as the Penitentiary, Military Barracks precinct have been identified and itemised as projects of importance within the CIP funding submission for 2005-10.
- 385 Other works undertaken since 1991 include; Conservation of the former officer's residences on The Terrace; Conservation of the Old Hospital; Conservation and Adaptive Re-Use of New Division; Conservation of the Women's Prison and West Workshops; Excavation and Conservation of the Commissariat Store and Convict Reception; The Terrace Gardens Reconstruction Project; The Fremantle Prison Tunnels Conservation Project; The Gatehouse Façade Restoration Project.
- 386 The management plans include: Conservation management plan (2007), Fremantle Prison: a policy for its conservation (1998), Fremantle Prison heritage precinct master plan (2006).
- 387 UNESCO (2007), Case studies on Climate Change and World Heritage.
- 388 A geological formation which creates patterns in the rock surface.
- 389 All vegetation is either historic planting or reconstructed historic gardens.
- 390 Work is undertaken by staff of the management authority and the Department of Primary Industries and the Environment.
- 391 The Tasmanian Conservation and Infrastructure Department has responsibility for implementing the Collections protection plan.
- 392 The Emergency management plan is reviewed and updated regularly by the management authority Audit Committee.
- 393 This is based on previous photogram metric and photographic recording of a number of structures at the site.
- 394 Examples include the Norfolk Island Museum and the house at No 9 Quality Row (now the KAVHA Interpretive Centre).
- 395 Major events attract large numbers of visitors. Risk assessments and event plans are in place to manage large crowds and large numbers of vehicles.
- 396 The school program is supervised by teachers and National Trust guides.
- 397 Access to buildings and structures of high heritage significance in the Domain is restricted and visitor impact monitored by the Field Team and Curator. Also, events and recreational activities in the Domain are subject to specific controls and monitoring of visitor numbers to protect the landscape and heritage values.
- 398 'Colonial Rose Hill' and 'Parramatta Park Monuments and Sites.
- 399 Parramatta Park Trust regulations allow for specific activities to be controlled or excluded from the area.
- 400 In 2007, there were 6,200 visitors.
- 401 At an average of just over 500 visitors per day at current visitation levels, there are fewer people on-site than when the Prison operated with capacity for 600 inmates.
- 402 Estimated from data provided: eight properties in total.
- 403 Estimated from data provided: 50 properties in total.
- 404 Approx 2000 dockyard employees have worked on the site on a daily basis.
- 405 All land within KAVHA is subject to planning and development control under the Norfolk Island Plan (2002) and the Planning Act (2002) which binds the Norfolk Island Government and the Administration of Norfolk Island. The Norfolk Island Plan has been prepared in accordance with the provisions of the Norfolk Island Planning Act 2002.
- 406 Exceptions include: those uses or developments deemed to be prohibited by this scheme and do not comply with the provisions of clause 1.7.1. Permits are issued under Clause 4.4.
- 407 McConnell (2007): Cascades Female Factory Initial Heritage Landscape Assessment, for the Tasmanian Department of Tourism, Arts and the Environment.
- 408 An documentation inventory is provided at Part 7.
- 409 A copy of the framework is provided as supporting documentation.
- 410 An updated KAVHA conservation management plan will be finalised in mid 2008.
- 411 Funding for the management and conservation of KAVHA is allocated annually on the basis of agreed programs in accordance with the funding formula established by Memorandum of Understanding (MOU) between the Australian and Norfolk Island governments, which are the major source of revenue.
- 412 Income includes: open house inspection fees obtained from the KAVHA Research and Interpretation Centre; Cemetery Tours; sales of an interpretive film and a number of information booklets and publications.
- 413 The NSW Government funding for the site is provided through Arts NSW.
- 414 The government allocates annual funding for the site to Port Arthur.
- 415 Around 25 volunteers work at the site.

- 416 Of the 18,000 visitors to Old Government House per annum, 4,000 of these are educational tours for schools, tertiary students and others.
- 417 The Domain area of the site is permanently accessible to the public.
- 418 An additional 200,000 people pass through the courtyard of the site. The courtyard grounds are a thoroughfare for people attending the court buildings at the rear of the site, the adjacent Land Titles Building and the barracks café.
- 419 Although no official visitor figures have been collected, the best estimate is provided by the visitor book on Devine's Hill, in which just over 4000 entries from visitors were recorded during an approximately three-year period from June 2000 to February 2003.
- 420 The exhibition was a volunteer project organised by Christina Henri.
- 421 The convict trail will be located in the area around the eastern end of the plateau.
- 422 The Cascade Steering Group made up of experts from Port Arthur, Parks and Wildlife and Tourism.
- 423 Volunteer labour from the community play an important role in the operation of the site.
- 424 There are also surveys of particular elements such as electrical systems, security, pest control, mechanical systems and fire protection systems.
- 425 The use of 'tell-tales' to monitor movement inserted in floor boards is being considered as a means of measuring rates of wear.
- 426 Maintenance schedules have been in place since 1995 for Brickendon and since 2000 for Woolmers.
- 427 Monitoring initially initially took place two times per year for the first eight years of the program (1998-2006), and now every two years.
- 428 Draft National Heritage List Nomination September 2006 (an electronic copy has previously been forwarded to DEH). Limewash, Eric Martin October 2003; Conservation of Cemetery Headstones, Eric Martin October 2003; Policy on Solar Hot Water Heaters, Eric Martin April 2004; KAVHA Gutters, Eric Martin October 2003; No.10 Quality Row, Colour Scheme, Eric Martin June 2003; No.1 Quality Row Report, Eric Martin June 2003; Government House, Conservation of Interiors, Robert Ness; Government House Stable – Construction of Toilets, Eric Martin; Bounty Street Bridge – Structural Inspection Report, Shreeji Consultants June 2002; Levels of Standing Water - Swamp Creek.
- 429 Lucas and Stapleton (1996) Woolmer's conservation management plan; Clive Lucas (2007): Brickendon conservation management plan; Lyncoln and Coreny (1995): Maintenance schedule (Brickendon); Lyncoln (2000): Maintenance schedule (Woolmers); Anna Gurnhill (2005): Woolmer's interpretation plan; (Stell and Pocock (2006): Brickendon Interpretation plan.
- 430 These include: Gilfedder, F. and Assoc. (1997) Darlington, Maria Island: Heritage Vegetation Study Parks and Wildlife Service Tasmania; Godden Mackay Pty Ltd (1997) Maria Island Brickfields Precinct: Conservation Plan. Parks and Wildlife Service Tasmania; Godden Mackay Pty Ltd (1995) Darlington Precinct, Maria Island, Smith O'Brien's Cottage, the Mess Hall, the Coffee Palace: Conservation Plans Report; Godden Mackay Pty Ltd (1992) Darlington Precinct - Maria Island Conservation Plan Report prepared for Department of Construction and Department of Parks, Wildlife and Heritage; National Parks and Wildlife Service (1998) Darlington - Maria Island, Painting Program (NEGP Report); Parks and Wildlife Service Tasmania (1998) Maria Island National Park Management Plan; Parks and Wildlife Service Tasmania (1998) Maria Island National Park: Darlington Site Plan; Pearson, M. and Marshall, D. (1999) Australian Convict Sites World Heritage Nomination, report for Environment Australia & Australian & World Heritage Group; Pearson, M. and Marshall, D. (1998) Australian Convict Sites Draft World Heritage Nomination. Report for Environment Australia & Australian & World Heritage Group; Wyatt, M. (1995) Maria Island National Park public consultation program: report on submissions / consultation program undertaken by Ron Sutton Unpublished Report to Parks and Wildlife Service Tasmania.
- 431 Maria Island Commissariat Store Report on Structural Inspection 1998, Thompson & Brett, PTY LTD, Consulting Engineers identified the need for conservation and stabilisation of the Commissariat Store. Work was carried out under CIPeM between 2004-2005 (approx \$91,0000). Archaeological test excavations & Recording Programme; Darlington Compound Wall Collapse Report, 1999, Kith Brook Heritage Consultants identified the need for work to be carried out to repair collapsed masonry and conduct archaeological work as well as drainage to prevent reoccurrence.
- 432 Engineering Assessment of Old Great North Road, Zone I, Divine's Hill (1990); Historical Archaeological Survey of Devine's Hill, the Old Great North Road, Wiseman's Ferry (1990); Historical Survey of Finch's Line, the Great North Road, Wiseman's Ferry (1991) (1997) Old Great North Road Devine's Hill and Clare's Bridge: Remedial Works; (1998) Photographic Record of Work to Reconstruct Stone Box Culvert, Devine's Hill near Wiseman's Ferry, NSW; (1999) Stage 1 Conservation Plan for the Great North Road for the Convict Trail Project; (1999) Old Great North Road Conservation management plan, Dharug National Park; (2000) An Archaeological Assessment of Seven Culverts on Finch's Line, Old Great North Road; (2000) An Archaeological and Conservation Assessment of the Graffiti and Timber Guardrails on the Old Great North Road, Dharug National Park, Wiseman's Ferry; (2001) Geotechnical Assessment: Culvert 35 Old Great North Road Devine's Hill and Wiseman's Ferry; (2001) Wall Stability Assessment Chainage 1617 Devine's Hill Old Great North Road; (2001) Geotechnical Assessment of Retaining Walls Old Great North Road Wiseman's Ferry; (2001) Old Great North Road: Road Carrying Capacity; (2001) Great North Road – Devine's Hill Road Pavement Stabilisation; (2001) Register of Visitors of Devine's Hill Old Great North Road; (2001) Non-Indigenous Archaeological Assessment: Culvert 14 Devine's Hill Old Great North Road; (2002) Review of Environmental Factors: Culvert 14 Restoration Old Great North Road; (2002) Review of Environmental Factors: Restoration of Retaining Wall at Chainage 1617 Old Great North Road. [Includes an archaeological assessment by Stedinger Heritage and Archaeology.]; (2002) Conservation Works on Stone Culverts along the Old Great North Road Devine's Hill to Finch's Line (Culverts 2A1/1, 2A1/4, 2A new and 2A3/2); (2002) Excavation Report on the Reconstruction of the Retaining Wall at Chainage 1617, Old Great North Road, Dharug National Park, NSW; (2002) Excavation Report on the Reconstruction of Culvert 14, Old Great North Road, Wiseman's Ferry, Dharug National Park, NSW; (2006) Devine's Hill convict stockade: An archaeological survey, assessment and management plan, prepared for the NPWS;
- 433 Other relevant reports include: (1988) The Female Factory Historic Site, Cascades, Hobart. A survey and report to establish a Conservation Policy and Consolidation Plan for the Female Factory Walls; A report to the Department of Parks, Wildlife; and (1998) Cascade Female Prison 1998-2005 works. Parks

& Wildlife Service. In addition, several archaeological reports have provided a succinct 'picture' of the extent and condition of surviving sub surface fabric. 434 These reports include: 2006 Archaeological Excavation Yard 4 South. Cascades Female Factory. Final Report; 2002 Archaeological excavation: Yard 3 South. Trench 1 extension. Cascades Female Factory; 2002 Inventory of Historic Features Yard 1: Cascades Female Factory; 2002 Archaeological test excavation. Yard 3 South: Cascades Female Factory; 2001 Archaeological test excavation. Yard 3 North: Cascades Female Factory; 2001 Archaeological test excavation, Doors 3 and 4: Cascades Female Factory; 1997 Cascade Female Factory Third Yard Archaeological Project.

434 These reports include; Coal Mines Historic Site survey: preliminary report (1986); Coal Mines Historic Site structural & fabric report (1991); Coal Mines Historic Site access audit (2000); Tasman National Park and Reserves Management Plan (2000); Coal Mines Historic Site Archaeological Survey 1986; Coal Mines Historic Site Management Plan (1997); Masterplan: Coal Mines Historic Site CIP 2000/02 project (2001); and Coal Mines Historic Site Maintenance Schedules (1992).

435 This includes work to the Clerk of Petty Sessions residence and Superintendents Quarters in addition to a stone repair program.

436 Summary of recommended works from the most recent reports show:

Adjustment to reflect changes in the Perth building cost index (+30% from 2001 to 2006) shows:

	SHORT TERM (1 – 2 YEARS)	MEDIUM TERM (2 – 5 YEARS)	LONG TERM (5 – 10 YEARS)	TOTAL
BCA 2001	A\$770,000	A\$1,330,000	A\$690,000	A\$2,790,000
Master Plan 2003/04	A\$1,912,000	A\$1,340,000	A\$210,000	A\$3,462,000
BCA 2006	A\$790,000	A\$1,670,000	A\$445,000	A\$2,905,000

437 Other works undertaken include the re-roofing of the main cell block, the hospital, the cottages at 2, 4, 6 and 18 The Terrace and restoring the western elevation of the main cell block.

	SHORT TERM (1 – 2 YEARS)	MEDIUM TERM (2 – 5 YEARS)	LONG TERM (5 – 10 YEARS)	TOTAL
BCA 2001	A\$1,000,000	A\$1,730,000	A\$900,000	A\$3,630,000
Master Plan 2003/04	A\$2,170,000	A\$1,520,000	A\$240,000	A\$3,930,000
BCA 2006	A\$790,000	A\$1,670,000	A\$445,000	A\$2,905,000



APPENDICES



APPENDIX A

GLOSSARY OF KEY TERMS

Absolute pardon – see Pardons

Australia's convict system

The penal system that operated across the three penal colonies in Australia. There was no single entity called 'Australia's convict system' as Australia was not a nation at the time. Nonetheless, the penal colonies were subject to a common penal framework of British colonial rule and colonial penal systems. Each of the colonies introduced similar penal systems to manage and control the convict population, with some exceptions. The main regimes comprised: the assignment system; convict gang system; the female factory system; the probation system; penal stations; prisons; and a system of rewards and entitlements (tickets-of-leave, pardons, legal rights, land grants and other privileges). Legal systems operated across the penal colonies which gave convicts important legal rights and protections. Penal colonies around the world introduced similar penal systems although they tended to be less formalised and not as extensive. See Part 2.B, Part 3 and Appendix B.

Assignment system

A system that allocated or 'assigned' convicts to work for colonial authorities or free settlers (known as 'private masters') in Australia's penal colonies. The aim was to reinforce the colonial economy while also providing reformative labour to convicts. Assigned male convicts worked as shepherds, stock-keepers, agricultural labourers, builders and blacksmiths while females worked mainly as domestic servants. Convicts were not generally paid a wage but received shelter and rations for their work. A convict could receive corporal punishment for misdemeanours or laziness after the case was heard by a magistrate. This did not always occur in practice. Convicts could also seek to redress mistreatment by their master. Convicts could benefit from this system in terms of gaining skills and being better fed and clothed. Assignment aimed to enhance the moral and physical well-being of convicts and transform them into industrious and valuable workers. Private masters were expected to act as good role models for convicts assigned to them. While critics claimed that the assignment system was similar to slavery, assigned convicts worked within a set of laws and rights. Several penal colonies around the world established similar schemes although they were less extensive and formalised than in Australia.

Barracks

Buildings used to house convicts and soldiers. Barracks allowed for the closer surveillance and control of convicts in the colonies.

Bigge Inquiry (1819–21)

The Bigge Inquiry was commissioned by the British government to investigate the effectiveness of the transportation system to NSW. Commissioner Bigge identified significant shortcomings in the convict system but concluded that NSW could be made a fit place for punishment. Bigge's main recommendation was that the practice of assignment be expanded in order to lower the costs of transportation to the British Government. He also recommended closer supervision of assigned convicts; establishment of central records of individual convicts and offences; restrictions on privileges based on good behaviour; and tightening of punishment at penal settlements.¹ Bigge's plan formed the basis of penal policy until the cessation of transportation in NSW (1840). These measures were designed to reshape NSW into a more credible penal colony, 'an objective of real terror to all classes of the community' and make transportation 'a fate to dread.'

Botany Bay

Common term used by Britain, France and Australia for the first penal colony at Sydney Cove. It was sometimes a derogatory term associated with the alleged crime, vice and 'immorality' of the colony.

Burra Charter

The Burra Charter: An Australia ICOMOS Charter for Places of Cultural Significance (1999) is an Australian publication that provides guidance on the conservation and management of places of cultural significance. It is based on the knowledge and experience of Australia ICOMOS members and was last updated in 2004.

Cellular isolation

Individual cells used to confine prisoners in order to control communication and contact between them.

Chain gang

A detachment of secondary offenders assigned to public labour in chains and accommodated in movable stockades. They were supervised by an overseer.

Classification system

The placing of convicts into different classes or categories, depending upon the length of the sentence and/or behaviour of the convict in the colony. The aim was to discipline, punish and accelerate reform by segregating and providing separate treatment for convicts in the different classes.

There were generally three classes but sometimes there were up to six different classes.

Commandant

An officer responsible for the administration of a penal station in Australia.

Conditional pardon

See Pardon

Convict

A person convicted of a crime and sentenced in a judicial process to transportation to a penal colony. This does not include free persons convicted of a crime in a penal colony.

‘Convict boys’

Boys and juveniles aged from around 9 years to 17 years who were transported to Australia for committing a criminal offence. The term ‘convict boys’ was widely used in Australia.

Convict era

The major period of penal transportation that occurred during the 18th and 19th centuries. European powers (Britain, France, Spain, Portugal and Russia) and a small number of their colonies (Argentina and India) transported convicts to penal colonies. Most penal colonies were distant islands away from the home state. Minor episodes of transportation occurred earlier than this and some endured longer into the 20th century.

Convict road gang/party

A gang of convicts assigned to building and repairing roads, generally as a form of punishment.

Convict structures

Can include convict buildings, or convict ruins or convict archaeological remains built by convicts. The terms ‘convict structure’, ‘convict ruin’, ‘convict remains’ and ‘archaeological sites’ are defined in Part 1.

Convictism

The transportation of convicted criminals to penal colonies and establishment of various penal systems to discipline, manage, punish and reform the convict population. Penal systems in Australia included record systems, various types of classification systems including the probation system, the assignment system, the female factory system, juvenile prisons, the convict gang system, penal stations and reward systems.

Crank mill

A form of non-productive labour used as punishment. A wheel with a counting device was fitted into a box of gravel and turned using convict labour.

‘Doublage’ system (French Guiana and New Caledonia)

A system which prohibited convicts in French Guiana and New Caledonia from returning to France for a temporary period or permanently. Convicts with sentences of over eight years could not return home after serving their sentence. Those with lesser sentences were compelled to remain in the penal colony for a period equal to the duration of their original sentence. The system enabled the French government to banish criminal offenders on a permanent or long term basis.

‘Dumb cells’ (also known as ‘punishment cells’)

Individual cells used to incarcerate prisoners for a period of time. They were designed to keep out all light and sound, giving a prisoner the sense of being buried alive.

Emancipist (commonly known as an ‘ex-convict’)

Convicts freed by absolute or condition pardon after serving all or part of their sentence.

Enlightenment (Age of Enlightenment)

The humanitarian, rationalist, liberal and scientific thought of the 18th century in Europe. It was an intellectual movement that advocated a new age enlightened by reason, science and respect for humanity to replace centuries of ‘darkness and ignorance’. Enlightenment philosophers (such as Rousseau, Voltaire, Hume, Kant, Montesquieu and Jefferson) championed new ideas and approaches that led to the rise of nation states and the decline of authoritarian traditions. The state and rationality – not the church and religious and superstitious beliefs – was believed to hold the promise for the freedom and progress of humanity. Enlightenment ideas were influential in the development of rational and scientific approaches to social and political issues. During the convict era in Australia, Enlightenment ideas influenced the emergence of new systems to manage convicts on a more rational basis (such as centralised record systems and classification schemes) and the decline of corporal punishments.

Exile

A person banished from their country or location of residence, usually as a result of their political or religious affiliations or for crimes or acts against the state.

Female factories

A purpose-built institution for the management, discipline and reform of female convicts in Australia. A system of nine female factories were established in NSW and VDL. Female factories were multi-functional institutions that operated as: a prison; a place of punishment; a labour hiring depot; a nursery; a lying-in hospital for pregnant female convicts; a workplace; and temporary accommodation and refuge for female convicts until they were ‘married’ or assigned

as domestic servants to free settlers or colonial officers. Convict women undertook various forms of work such as spinning, weaving, rope making, sewing, producing textiles and laundering. Women and their infants were subjected to intensive surveillance and often harsh conditions including overcrowding in unhygienic conditions, early weaning of babies and cellular isolation. Female convicts sentenced to secondary punishment at the factories were placed in different classes. Well-behaved women could progress through the classes while women who breached the rules were given solitary confinement.

Forced migration

Various forms of involuntary movement of people from their home country. The main types include slavery, indentured labour and convictism. Unlike the other types of forced migration, convictism involved a judicial process and the imposition of a sentence of transportation with a mandatory term in a penal colony as a punishment for the criminal behaviour of the person.

Foucault (Michel)

An influential French philosopher who published several works including *Discipline and punish; the birth of the prison*. Foucault's 'history' of the prison traced the shift from the punishment of the body of prisoners under aristocratic rule to the punishment of the mind with the development of the 'scientific and rational' prison in the 17th and 18th centuries. The prison (and especially Bentham's Panopticon) symbolised the development of new instruments that controlled people without the use of force. Foucault argued for the Enlightenment's promise of scientific and rational 'progress'. It concealed nation states' use of 'micro institutions' of surveillance (such as the prison, the barracks, the school, the church) to discipline and control individuals and populations in the modern era.

Greenway (Francis)

A prominent convict architect who constructed several prominent buildings in NSW such as Hyde Park Barracks, part of Old Government House, St James Church and Parramatta Female Factory. Francis Greenway received an early pardon by Governor Macquarie in 1819 and a land grant in recognition of his work.

Hulk

A decommissioned sailing ship moored in a harbour or river and used as a floating prison for convicts awaiting transportation to a penal colony.

Indentured labour

One of the three main forms of forced migration. A form of unfree contract in which a person was required to provide a period of labour in a country to which they have been shipped. This could be voluntary or arranged by a third party. Conditions experienced by indentured labourers were often akin to slavery.

Iron collar

An iron band worn around a convict's neck as a method of punishment.

Leg iron

An iron shackle or fetter for the leg, used as punishment and to prevent escape.

Mark system (also known as the 'Social system')

A system pioneered by Commandant Maconochie at the penal station at Norfolk Island in the 1840s. Convicts could earn marks for good behaviour or marks could be deducted for bad behaviour. Marks earned by convicts could be used either to purchase extra food or to deduct time from their original sentence. Marks could also be earned for hard work or lost for breaches of discipline.

Molesworth Committee (1837-38)

The British government established the Select Committee on Transportation to investigate transportation and secondary punishment in NSW and Tasmania. It was chaired by William Molesworth. The inquiry was undertaken to respond to the persistent criticisms of transportation and convict system in NSW. The committee collected evidence that allegedly demonstrated the moral corruption of the colonies and the enslaved condition of convicts. The committee concluded that transportation was generally a failure and akin to slavery: 'Transportation... is much more than exile; it is slavery as well'. The key findings were: the assignment system was not working and was open to abuse; the assignment of convicts to private masters produced unequal treatment which had nothing to do with the nature of the offender's crimes; and the convict system encouraged prostitution, the creation of a criminal class and a breakdown in law and order in the colony. The report, along with widespread protests led by organisations such as the Australasian Anti-Transportation League, saw transportation abolished to NSW.

Muster

The routine gathering of convicts for counting to determine if they were all present. This was also a method of monitoring the convict and non-convict populations. A muster book or register recorded the names and details of convicts and provided a record of the population of a colony.

Overseer

A person appointed to supervise and direct the work of a party of convicts. Many overseers were convicts.

Panopticon

A model prison invented by English jurist Jeremy Bentham in the late 18th century. The architectural design aimed to provide maximum surveillance of prisoners. The prison consisted of a circular building like a glazed iron cage in which prisoners occupied cells around the circumference.

and guards watched over the whole area from a central observation place. Although the model prison was never constructed in Bentham's lifetime, elements of the design featured in prisons across the world particularly prisons using the 'separate system'.

Penal colony

A colony that was established for convicts to serve out their sentence. Convicts were used to construct and populate the colony. Some penal colonies were initially settled by slaves, indentured labourers or free settlers.

Penal station

An outpost of a colonial government, usually in a remote location, where convicts laboured on public works for both punishment and expansion of colonial settlement.

Pardons

Includes absolute pardons and conditional pardons that were granted to convicts, generally for good behaviour. A convict who received an absolute pardon was restored to the position of a free person and was permitted to return to the home state. A conditional pardon gave convicts the same rights as free people except they could not leave the colony until their original sentence expired.

Penal transportation

– see 'Transportation'

Penitentiary (also known as 'a prison')

A correctional institution to punish and reform prisoners convicted of a criminal offence.

Pentonville model

A model prison constructed at Pentonville in England in 1842 which drew heavily on Jeremy Bentham's Panopticon. The Pentonville model signalled the shift from physical to psychological punishment. Flogging and severe physical punishments were replaced by the rule of silent contemplation and hoods to foster a sense of 'penitence' in individual prisoners. With the exception of the chaplain and prison guards, prisoners had no contact with others thus reducing the risk of contamination of one prisoner by another. This was viewed as progressive as it removed the need for excess physical punishment as practiced extensively across Europe and America.

Private master

A free settler who had assigned convicts in Australia.

Probation system

A system of convict labour introduced in VDL between 1840-3 to 1844 following the abandonment of the assignment system. Convicts were classified according to the severity of their offences in order to separate individual

convicts and restrict their contamination by hardened convicts. Male convicts in all classes were subjected to successive phases of punishment commencing with a period of confinement and labour in gangs, either in a penal colony for convicts sentenced to life, or in a probation station for convicts sentenced for seven to 14 years. The reformation of convicts through labour and religious instruction was an important objective of the system. Convicts who progressed satisfactorily through several stages of decreasing severity received a probation pass and could work for free settlers. Sustained good conduct could eventually lead to a ticket-of-leave or a pardon. A similar system was introduced for female convicts in 1844 although ganging was replaced by confinement and instruction in needlework and other domestic skills.

Ration

A fixed allowance of food for convicts. Withholding or increasing rations were sometimes used as a form of incentive or punishment.

Refractory

Prisoners who were disobedient, refused to comply with the rules of the penal colony or committed criminal offences. Some convicts were constantly found guilty of minor misdemeanours (eg. malingering or absconding from work). They received punishments ranging from reduced rations to floggings. Convicts who committed more serious breaches or crimes (eg. trying to escape, theft or violence) were sentenced to a road gang or a penal station. Some refractory convicts spent many periods of their sentence going in and out of prisons, penal stations or road gangs.

Secondary punishment

The punishment of convicts sentenced for offences committed after arrival in a penal colony or during the voyage to the colony. A convict could be sentenced to a chain gang, a prison or a penal station. The various forms of secondary punishment were often extremely harsh and intended to deter crime both in the home state and in the penal colony.

'Self-supporter system'

A carefully calibrated 'self-supporter system' emerged from the very early years where convicts could rise through the ranks and eventually become colonisers. Convicts were placed into classes for a fixed period and could progress or be demoted based on their behaviour. With sustained good behaviour convicts could earn a ticket-of-leave, self-supporter status and concessions such as land.

'Separate system'

The confinement of prisoners and convicts in individual cells to keep them separate from each other. Prisoners occupied and worked in a solitary cell and were not permitted to talk with anyone except wardens and chaplains.

The aim was to prevent contamination, and to promote reflection and remorse. The system originated in 1829 in the United States.

‘Silent system’

Originating in 1829 in the United States, the silent system was based on a strict regime of silence within the prison. Prisoners were allowed to associate in common areas for dining, working, religious observances and exercise but always in complete silence.

Slavery

A form of forced labour that made a person and their offspring the legal property of another and compelled them to perform domestic or agricultural labour or other services. The slave trade was abolished throughout the British empire in 1807 and slavery itself in 1834.

Stockade

A temporary and sometimes movable structure which housed convict gangs.

Superintendent

An officer in charge of a barracks or a particular station. In NSW and VDL the highest ranking convict officer in the Convict Department was the Superintendent of Convicts. In 1846 the position was re-titled Comptroller General of Convicts.

Ticket-of-leave

A form of authority granted to mainly well-behaved convicts to allow them to work before the expiration of their sentence. Convicts could offer their labour for hire or be self-employed. They had to report at set intervals to local magistrates, and to inform them of any

changes in employment. The ticket contained identifying information about the convict including physical marks and characteristics and details of their criminal history. Convicts could acquire property but they could only reside within a designated area. The system operated in Australia and similar schemes existed in other penal colonies.

Transportation

The removal of convicts from their country of residence to serve out their sentence in a penal colony. This usually involved a sea voyage to a distant colony. The major period of penal transportation occurred in the 18th and 19th centuries (see ‘Convict era’). The term is also used in a broader sense to include the establishment of penal colonies and convict systems to manage and control convicts. Convicts sentenced in Britain were generally given terms of 7 or 14 years or life in a penal colony.

Treadmill

An instrument of punishment in prisons. It was a cylinder that was made to revolve by the action of convicts treading on boards fixed as steps on the surface of the cylinder. It was intended to be an irksome and monotonous form of discipline and punishment.

Van Diemen’s Land

The original name used by Europeans for the island that is now Tasmania. Dutch explorer Abel Tasman named the land in honour of Anthony van Diemen, Governor-General of the Dutch East Indies in 1642. VDL became a penal colony in 1803.

Table A.1

CURRENT TITLE	HISTORICAL NAME	SHORTER TITLE USED IN NOMINATION
Fremantle Prison	Fremantle Convict Establishment	Fremantle Prison
Old Great North Road	Great North Road	Great North Road
Old Government House and Domain	Government House	Old Government House
Cascades Female Factory	Cascades House of Correction	Cascades
Coal Mines Historic Site	Coal Mines	Coal Mines
Cockatoo Convict Site	Cockatoo Island Convict Station	Cockatoo Island
Kingston and Arthur’s Vale Historic Site	Sydney or Kingston	KAVHA
Darlington Probation Station	Darlington Probation Station	Darlington
Brickendon–Woolmers Estate	Brickendon Estate, Woolmers Estate	Brickendon–Woolmers or Brickendon or Woolmers
Hyde Park Barracks	Hyde Park Barracks	Hyde Park Barracks
Port Arthur Historic Site	Port Arthur	Port Arthur

APPENDIX B

PENAL COLONIES IN AUSTRALIA

Diagram B.1: Australia's convict system (1787–1868) Australian Convict Sites and key events

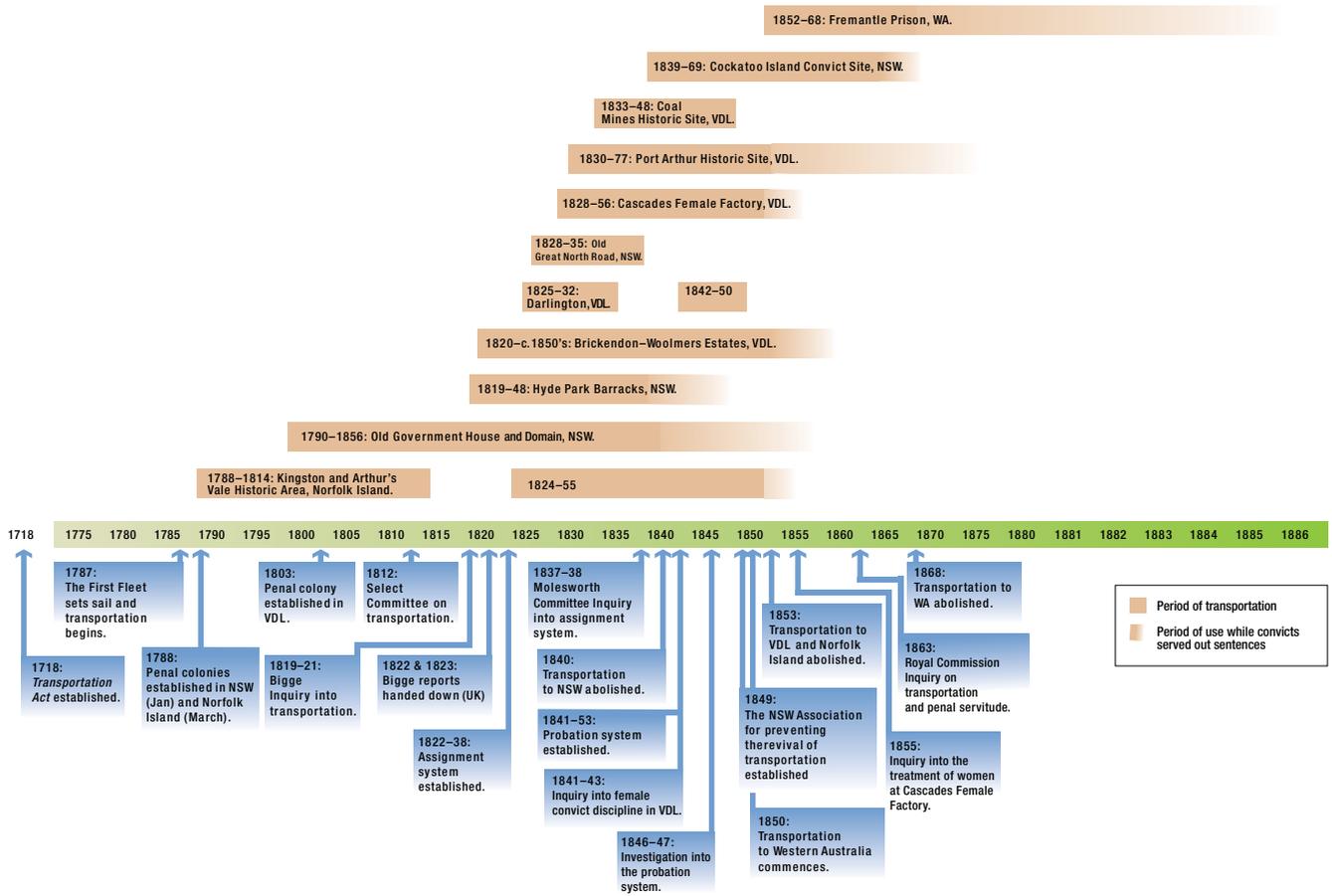
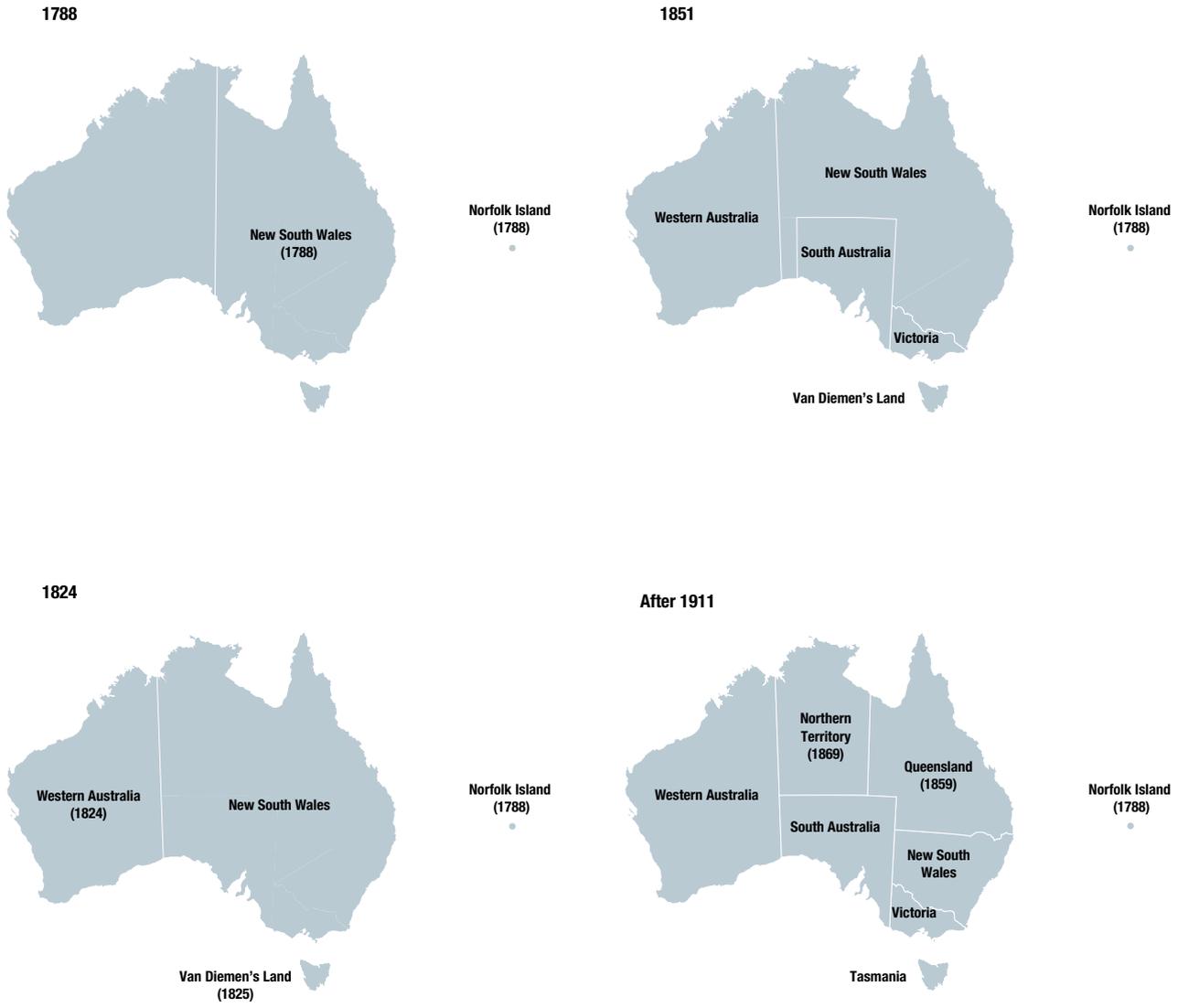




Diagram B.2: Historical borders of Australia 1788–present



Objectives of transportation to penal colonies in Australia

Like most other European nations, Britain introduced transportation to pursue several different aims. The penal objectives of deterrence and reformation as well as the geo-political goal of colonial expansion were a constant but continuously evolving feature throughout the convict period in Australia. Sometimes each of the objectives was compatible with each other, while at other periods they were in conflict. At times, punishment, reform and colonisation efforts could be undertaken simultaneously while at other times, greater weight was given to one over the others.¹ Britain's goals also intersected with the economic and political aspirations of colonial authorities and free settlers which were not always compatible.

Rival interests and aims of penal transportation both within Britain and Australia resulted in tensions and compromises. The evolution of the penal system in Australia was the product of competing ideas and practices for punishing and reforming convicts. This also occurred in many other penal colonies. The British government was under constant pressure to ensure harsh punishment systems in Australia in order to deter crime in Britain. This goal often came into conflict with, and was subsumed by, the objective of building new colonies and integrating convicts into the new societies. Several governors and commandants gave convicts extended opportunities for a stake in the penal colonies and promoted their participation in developing the new society. However, convicts' rise from servitude to economic success was seen as undermining the punitive objectives of transportation. This led to claims that transportation had become 'free emigration to a better life rather than the most feared deterrent short of execution.'² In addition, the financial cost of penal systems to manage convicts was expensive for both Britain and the colonies. Penal reformers attacked the high economic cost and lobbied for the introduction of a British national penitentiary system to replace transportation.

Colonial interests were diverse and did not always align with Britain's goals. Colonial authorities and free settlers valued economic interests over the penal objectives to discipline and reform convicts.³ Most private 'masters' were more interested in consolidating their agricultural enterprises and maximising profits than keeping convicts under strict control or supervising their reform.⁴ Skilled convicts were often not charged for misconduct as employers valued their labour more highly than taking responsibility for their punishment or rehabilitation.⁵ In VDL, many free settlers did not support the new probation system which they believed was detrimental to the colony's economic and social development.⁶

Profile of Australia's convicts

Between 1787 and 1868 around 166,000 convicts were transported to Australia in a huge undertaking by the British Government. The majority were working class men, women and children who brought with them various skills, knowledge and experience. The convict population

was overwhelmingly male and young: 88.8 per cent of convicts were men; and over 80 per cent were aged 16-35; and 56 per cent aged 16-25.⁷ A significant minority of the convict population were female (25,000). Most were of child bearing age and their presence was instrumental in the success of the colony. There were also a large number of convict juveniles, more than the national proportion in Britain.⁸ The skills that convicts brought to the colony, the experience they gained as convicts and the prime age of convicts formed the backbone of the labour and skill that helped create what eventually became the nation of Australia.

The majority of Australia's convicts were petty criminals by today's standards and were transported for periods of seven or 14 years. More than 75 per cent were transported for theft, mainly of small items or for receiving stolen goods.⁹ Many had been convicted of a previous offence. A small minority of convicts were transported for physical violence, murder, political activities, desertion from the army, piracy or inciting slaves to rebellion. Some of these prisoners were sentenced to life in the colonies. Political prisoners included the Scottish 'martyrs' (1794); Luddites (1812); Derbyshire rioters (1817); Cato Street conspirators and other people guilty of high treason (1819); Irish nationalists (1798; 1848 which included famous leaders like James O'Brien and Thomas Meagher; and 62 Irish nationalists sent to WA in 1868); North Americans involved in the Canada uprising (1840), Chartists (1839-42, 1848), agricultural rioters and would-be agricultural unionists (1834).¹⁰ James Boyle O'Reilly, one of the Irish nationalists transported to WA, became famous in Australia and internationally for his escape efforts. Several political prisoners were sent to Darlington including William Smith-O'Brien and several Maori insurgents from New Zealand. Smith-O'Brien also spent time at Port Arthur.

Convicts were transported mainly from England, Ireland and Scotland but a small number were also sent from other places around the world, including various British outposts such as India and Canada. There were also Maoris from New Zealand, Chinese from Hong Kong and slaves from the Caribbean. The majority of convicts were unmarried (75 per cent) and without children (85 per cent).¹¹ The small proportion of dependents among the convict population was well suited to the population needs of a land of recent European settlement.¹² Convicts came mainly from the towns and cities. Nearly all came from the working class although there were a small number of educated and professional people.¹³

Transportation to Australia

Initially only a few hundred convicts were sent to NSW each year. This was due to the large number of British prisoners pressed into service in the armed forces or into work on the docks because of the long wars between Britain and France. The end of the wars in 1815 and the onset of economic depression and increased crime in Britain led to massive increases in transported convicts to an average of 2,000 –

3,000 per year peaking to an average of 5,000 in the 1830s.¹⁴ In 1820, convicts, ex-convicts and their children constituted more than 90 per cent of the population of NSW.¹⁵ When transportation to NSW ceased in 1840, convicts made up one third of the population.¹⁶ The composition of society changed following the large scale migration of free working people from 1831. The discovery of gold in Australia in the early 1850s resulted in a major influx of free settlers to the colonies.¹⁷ Notwithstanding variations across the three colonies, convicts were increasingly out-numbered by free people that included the migration of free settlers as well as ex-convicts and their children. Around 95 per cent of convicts continued as free people in the colonies after completing their sentence.¹⁸ While male and female convicts did not make up the majority of the total population of the colonies in the later phase of the convict era, convicts continued to make a major contribution to the development and expansion of the colonies.

Three penal colonies and many penal settlements were established across the continent of Australia between 1787 and 1868. The first penal colony was established at Sydney Cove in 1788. Over the coming years, colonial authorities extended penal settlements across NSW and other parts of the continent at Norfolk Island, Van Diemen's Land (VDL), Melville Island (NSW), Moreton Bay (NSW), Port Phillip (NSW) and Swan River (WA). Some important penal settlements in NSW and VDL included those at 'Coal River', Port Macquarie, Macquarie Harbour and Maria Island. The colony of NSW had jurisdiction over many of the colonies for a large part of the convict era in Australia with the exception of WA. VDL was part of NSW from 1803 until 1824 (when it became Tasmania); the southern district of Port Phillip from 1835 to 1851 (when it became Victoria); the northern two thirds of the colony from 1824 until 1859 (when it became Queensland); and Norfolk Island from 1788 until 1844 (when its administration was transferred to VDL until 1855). A number of inquiries were conducted on various aspects of transportation throughout the convict period such as: the Select Inquiry into Transportation (1812), the 'Commission of Inquiry into the State of New South Wales Colony' (Bigge Inquiry) (1819-21); the Molesworth Committee (1837-38); and the Inquiry into female convict discipline (1841-43); and Magistrates Inquiry of Cascades Female Factory (1855).

Australia's convict system

Like penal colonies around the world, Australia introduced a variety of schemes to discipline, punish and reform the convict population. However, the penal regimes in Australia were more diverse and complex compared to other penal colonies and there were also a number of exceptional features (see Part 3). Australia was the first penal colony to introduce many of the schemes. Other penal colonies established similar but less formalised or extensive systems.

While there was no single penal framework called 'Australia's convict system', each of the penal colonies came under the colonial rule of Britain and was subject to a common

system of British penal administration. The main features of Australia's convict system were: the assignment system; the convict gang system; various classification systems including the probation system; penal stations; the female factory system; segregated prisons for juvenile convicts; hiring depots; the 'ticket-of-leave' system; and partial or absolute pardons (see Part 2.B). Most of these schemes operated across the three colonies with some exceptions.²⁰ These systems inflicted pain and suffering on convicts but also created opportunities to build new lives during and after the completion of their sentences. The treatment of convicts under these systems varied over time and place (both across the colonies and within each colony), and was often dependent on the caprice of individual governors, commandants, superintendents, overseers or 'private masters'.

For the first 20-30 years of penal settlement, convicts were not subjected to severe discipline or punishment regimes as these years were difficult and focused mainly on survival. Convicts were not confined in prisons or military barracks but were allowed to roam freely after work and on weekends. Many convicts lived in huts and were under limited supervision as it was hoped that the isolated and inaccessible location in Sydney Cove would contain them.²¹ After 1819, convicts in government service were housed in barracks which provided greater security although some continued to live in private houses until the end of their sentence.²² Even after the construction of places of confinement, the majority of convicts were assigned to work for colonial authorities or private 'masters'. Convicts who committed an offence during the voyage or after their arrival were sent to penitentiaries. By the 1820s, a highly regulated system of management was introduced for the surveillance and control of convicts (see Part 2.B). The British government was responsible for all convicts including those who worked for private 'masters'.

The substantial presence of convict women in NSW and VDL and juvenile convicts led to the development of special regimes of control. In the early years of settlement, minimal attention was given to female convicts. This changed as increasing numbers of women and girls were transported to NSW and VDL and problems arose in controlling them. The alleged rampant spread of vice and immorality became a major concern for the British government and colonial authorities and required new regimes including the establishment of a network of female factories in NSW and VDL. In addition, the large number of juvenile male convicts transported to Australia led eventually to the establishment of separate barracks and management practices for them. Convict women and boys had an important role in the foundation of the European society in Australia.

Initially, transportation was seen to have been an effective punishment and deterrent to crime in Britain. NSW was 'distant, foreign and unfathomable' and there were many reports about hunger and wretchedness.²³ However, transportation began to lose its reputation as a tool of terror as people in Britain heard stories about general prosperity and individual successes in the penal colony. Some criminals

in Britain were now asking to be sent to NSW.²⁴ There were increasing claims and reports that transportation was an ineffective system for inflicting severe punishment on criminals and deterring crime in Britain. Governor Macquarie's 'lenient' emancipationist policy with its strong focus on rehabilitation fuelled opposition to transportation within the colony and in Britain. The Bigge Inquiry was undertaken to examine these criticisms in the context of the goal of transportation to render a severe punishment and make it an 'object of real terror to all classes of the community'.

Bigge Inquiry (1819–22)

The Bigge Inquiry identified significant shortcomings in the convict system but concluded that NSW could be made a fit place for punishment. Commissioner Bigge made recommendations to reshape the colony and make transportation 'a fate to dread'. The majority of convicts were to be kept out of the towns and assigned to the more prosperous free settlers who could take greater care over discipline and reformation. Other convicts were to form labour gangs to carry out land clearing and those of bad character were to be sent to new and distant settlements. Convict boys were to be kept at Carters' Barracks and taught trades to make them useful when assigned to settlers. Convicts' property was to be confiscated and held over until they were reformed, and ex-convicts were not to be given land or assistance once they became free. Accurate central records were to be kept of all offences committed in the colony. Bigge's plan formed the basis of penal policy for the next two decades before the cessation of transportation in NSW. The implementation of Bigge's recommendations included: closer supervision of assigned convicts, establishment of central records; restrictions on privileges based on good behaviour; and tightening of punishment at penal settlements. These measures were designed to make NSW a more credible penal colony, 'an objective of real terror to all classes of the community'.²⁵

Molesworth Committee (1837–38)

The British government established a select committee to examine the transportation system in NSW, chaired by William Molesworth. The inquiry was undertaken to respond to the persistent criticisms of transportation and convict system in NSW. These attacks were largely driven by penal reformers and free settlers who were opposed to the transportation system. Molesworth and other members of the committee had connections with, or were strongly influenced by, the opponents of transportation. The committee collected evidence that allegedly demonstrated the moral corruption of the colonies and the enslaved condition of convicts. An increase in the crime rate in NSW and high incidence of homosexuality, prostitution and drunkenness were cited as evidence of the failure of the transportation system. The abolition of slavery was also an important driving force following Britain's abolition of slavery in 1833.²⁶ Opponents of transportation used many

of the moral arguments that had been used against slavery.²⁷ While Australia's penal colonies were equated to slave societies, there were important differences between the two (see Appendix D).²⁸ Also, many advocates of the abolition of transportation were also proponents of domestic national penitentiary systems to replace the transportation system.

The committee concluded that the transportation system was a failure as it was akin to slavery: 'Transportation... is much more than exile; it is slavery as well.'²⁹ The key findings were: the assignment of convicts to private masters produced unequal treatment which had nothing to do with the nature of the offender's crimes; and convicts dragged the whole community down to their level and crime and depravity were rife in the colonies. Molesworth referred to slaves and slavery and questioned how convicts might differ from slaves.³⁰ While the final report conceded that transportation could continue so long as convicts were not assigned to private masters, it was the official public indictment and 'death knoll' of the convict system in NSW. Transportation to NSW was abolished two years after the report.

Punishment and reformation of convicts

Convicts had a diverse range of experiences in the penal colonies in Australia, similar to many other penal colonies around the world. The fate of convicts could vary considerably over time and place, and was often dependent upon the character of individuals overseeing convicts. Well-behaved convicts could earn an early freedom, while convicts who were badly behaved or experienced bad luck could be sentenced to floggings, a road gang, a penal station or a female factory. Typically, many convicts experienced more than one aspect of Australia's convict system as they progressed upwards, slipped backwards and moved through the system until they eventually gained their freedom. At the same time, the convict system was not monolithic. Convicts were not passive pawns and many often resisted the penal system in various ways.

In the early years of penal settlement, the main goal of discipline was not punishment but to keep convicts alive and productive. After this, violence and the fear of pain through flogging and other physical punishments was an integral part of the penal system for a major part of the convict era. Unlike many other penal colonies, convicts could not be punished for misdemeanours without being sentenced by a magistrate. However, legal justice was often administered in favour of private masters and others in charge of convicts. Punishment regimes were differentiated for male and female convicts.

For many years, flogging was the main punishment used for infringements of discipline such as insolence, absconding, drunkenness and neglect of work. The lash or the threat of the lash was a daily feature of the working lives of many male convicts.³¹ The frequency of flogging varied each year from between one in four convicts to one in ten convicts in the 1830s, with the average sentence being 50 strokes in

NSW and 33 in VDL.³² In 1833, an estimated 36,000 male convicts were given 323,000 lashes in NSW and VDL not including penal settlements.³³ There were many reports of excessive floggings and instances where some convicts died or became seriously ill.³⁴ Norfolk Island had a notorious reputation for excessive floggings. One reported case was a convict cut to ribbons, denied bandages, his shoulders reduced to a state of decomposition with maggots crawling in his back: 'the stench of which I could not bear'.³⁵ Many convicts experienced floggings or the threat of floggings.³⁶ Convict records document the various experiences of both witnesses and victims of flogging. Many were horrified at being forced to watch the 'public spectacle' and were revolted by the barbarism of it ('the exposed backbone under a jelly of bruised flesh and congealed blood; the hunks of raw flesh and spatter of blood which flew from the flagellator's whip'). Some convicts were terrified particularly the young and vulnerable. Convicts being flogged often screamed out in pain or gave verbal abuse until they were reduced 'to a slumped, insensible, barely human mess of battered flesh'.³⁷ Flogging was sometimes likened to slavery, an outrage of people's rights like those perpetrated against African slaves.³⁸ In 1833, French philosopher Alexis de Tocqueville was highly critical of flogging and its extensive use: 'Can it be that in the nineteenth century, and in a nation in the van of civilisation, men are made to submit to treatment worthy of savage countries and barbarous times?' He denounced such a penal code 'based on blood and torture'.³⁹

A greater range of penalties aimed at disciplining and punishing in more subtle and complex ways were introduced under Governor Darling and Lieutenant-Governor Arthur. Convict men were sentenced to chain gangs that worked on the roads or to clear land. Each man was hobbled with shackles linked with a chain to his belt. Solitary confinement was also an important form of punishment that isolated individuals for days on end.⁴⁰ Convicts were sentenced to several days or months and occasionally convicts were confined for up to six months.⁴¹ Men, women and boys were sentenced to treadmills which could be a harrowing experience. This provided solitary confinement with hard labour and was intended to instil habits of industry and good behaviour. Some convicts were confined for up to 29 days on the treadmill.⁴²

Execution by hanging was the most extreme form of punishment under the convict system which was generally reserved for murder, stabbing a policeman, armed robbery and political crimes.⁴³ Criminal activities were sometimes forced on convicts by the severe conditions and their treatment and some convicts allegedly committed murder as a form of suicide to escape their life of hell at some penal stations.⁴⁴ The next most severe punishment apart from execution was being sentenced to transportation to one or more of the penal settlements primarily Port Macquarie, Moreton Bay, Norfolk Island, Macquarie Harbour, Port Arthur; Cockatoo Island and Maria Island (Darlington). Norfolk Island was legendary for its severe punishment of convicts, and has been described as 'the Australian Alcatraz'.⁴⁵ Solitary confinement cells were like underground dungeons: access was by a trapdoor and ladder, no ray of light could penetrate the cells, prisoners remained in darkness and silence day and night; it was like being buried alive apart from the lowering of meals and emptying of his toilet tubs.⁴⁶ The gaols have been described as 'prototypes for concentration camps'.⁴⁷ The cells of the pentagonal gaol were extremely small (6 foot by 5 foot). For most convicts, Norfolk Island was the 'hell on earth' that colonial authorities had set out to create and some went to extreme lengths to escape from it.⁴⁸ In 1834, the Catholic Vicar-General to Australia reported on the high suicide rate: 'so indifferent had even life become, that murders were committed in cold blood, the murderer afterwards declaring that he had no ill-feelings against his victim, but that his sole object was to obtain his own release' (through execution).⁴⁹ One of the most notorious cases was the handing down of death sentences to 30 convicts for the 1834 mutiny: when 16 men had their sentence commuted to life imprisonment on Norfolk Island, they reportedly begged to be hanged instead, while the 14 men condemned to death flung their hats in the air and cheered their good fortune.⁵⁰

The demands of forced labour could be physically and mentally debilitating, sometimes leading to serious injuries or death. Sentences of hard labour were often brutal experiences: convicts working as railwaymen were forced to push railway cars and trolleys or cart rocks and trees without the aid of ploughs like 'beasts of burden' under the constant threat of the whip and the treadmill.⁵¹ It was alleged that

Table B.3: Migration of convicts and free settlers to Australia 1788–1860. ¹⁹

PERIOD	NSW		VDL		WA	
	CONVICT	FREE	CONVICT	FREE	CONVICT	FREE
1788–1800	6,650	1,100				
1801–10	4,300	1,200	290	200		
1811–20	15,030	1,500	2,140	500		
1821–30	21,820	6,500	10,570	2,900		1,800
1831–40	31,200	40,300	19,490	11,700		1,000
1841–50	3,340	76,650	29,810	4,900	175	2,500
1851–60			6,190	77,100	5,270	5,900

the excessive harshness and starvation diets of road gangs in NSW drove some convicts to turn to bushranging.⁵² Hard labour at Port Arthur was one of the prime reasons for making it a place of terror 'worse than death.'⁵³ At Norfolk Island, a 'system of running' operated at one time, where the strongest men were forced to work on each end of hoeing gangs and the others had to keep up or be flogged.⁵⁴ The widespread use of convict labour was alleged to be a brutal exploitation of Britain's underclass and another form of slavery at the time when Britain was seeking to abolish the African slave trade.⁵⁵

From the 1840s there was a shift from corporal punishment to the psychological punishment and moral regeneration of convicts. This formed part of a broader global development in the punishment of crime during the 19th century. Key characteristics included new modes of surveillance and control of convicts using record systems and penal practices such as Arthur's 'open air panopticon', classification systems, cellular isolation and the 'separate system'. The 'separate system' was heralded as a way to reshape the character of convicts in the absence of distracting influences. Convicts were segregated from one another so they could not learn new criminal ways and were prohibited from communicating with one another. Each convict was confined to their own cell where they worked during the day and slept at night. The aim was to force each convict to reflect on their past and think about ways to improve on it. Port Arthur's Separate Prison established a rigid regime of discipline and silence. Orders were given by the sound of a bell or a hard clap. Convicts were let out of their cells for certain duties during the day but were still subjected to total silence. Silence was enforced during their daily exercise in a separate yard where their faces were covered by a mask with eyeholes. Convicts were also subjected to the 'separate system' at other penal stations and prisons including Norfolk Island and Fremantle Prison.

Women convicts were given a range of punishments that generally differed from those for male convicts. From 1788 to 1817, female convicts could be sentenced to flogging but it was generally used to a lesser extent than for males. However, there were exceptions. Punishments of 25–50 lashes were regularly recorded at Norfolk Island in 1791 and there were reports of excessive floggings elsewhere.⁵⁶ The most common physical punishments for women were hard labour such as crushing rocks, the use of heavy iron collars that were sometimes spiked, and less commonly, the stocks.⁵⁷ There were instances of harsh punishment such as a woman, who at the time was nursing a two month old child, was charged with being a 'profligate adulteress' after failing to prove her charges against her husband's brutal treatment. She was sentenced to walk 35 miles with a six and a quarter pound iron collar around her neck.⁵⁸ A punishment that was widely used and greatly feared by women was head shaving and short-cropping of their hair. Convict women experienced head shaving as a disfigurement of their person and suffered intense humiliation.⁵⁹ In 1833, women at Parramatta Female Factory rioted after having their hair

cut.⁶⁰ Several hundred women seized and shaved the head of an overseer and then threatened to go to Sydney to shave the head of the Governor.⁶¹ From around the 1830s, authorities phased out head shaving because the degradation and 'defeminising' of female convicts was believed to jeopardise their reform. This saw a shift to more psychological forms of punishment such as silence and separation through a classification system and cellular isolation at female factories.

Britain and colonial authorities took inordinate efforts to monitor, discipline, punish and reform female convicts despite their small proportion of the total convict population (20 per cent). Female convicts were considered to be critical to the success of transportation primarily as mothers to populate the colonies, domestic service workers and a civilising force to protect society against threats such as homosexuality.⁶² The most suitable regimes for managing convict women without destroying their 'feminine virtues' figured centrally in penology debates, government inquiries and reports in Britain and the colonies over many decades.⁶³ A system of female factories and segregated assignment system across NSW and VDL created an all-encompassing regime of 'disciplinary punishment' along the lines identified by Foucault (see Part 3.A). The behaviour, morals and every aspect of the lives of female convicts were subjected to intense surveillance and control to mould and transform them into suitable mothers and free citizens. These systems established far more extensive modes of surveillance and control over women compared to male convicts.⁶⁴ Assigned female convicts were housed under the same roof as their master, expected to work around the clock and were monitored constantly by the master.⁶⁵ The aim was to provide discipline to combat inappropriate behaviour (such as perceived high levels of sexual promiscuity and drunkenness) among the female population and provide them with skills in laundry and needlework. Special disciplinary and reform measures were put in place to inculcate feminine norms of behaviour while some punishments were abolished as they undermined this objective.⁶⁶ Flogging and head shaving, initially important punishments for deterring crime, were abolished in order not to inhibit 'feminine virtues'. Female convicts were the first to experience a number of new penal systems in Australia such as the classification system, the indeterminate sentence and cellular isolation.⁶⁷ The earlier introduction of these systems for female convicts reflected the importance Britain and colonial authorities attached to managing female convicts.

A range of economic, social and legal opportunities and rights were available to convicts which gave them the potential to exercise *some* power over their lives. While many penal colonies introduced several schemes to encourage the rehabilitation of convicts, the systems and opportunities for convicts in Australia were far more extensive. Various systems of rewards were established to maintain discipline and encourage diligence and good conduct. It was possible for convicts to do well in the colonies if they behaved themselves, or were able to bribe officials, or experienced good luck. Convicts were

encouraged to good service by the promise or granting of 'tickets-of-leave' or early pardons.⁶⁸ Many convicts gained tickets or pardons, while others went on to serve out their sentence.

Convicts in Australia had important legal rights that were not available to prisoners or convicts awaiting transportation in Britain or convicts in some other penal colonies. Male and female convicts could also own property and sue to protect these possessions.⁶⁹ During their confinement in a prison or while in assignment to private 'masters' or government service, convicts could not be given extra punishments without a court order.⁷⁰ Also, colonial authorities reserved the right to take convicts away from masters who ill-treated them.⁷¹ Convicts had the right to petition the governor on all matters concerning their detention and release.⁷² They had the right to bring charges against their masters or overseers.⁷³ Protection afforded to convicts by the courts against mistreatment by their masters was greater than for free domestic servants and other employees of masters in Britain who had the right to inflict corporal punishments and other cruelties.⁷⁴ Convicts were able to gain pardons and obtain an early release from their sentence. Also, convicts could lodge petitions to gain permission to marry or for spouses and children to emigrate to the colony.⁷⁵ Corruption was rife in the colonial administration and some convicts could bribe officials to falsify records or gain favours such as avoiding floggings, reducing their sentence terms or getting a good job. Petty corruption was a mechanism which helped to integrate convicts into the penal system and prevent them from organising revolts.⁷⁶

A 'ticket-of-leave' system in Australia was an important way that convicts could escape bondage. The system allowed well-behaved convicts to serve part of their sentence and then earn a 'ticket-of-leave'. It provided an incentive for convicts to be diligent and well-behaved but it also functioned as a threat as they could end back in assignment or a government gang for misdemeanours.⁷⁷ A ticket allowed convicts to work for themselves until the end of their sentence, but they could be recalled to bond labour if they offended again. In the early days, tickets were given to convicts who had a chance of supporting themselves by wages, business or landowning often on first arrival in the colony. They were also given to convicts who performed special functions or brought offenders to justice. From 1812, Britain required tickets to be granted to convicts on the basis of good behaviour and clear signs of reform.⁷⁸ In the early 1830s, tickets were given to encourage the capture of convict bushrangers in NSW.⁷⁹ Many ticket-of-leave convicts gained useful employment and some set up their own farms, business or trade.

Many thousands of male criminal offenders were transplanted into an exceptional setting in the Australian colonies where there were greater opportunities for gaining an honest livelihood than in their homeland. The economic climate and the chance to make a fresh start encouraged convicts to abstain from crime. Some convicts developed a

materialist outlook and acquisitive values, and invested in livestock, dogs, guns and other possessions.⁸⁰ In an economy where skills were scarce and in high demand, skilled male convict workers were often assigned to 'government' service where they had a degree of job autonomy and independence.⁸¹ They also had a measure of greater power because authorities were dependent on skilled craftsmen as well as their co-operation to train apprentices.⁸² Many skilled male convicts did well out of the penal colonies.⁸³

The majority of convicts were able to build better lives for themselves and their families than the lives they left behind in their homeland. Convicts were paid a wage and until 1822 they could finish their work by early afternoon and could take on extra work and get paid for it.⁸⁴ The practice of employing convicts as overseers was common in penal settlements as there were not enough free settlers or ex-convicts to take on this role. Literate and skilled convicts could secure important jobs such as: managing other convicts; members of the mounted police force with access to firearms and a horse; clerks for the colonial authorities tending 'the springs of government'; clerks for magistrates; or working for a newspaper. Convicts and ex-convicts were the mainstay of the police force in NSW and in VDL for the whole period of transportation.⁸⁵ A small number of convicts worked as teachers for the first schools in NSW, VDL and Norfolk Island until around 1809.⁸⁶ From around 1810, convict stockmen sent to the frontier in NSW were able to carve out an independent form of existence in the bush, living off rations sent from headquarters and from food they killed for themselves. Convict shepherds were scattered throughout the country, living away from their masters under only intermittent surveillance.⁸⁷ Some convicts were able to learn new skills unknown in Britain and their 'horses gave them control of the country and control of themselves'.⁸⁸ They became masters of their own work, of their time and of the land they travelled, and if they managed well, penal discipline did not affect their lives.⁸⁹ Some convicts, such as wealthy convicts, gained responsible government jobs and ticket-of-leave holders were granted land sometimes in remote areas. Many professional and skilled convicts had considerable liberty and freedom of movement.

There were also many individual convict success stories including by unskilled male convicts. Illiterate unskilled labourer Simeon Lore was transported to NSW in 1791 and 11 years later built a four-storey stone mansion. Several ex-convicts established fortunes, names and dynasties in NSW and VDL and were entrenched by the early 1820s. Many literate, skilled or wealthy convicts went into land speculation.⁹⁰ Convicts also worked as assistants for officers who had trading enterprises and on gaining freedom some used their new skills to set up businesses.⁹¹ A small number of convicts became writers (such as William Smith O'Brien and John Mitchel) or artists.⁹² Convicts transported to VDL in the first few decades had a greater chance of economic success than those transported later when economic conditions were less favourable.⁹³

Economic and social opportunities for convict women were generally greater compared with free women in Britain, even though these were substantially more limited compared to male convicts in Australia.⁹⁴ Although convict women had much more limited opportunities compared to male convicts, they shared some of their economic and social benefits that flowed from male convicts' privileged position in the labour market. Opportunities for upward mobility in the labour market were a possibility for some convict women, mainly through marriage or prostitution. In the early years of penal settlement, female convicts could work for themselves and earn money after hours. During the first penal settlement on Norfolk Island, convict women were given land to work full-time to encourage their economic independence on the same terms as men.⁹⁵ Women on Norfolk Island could receive land and other assistance as individuals, with partners or in groups with male convicts. Elsewhere, a small proportion of female convicts married officers and were able to gain land grants once they became free.⁹⁶ Convict women were sometimes able to earn extra money after hours during their confinement at a female factory. A small number of female convicts were successful in various occupations: self-employed women such as those who sewed or washed clothes or worked as milliners, seamstresses, bonnet and stay makers or nurses and midwives; women who established businesses such as those selling tea, sugar, prints etc; and women who helped husbands run small businesses.⁹⁷ Some of these women became very successful, one of the most prominent being businesswoman Mary Haydock. She became a symbol of what was possible for a convict to achieve in NSW.⁹⁸ It was often through marriages that convict women were able to develop entrepreneurial skills and attain economic and social success.⁹⁹ Some of these opportunities were short lived or declined during periods when female convicts were subjected to greater controls.

For most convict women, opportunities to gain a better life were through marriage or a de facto relationship. Several convict women were able to live economically independent lives through marriage or de facto relationships, particularly during the early years of settlement. Due to the unusual features of early penal settlements, relationships between people of different social status were common and led to several advantageous marriages.¹⁰⁰ Some convict women lived with or married officers, while many others were assigned to convict husbands and gained security and freedom.¹⁰¹ Their lives often resembled those of free women.¹⁰² Convict women assigned to their husbands could seek greater protection from the authorities than free women. They could lodge complaints against their husband's behaviour and could be removed if there was mistreatment.¹⁰³ At times, particularly during the early settlement years, convict women had greater independence and more liberating lifestyles that were not limited to standards for women in Britain. Convicts' letters to family members back home have recurring themes about the colonies being bountiful places of opportunity.¹⁰⁴

There were a number of success stories and substantial rights that were given to ex-convicts. Colonial authorities wanted ex-convicts to be good role models for the convict population and they were often encouraged to become economically independent and responsible citizens. These independent 'emancipists' would become independent, set examples to others and in turn employ convicts who could then work on farms.¹⁰⁵ Ex-convicts could be given considerable civil liberties which provided a powerful stimulus to reform. Governor Phillip granted farming land to convicts he pardoned.¹⁰⁶ Many ex-convicts were able to obtain a 30 acre farm, providing them with a living (albeit a precarious livelihood).¹⁰⁷ The first ex-convict to receive a grant of land was James Ruse at Parramatta in 1791. Within 20 years, some ex-convict merchants and bankers had become the richest people in the NSW colony and there was also a petit bourgeois of other ex-convicts who had become successful shopkeepers, publicans and tradesmen.¹⁰⁸ A number of male convicts and a small number of female convicts became wealthy landowners and business people. Ex-convict women seldom became landowners or were given land grants but they did run small shops, became butchers and bakers, or established prosperous farming enterprises.¹⁰⁹ Approximately 25 years after the founding of NSW, around half of private masters were ex-convicts.¹¹⁰ Ex-convicts could serve as jurors in criminal trials in NSW from 1832.¹¹¹ A small number of ex-convicts became wealthy and formed a class of high social and economic standing. Richard Dry, transported to VDL in 1787, is an exceptional example. Dry was given a grant of 500 acres in 1818 and by 1827 he was working 12,000 acres with 4,000 cattle and 7,000 sheep.¹¹² One ex-convict set up a business that sold 'convict shipping' to Britain (shipping convicts to the colonies). Examples of successful women are outlined above.

The extent to which opportunities and legal rights were translated into reality varied considerably. While stories of convict fortunes were widely circulated (mainly as a way of criticising the leniency of the transportation system), relatively few convicts or ex-convicts achieved any measure of wealth.¹¹³ In general, convicts and ex-convicts were the most economically and socially deprived members of society, and more harshly treated in the judicial system than persons without a criminal record.¹¹⁴ By the 1830s, employment opportunities for ex-convicts contracted considerably due to the greater availability of free labour and immigrants with capital.¹¹⁵ Convicts experienced less favourable treatment at some penal settlements and during the rule of particular governors. Norfolk Island, Macquarie Harbour and Port Arthur penal settlements were notorious for the harsh conditions and treatment of convicts. Practices for dealing with convicts varied from one court bench to another and one master to another. There were many disincentives for convicts to make complaints against their masters. For example, it was quite common for convicts to be flogged for making 'trifling and frivolous charges' against their masters.¹¹⁶ If charges were proven, convicts could still be penalised.¹¹⁷ The penalties which masters received for

proven charges were relatively innocuous such as small fines.¹¹⁸ Also, masters could make convict's lives miserable following complaints being made against them.¹¹⁹ For example, they could be subject to greater abuse by their masters, have their rations reduced or be given less privileges. In addition, most convicts had limited money to be able to bribe officials or gain favours.

Convict resistance

Overall Australia's convict system was effective in preventing large scale convict revolts and in creating a docile convict population.¹²⁰ Well-behaved convicts were offered various opportunities while breaches of rules brought a raft of punishments. A small number of insurrections took place across the colonies (such as Castle Hill in 1804 and 1834; and Norfolk Island in 1834 and 1846) but these were an exception to the generally submissive and compliant convict population.¹²¹ The Norfolk Island insurrections were due to the peculiar circumstances of exceptionally harsh and repressive regimes at the penal settlement. Several riots took place at female factories (Parramatta in 1827, 1833 and 1836; Cascades in 1829 and 1842; Launceston in 1841; and Ross in 1848).¹²² There were also pockets of resistance against private masters on agricultural properties such as convict 'mutinies' or attacks on masters.¹²³

Male and female convicts resisted the penal system in multiple ways that were largely passive and non-violent. The main form of resistance by male convicts was malingering, trafficking goods, engaging in 'black market' activities and occasionally protest writings.¹²⁴ The most widespread form of resistance was malingering in various ways to avoid hard work. Some male convicts produced writings that protested against their treatment (such as essays and poems) and a few of these made it into print.¹²⁵ Female convicts also rebelled against colonial authorities. Individual acts of rebelliousness was common in female factories, and women sometimes grouped together to confront authorities.¹²⁶ Some examples are: setting alight the shingles at Cascades Female Factory (1832); seizing the matron at Parramatta Female Factory and cropping her hair (1831); a mass display of disobedience at a church service in Hobart by over 300 women who pulled up their clothing and smacked their bare bottoms.¹²⁷ Smuggling, trafficking and trading in goods was also a significant part of the social and economic life of the factory and undermined authority.¹²⁸ Assigned male and female convicts also challenged authority by manipulating the system to their own advantage or damaging property.¹²⁹ In addition, male and female convicts resisted the system by trying to make demands to reduce their hours of work and improve their rations and living conditions.¹³⁰

A relatively small number of convicts absconded by various means, escaping to the remote bush, becoming bushrangers, living with Aboriginal communities or fleeing to the sea. Some escapes were successful, others were caught and some convicts died of starvation or other causes during the attempt. Crews on some American whaling ships had no sympathy for Australia's convict system and allowed

some convicts to stow away.¹³¹ In 1876, six convicts transported for their involvement in the Irish nationalist movement (1868) escaped from Fremantle Prison on board an American whaling ship. Going inland was especially dangerous as convicts had to try to survive in inhospitable conditions such as ferocious heat, hostile Aborigines, unknown wildlife and lack of food and water.¹³² There were episodes of convict ingenuity in seeking to escape: one convict dressed up as a kangaroo but surrendered as he was about to be shot.¹³³ One notorious case was the escape of Mary and William Bryant by sea to Timor in 1791. Her husband, daughter and son died after this but Mary was eventually given an unconditional pardon in London, following pressure from the writer James Boswell.¹³⁴ Several women escaped from female factories (eg. 1825 from Cascades Female Factory and 1829 from Parramatta Female Factory).¹³⁵ Between the 1840s and 1851, around one in every 100 convicts disappeared from all parts of VDL.¹³⁶ Some convicts were enticed by rumours in Sydney that China was just over the horizon and ended up lost and starving in the bush following their attempted escapes.¹³⁷ Convict bushrangers during the 1830s became a serious problem particularly in VDL.¹³⁸ They often elicited public sympathy as unfortunates driven by ill-treatment and desperation to the bush and to a life of crime. Other convicts could experience the taste of freedom and rebellion.¹³⁹

Opposition to transportation

*'I question whether the world ever saw anything under the name of punishment bearing the least resemblance to it.'*¹⁴⁰ Bentham in 1802

*The penal colonies in Australia were 'most thoroughly depraved, as respects both the character and degree of their vicious propensities' ... 'a state of morality worse than that of any other community in the world.'*¹⁴¹ Molesworth in 1837

From the outset, the introduction of the transportation system in Britain generated intense opposition by various groups who were influential in contributing to its eventual abolition. Debates raged in Britain and the Australian colonies about the transportation system's capacity to deter crime or reform criminals. The severity of some punishments and places contrasted with attempts at innovative reform. Enlightenment ideals were an important influence on these debates and new penal practices.

A new penology 'movement' advocating penitentiaries emerged in Britain, Europe and America from the late 18th century, presenting a major challenge to the transportation system (see Appendix D). Penal reformers advocated the establishment of a national penitentiary system in Britain as the most effective and enlightened system for deterring crime and punishing and rehabilitating criminals. Australia's penal colonies, like many other penal colonies around the world, were condemned by different groups either as excessively severe or too lenient. For some groups, the penal system in Australia and particularly the assignment system

was not an effective system for punishing and reforming criminals. It was irrational, inhumane and akin to slavery. Britain was vulnerable to these arguments particularly following the abolition of slavery.

For other groups, Australia's convict system was excessively lenient and amounted to a reward that did not deter crime. Transportation was not successful in inflicting either an adequate punishment or reformation of the convict population. Crime and 'immorality' (particularly petty crimes, prostitution, homosexuality and drunkenness) were allegedly widespread across the vice ridden colonies. In the post Enlightenment period, the British government was concerned to protect her reputation as an enlightened power. These arguments were put forward mainly by penal reformers in order to advocate the alternative – the establishment of a national penitentiary system across Britain. Free settlers in Australia also played a role both as supporters and critics of the transportation system.¹⁴² Some argued that the influx of large scale migration of free settlers to the colonies from the 1830s onwards (including following the gold rush period) reduced the demand for convict labour. Other groups opposed transportation for its alleged links with increased crime and vice, and some free settlers were especially resentful of opportunities given to ex-convicts. Some influential free settlers critical of transportation lobbied the British government and other groups in Britain to abolish transportation to Australia.

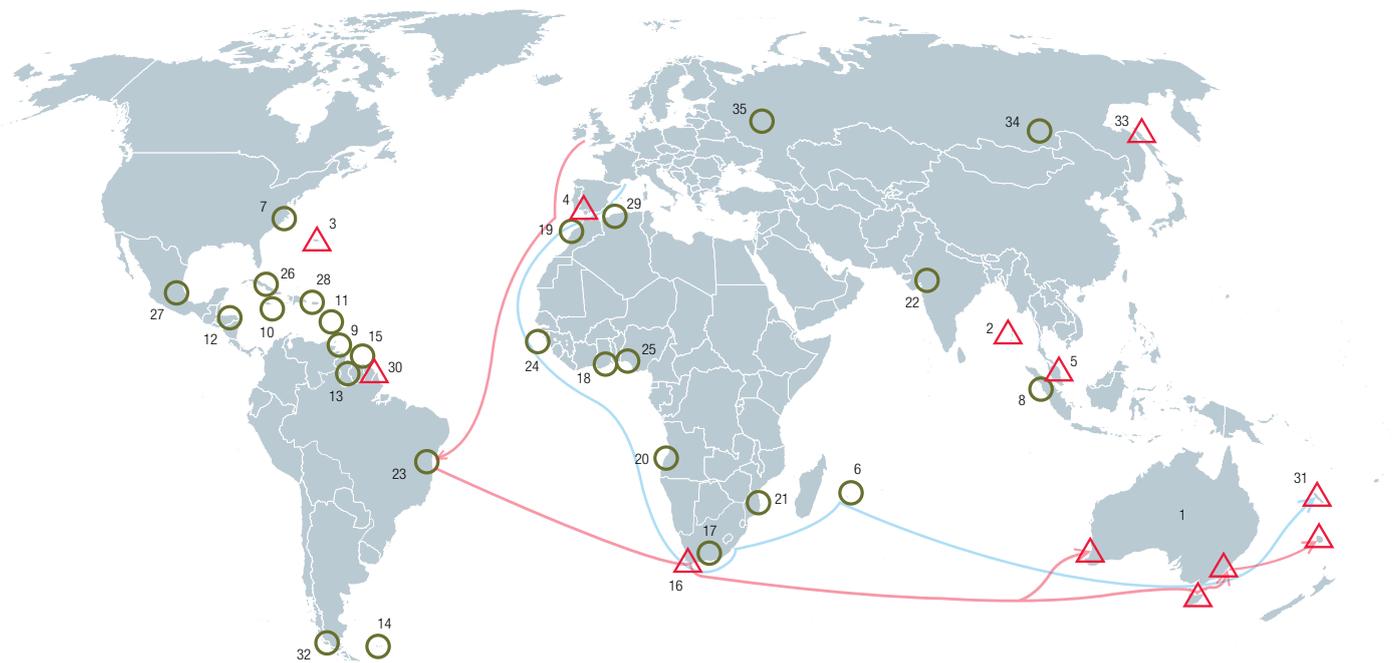
Abolition of transportation

Numerous inquiries into the effectiveness of transportation and Australia's convict system were undertaken in Britain and Australia. Following the recommendation of the Molesworth Commission, transportation was abolished to NSW in 1840. The penal colony of VDL continued until 1852, to be replaced by the penal settlement in WA from 1850 until 1867. The last convicts arrived in 1868 in WA, marking the end of transportation to Australia. Remnants of the convict system remained in the colonies for several decades and convicts continued to serve out their sentences and contribute to the development of the colonies. Several penal stations and convict systems continued to function, and the impact of convicts on the colonies was still felt for many generations.

APPENDIX C

OVERVIEW OF SELECTED PENAL COLONIES AND CONVICT SITES

Diagram C.1: Selected convict sites of the world, c1600-1938

**Britain:**

1. Australia 1788-1868
2. Andaman Islands 1858-1910, 1932-38 *
3. Bermuda 1824-63 *
4. Gibraltar 1842-75 ■ *
5. Straits Settlements 1790-1860 *
6. Mauritius 1600s-1800s ■ *

7. North America 1718-1755 *
8. Benkulen 1790s ■ *
9. Barbados 1627-1790s
10. Jamaica 1600s *
11. St Kitts and Nevis 1600s
12. British Honduras c.1600s ■
13. British Guiana 1800s
14. Falkland Islands 1826-31 *
15. Trinidad and Tobago 1600s *

Netherlands:

16. Robben Island 1806-46 ■ *
17. Cape of Good Hope 1600s-1700s ■ *

Portugal:

18. Ghana c.1500 ■ *
19. Morocco c.1500s ■ *
20. Angola c.1700s-1800s *
21. Mozambique c.1500s *
22. India c.1500s *

23. Brazil c.1700s-1800s *
24. Cape Verde Islands c.1500s *
25. Sao Tomé and Príncipe c.1500s *

Spain:

26. Cuba c.1700s-1800s ■ *
27. Mexico c.1700s-1800s *
28. Puerto Rico c.1700s-1800s *

France:

29. Algeria 1700s ■ *
30. French Guiana 1852-1938 *
31. New Caledonia 1864-97 *

Argentina:

32. Tierra del Fuego 1880s-1900s

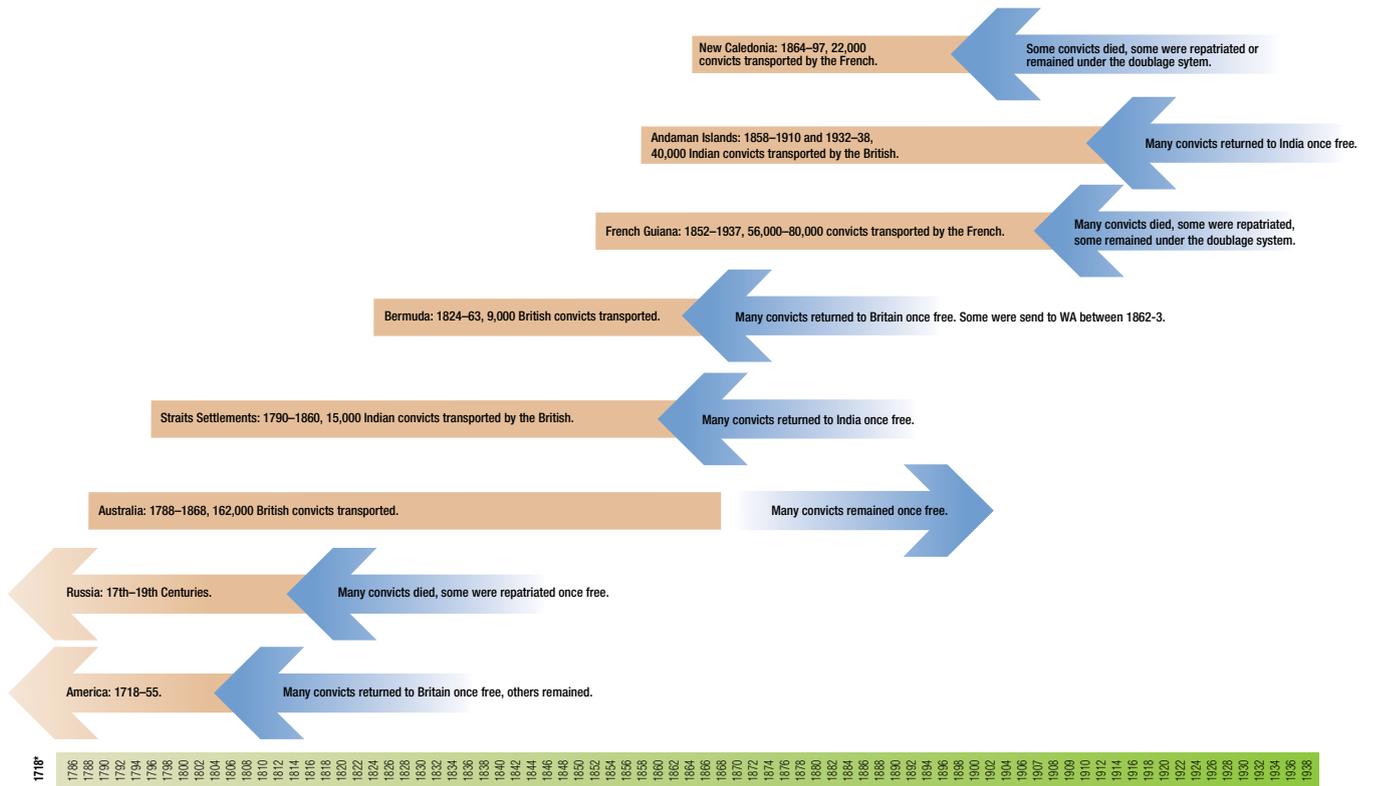
Russia:

33. Sakhalin Island * 1869-1905
34. Kara Valley * 1850s
35. Trans-Siberian Railway * 1891-1916

Sources: Anderson, Maxwell-Stewart & Bogle (2006/2007)

△ Major convict site – including where there was a purpose built penal settlement	* Includes other forms of forced migration such as slavery, indentured labour or exiled peoples	— Representative route of convict ships from Britain and Ireland to NSW, VDL, WA, and Norfolk Island 1787-1868
○ Minor convict site – including where convicts were used for labour	■ Places where convictism occurred under more than one cononial power	— Representative route of convict ships from France to New Caledonia 1863-97
No star: Convict only sites		

Diagram C.2: Convict sites profiled in Appendix C: Overview of convict sites profiled in Part 3.C.



*Convictism predated 1718 but the number of convicts and the size of the colonies were small scale. See Appendix C.

OVERVIEW OF SELECTED PENAL COLONIES AND CONVICT SITES

This paper provides an analysis of the convict systems and sites in the major penal colonies during the 18th and 19th centuries. It is based on extensive research undertaken in 2006 and 2007 drawing on historical studies, heritage list records, websites, reports commissioned for this nomination and correspondence with experts in the relevant countries. These sources are cited at the end of this paper.

GLOBAL CONTEXT OF FORCED MIGRATION

An unprecedented forced migration of peoples occurred around the world during the 18th and 19th centuries in the wake of European expansion and the globalisation of the world economy. There were three main types of forced migration: slavery, indentured labour and convictism. Improvements in navigation, ship building, cartography and provisions made it possible to move large numbers of people against their will over long distances.¹ Up until 1800, around two thirds of the people moving east and west out of the 'Old World' were coerced as slaves, serfs, convicts or military recruits.² In the Atlantic, the dominant migratory regime for most of the period after 1500 was the slave trade from Africa. An estimated 9–11 million Africans were taken as slaves to the Americas and Europe between 1500 and 1900.³ Convicts and prisoners of war were sent overseas in much smaller numbers than slaves (around one convict to 40 slaves).⁴

Large-scale and systematic coerced migration began with European expansion and generally ended when free and contract migrants became more willing to replace slaves or prisoners. Coerced migrants often accelerated the development of the places to which they were sent and sometimes paved the way for free migrants. This connection between coerced migration, development and the subsequent mass inflow of free migrants 'was the clearest of all in Australia'.⁵ The main movements of people included: the African slave trade to North and South America, the Caribbean, Europe, the Middle East and the Persian Gulf; the slave trade via the Atlantic and Indian oceans from Africa; the Trans-Saharan slave trade; indentured labourers from South and East Asia; the migration of indentured servants from Britain to North America and the Caribbean; the large-scale mobilisation of 'unfree' migrant labour within colonial Africa and South Asia; and the transportation of convicts from Britain, France, Spain, India, Mexico, Portugal and Russia to various parts of the globe. The transportation of convicts to Australia is recorded as the largest movement of people under convictism.⁶ Australia is listed as one of the

most significant involuntary migration movements in the period 1500 to 1900 – a list comprising 13 forced migration movements (*Atlas of international migration*, 1993).⁷

There were significant interactions and linkages between the various systems of forced migration. The forced migration of convicts to penal colonies had a significant impact on global developments in the punishment of crime from the 'early modern' to the 'modern' period. In contrast to systems of slavery and indentured labour, penal transportation was a new mechanism for punishing crime in the world. Prisoners convicted of criminal offences were transported to penal colonies as a new form of punishment that lasted for several centuries. Penal transportation had an important influence on the political, economic and military development of many European nation states and empires during this period. It played an important role in the colonisation process as convicts formed the vanguard to settle and develop new and existing colonies around the globe. Sometimes convict labour was instrumental in replacing enslaved peoples following the abolition of slavery. Penal transportation is an important part of world history, the subjugation of one part of humankind by another. It inflicted immense suffering on the lives of several million convicts, ex-convicts and their families. Yet penal transportation also ushered in an era of enlightenment and hope for the criminal elements of humanity. Unlike the phenomenon of slavery, convictism was associated with the uplifting elements of human history. Transportation offered unprecedented opportunities for prisoners to build new lives free of crime for themselves and their descendants in a new colony. This was not the case for most slaves.

The phenomenon of convictism had important similarities to and differences from slavery and indentured labour. Each of the forced labour systems had distinctive aspects. Slaves were sold to a master, became the property of the master and did not receive a wage. Convicts were transported to penal colonies where they were managed and controlled by colonial authorities. The home state retained overall responsibility for convicts. Indentured labourers were contracted to undertake work in colonies where they received a wage. In practice, the treatment and experiences of these workers were sometimes similar. At their most extreme forms: regimes for convicts could inflict suffering similar to that experienced by slaves; the treatment of indentured workers could be as harsh as that of convicts; and slaves could sometimes be treated humanely by their masters.

CONVICTISM

The transportation of convicts formed part of the international and intercontinental flow of forced migration. Prior to the introduction of transportation, criminal offenders and political prisoners were imprisoned or executed in the home state. The major flow of peoples under transportation systems in the pre-modern and modern eras included: prisoners from colonial India to Mauritius, Sumatra, the Straits Settlements and the Andaman Islands; British prisoners to North America, Australia, Gibraltar and Bermuda; French prisoners to Algeria, French Guiana and New Caledonia; Russian prisoners to Sakhalin Island; Spanish and Portuguese prisoners to Africa; and Spanish prisoners to Puerto Rico and Havana.⁸ The first episode of transportation occurred with the establishment of the penal colony of Barbados in 1627 and the last penal colonies to close were the Andaman Islands and French Guiana in 1939.

Cities, institutions and communities were created through the toil and hardship of convicts. Convicts dominated and moulded new landscapes, building harbours, fortifications, courthouses, churches, governor's residences and offices, barracks and prisons. Convict labour in most countries generally supplemented or replaced slave or indentured labour in undertaking these works, with the exception of Australia. Female convicts were transported to several penal colonies with the aim of populating and civilising the penal colony – Australia was the only penal colony where this was successful. The general experience of transportation for convicts was a life of exile, harsh living and working conditions and subjection to a range of punishments including deprivations, physical punishments, psychological punishments and sometimes death. Labour for men was especially harsh; they often took the place of machinery and animals. They literally became 'beasts of burden'.⁹ Typically, military forces instituted a rough system of order and justice over the convict population with the exception of Australia. But there were also more enlightening experiences with opportunities for convicts to build new lives. Australia and New Caledonia are the most prominent examples of this.

The phenomenon of convictism had several common elements. These include: the use of transportation to expand the political, economic and social spheres of influence of the home state; the use of transportation to punish criminal offenders and deter crime in the home state; and the use of transportation to reform and rehabilitate the criminal elements of humanity. Convicts were transported to distant penal colonies and systems were established in most colonies to punish, discipline and reform convicts. The history of the transportation of prisoners to penal colonies around the world is outlined in detail below and at Part 3.C.

British transportation to Australia is widely considered to be representative of global convictism as well as several exceptional features that were not present in other penal colonies. Australia was the only instance of penal transportation where the efforts of convicts led to the European foundation of a continent and a nation.

Australia had all of the key elements of convictism and the most complex and diverse suite of penal regimes to manage, punish and reform convicts. The establishment of remarkable penal systems was largely due to the peculiar conditions in Australia such as the need to control a large convict population across an enormous continent. The convict systems included: bureaucratic regimes of surveillance (a centralised record system; surveillance systems; Assignment Board; magistrates' records); corporal punishment (such as flogging and treadmills); the separate system and other psychological regimes to punish the mind; the convict gang system; the assignment system; the system of female factories; special regimes for convict boys; the probation system; various classification systems; reformatory measures such as trade training, religious instruction and the 'mark system'; and a system of entitlements and rewards (including 'tickets-of-leave'; conditional and absolute pardons; land grants and other concessions; and a system of legal rights for convicts). These are outlined in Part 2.B and Part 3.A. Australia's extensive convict systems established a blueprint for other colonies. Other penal colonies had some schemes with similar features but none had such a comprehensive and formal suite of systems to manage, punish or control convicts as in Australia. Female convicts made an important contribution to the empire building process in Australia and the success of the penal colonies. By contrast, female convicts comprised a very small minority of the convict population and played a minor role in most other penal colonies (typically around 1 to 3 per cent; less than 20 per cent in America; and less than 10 per cent in Andaman Islands).

Many convict sites have not survived around the world in large part due to the long standing tradition of the 'convict stain'.¹⁰ The convict origins of all colonies have been a source of humiliation and denial for both free settlers and ex-convicts for many decades (and sometimes centuries) following the abolition of transportation. The stigma associated with the convict legacy and efforts to ignore or remove all traces of the 'stain' have been a common feature of all penal colonies. However, the response of communities and governments to their convict past has varied considerably across countries. For some, the convict stain has endured until today while in other countries there has been an increasing recognition and acceptance of their convict history. The consequences of the rejection of a country's convict roots range from total destruction of many convict buildings through to abandonment and gradual disintegration of convict remains. There are few surviving convict structures or remains in the world today partly due to the enduring resentment and hostility to this period of convict history. Over recent years, there has been increasing recognition and acceptance of the convict past leading to some governments taking measures to preserve and protect surviving convict remains. The convict stain was prevalent in Australia until the 1970s to 1980s. Since then, communities and governments have taken measures to preserve and protect their convict heritage. Australia is unusual today in having such a large number of surviving

convict remains. More than 3,000 convict structures and ruins survive around Australia. A large number of the sites are listed on local and state heritage registers. Many community groups around Australia are involved in wide ranging activities to recover Australia's convict history including records, fabric and genealogies.

SELECTED PENAL COLONIES

RUSSIAN PENAL COLONIES

Approximately one million civil and political prisoners, ethnic minorities and 'unruly' persons were transported to labour camps in Siberia and the Russian Far East between the late 16th century and 1917. The forced removal and imprisonment of prisoners (convicts and exiles) did not have many of the features that were typical of global convictism. The vast majority of the prisoner population was not transported to new penal colonies (outside the state of Russia). Also, approximately half were not conventional prisoners as they did not commit a crime and were not charged or sentenced for a criminal offence. Rather, they comprised homeless, mentally ill or physically disfigured persons and others considered to be disruptive elements of Russian society. Many thousands of Russians were banished to Siberia under orders from landowners or village assemblies. Significantly, all prisoners were banished to places within the existing Russian state and separate penal colonies were not established with the exception of Sakhalin Island. Most Russian prisoners were sent to Siberia and the Russian Far East. Small numbers were also sent to Byelorussia, the Ukraine and other remote places in Russia. Unlike most other penal colonies, systems were only occasionally established to manage, control or reform the prisoner population in Russia and Sakhalin Island. Most prisoners transported to Siberia were not managed by the government following their arrival but were placed in existing peasant communities to commence a new life. Nevertheless, Russian prisoners were subjected to *some* of the features that were typical of convictism. Prisoners experienced: a long and arduous journey comparable to the voyage to Australia and New Caledonia; exile; harsh labour; and punishment. Some prisoners were also used to establish new settlements in remote parts of Russia.¹¹

Russia used sparsely populated areas in Siberia and the Russian Far East as penal colonies for prisoners from the 17th to the 19th century. Under the 'katorga' system (first established in the 17th century), prisoners were transported to remote camps in vast remote areas. The main aims were to remove criminals from the metropole at the lowest expense to the government and provide cheap labour to colonise these areas. Between 1754 and 1885 nearly 1.2 million prisoners and 'undesirables' were transported within Russia and to Sakhalin Island. Convicts and dissidents were subject to hard labour in mines, smelting works and salt pan factories. They were sometimes housed in barracks within guarded encampments in mainland Russia. Prisoners were delineated from the free population by head shaving,

branding and different clothing. Unlike most penal colonies in other parts of the world, Russia did not establish special systems to manage, control or reform prisoners. At various times and places, schemes were set up to discipline, punish and reform prisoners but this involved only a minority of prisoners.

Several significant convict sites have survived that represent the development of infrastructure by convict labour. These include the Trans-Siberian railway (1891) and the Kara Valley Gold Mines (Transbaikalia, 1850s) (see Part 3.C). In addition, some 19th century buildings in Irkutsk and Nerchinsk were built by convicts. Little information is available about these sites.¹² There are no known sites that represent prisons, convict barracks, reformatory schemes or other penal systems. After the Russian Revolution (1917), the katorga system was transformed into Gulag labour camps which were not an example of convictism.

Convicts were fundamental to the establishment of the agricultural colony at Sakhalin Island including the development of mining and timber industries. An estimated 30,000 to 40,000 Russian convicts were transported to Sakhalin Island between 1869–1905 to establish a permanent agricultural settlement.¹³ Convicts were subjected to a long and arduous sea journey, exile without hope of return, and harsh labour and punishment. They undertook hard labour in logging camps, coal mining and road construction. After completing part of their term of hard labour in coal mines at a prison in Alexandrovsk, convicts were settled around the mines to raise corn to support themselves and provide for the penal colony. Despite official rhetoric, rehabilitation was not practised at the colony. Reports from Russian planners and state councillors from the late 1860s identified the flourishing colony of NSW as a blueprint for establishing a penal colony at Sakhalin Island to further Russia's imperial ambitions.¹⁴ There are no known surviving convict sites at Sakhalin Island although there may be remains of some buildings, roads or mines from the convict era.

BRITISH PENAL COLONIES

Britain's penal transportation history commenced in the 17th century as prisoners were sent from Britain as forced labour to the American and West Indian colonies. Between 1614 and 1775, more than 50,000 convicts were dispatched from the British Isles to colonies in North America, providing a substantial part of the early European population¹⁵. Following the American War of Independence, transportation was abolished and did not recommence until 1787 with the transportation of convicts to Australia. Transportation to Australia continued for more than 80 years until it was abolished in 1868. Convicts and ex-convicts continued to contribute to the development of the colonies for many decades after the cessation of transportation. Smaller scale episodes of British transportation included the shipment of British prisoners to the Straits Settlements and Bermuda and Indian prisoners to the Andaman Islands.

America (1718–75)

The transportation of male and female convicts to America was on a large scale, with around 50,000 convicts transported by the British government between 1718 and 1775.¹⁷ Approximately 20 per cent of the convict population were women.¹⁶ The vast majority of the convicts were sent to the colonies of Virginia, Maryland and Pennsylvania with much smaller numbers sent to other colonies. The aim of transportation was to deter crime and provide convict labour for plantations in the British colonies in America.

The transportation system was not typical of the forced migration of convicts to penal colonies around the world. There was virtually no administrative machinery and no penal institutions were established to administer, punish or reform convicts in the new colonies. From the outset, the British government relinquished all responsibility for convicts in America. British authorities made per capita payments to shipping merchants to transport convicts to America and on arrival, convicts were sold in lots to individual masters. Most convicts worked as field hands in rural work, mainly on large plantations alongside slaves and indentured labourers. The British government took no financial responsibility for convicts and played no role in their management or punishment. Individual masters had primary responsibility for convicts under their charge, although colonial authorities set up some mechanisms to deal with misdemeanours by convicts or mistreatment by masters.

The treatment of convicts in the American colonies was often more akin to slavery and indentured labour than convictism. Overall, convicts were not seen as criminals under punishment but as exiles to be exploited for their labour. The British government paid shipping merchants an initial fee (between £3 and £5) and the merchants also gained the proceeds of the sale of the convict's labour. Once convicts arrived in America, the merchant's agents sold them like slaves, sometimes on the ship, sometimes on a wholesale basis, and sometimes after being moved around like goods for sale. The typical price range for convicts was £8 to £20. All convicts were sold for seven year terms of service regardless of their original transportation sentence. Convicts' labour was sold to cover the price of transportation, not to match the sentence imposed in Britain. Masters owned property in their convict servants' labour and therefore, convicts did not receive any wages for their labour. They were not allowed to marry or own land during their term of service. Convicts were often under the tight control of their master who could enforce discipline through whipping and the use of chains. In general, there was no official penal administrative apparatus to manage convicts, and no close surveillance or special discipline of convicts in the American colonies. At times, convicts could petition the courts for relief against excessive punishment or withholding of food and clothing. A significant number of convicts escaped and returned to Britain.

Unlike many other penal colonies, convicts did not make a major contribution to the development of the colonies in America. The colonies in America were first established during the 17th century well before the arrival of convicts. Most of the infrastructure was built by slaves, indentured labourers and free people before and after the arrival of convicts. Over 90 per cent of convicts transported to America were sent to only three (Maryland, Pennsylvania and Virginia) of the 13 colonies.¹⁷ Convicts were sold to plantation owners and others who were in need of labour. Convicts were unpopular in the colonies and shipping merchants sometimes disguised convicts as indentured servants. Small numbers of convicts were also sent from Britain to other British colonies in North America (now sites in Canada and the West Indies), before and after this period. Little is known about these places.

Andaman Islands (1858–1910; 1932–38)

Around 40,000 convicts were transported from India to the Andaman Islands over a 58 year period (1858–1910 and 1932–38).¹⁸ The primary objective of transportation was to punish criminals and deter crime in India. Consolidation of India and empire-building were also important geopolitical objectives. A large proportion of the convict population in the second penal period (1932–38) were political prisoners from the nationalist protest movement in India which threatened the economic and political stability of Britain's colonial enterprise. Convict labour was used for empire building through development of the new colony, resulting in a well-fortified and provisioned British outpost in the middle of the Bay of Bengal. The islands provided a sheltered port for ships and a place from which to control busy shipping lanes. Male convicts were used to clear jungles, undertake agricultural work and construct infrastructure such as roads, churches and convict barracks. Throughout the convict era, there were several government inquiries and public debates about the effectiveness of transportation to the colony.¹⁹ The main penal settlements are situated at Port Blair and Viper Island. Ross Island was the Administrative Headquarters for the penal colony.

The penal colony was renowned as a place of harsh punishment to deter crime and nationalist protest in India and remove the threat this posed to the economic stability of Britain as a colonising nation.²⁰ Convicts were initially incarcerated for a minimum period of six to 12 months. They were then sent to barracks and forced to undertake hard labour in chain gangs. Convicts were subjected to severe punishments such as flogging, solitary confinement and instruments of torture such as oil mill and non-productive labour (eg. a crankmill). The death rate was high. Around a third of the first transportees sent in 1858 died or were executed within the first three years.²¹ Many convicts tried to escape and 86 escapees were hanged in a single day in 1858.²² Convict labour had an enormous impact on the development of the island as a colonial outpost. Convicts were used to clear jungles and construct the necessary

infrastructure for settlement including bungalows for administrators, prisoners' barracks, a penitentiary, roads and churches. Notwithstanding the important role of convicts in the development of infrastructure at the Andaman Islands, the scale of works was not as great as in Australia.

The Andaman Islands was a significant penal colony for the rehabilitation of convicts. From the very beginning, the whole penal settlement was based on the classification of convicts.²³ A carefully calibrated 'self-supporter system' emerged from the very early years where convicts could rise through the ranks and eventually become colonisers. Convicts were placed in classes for a fixed period and could progress or be demoted based on their behaviour.²⁴ With sustained good behaviour convicts could earn 'self-supporter' status (similar to a 'ticket-of-leave') and concessions such as land. Other important reformatory measures included the convict family migration scheme, where a convict could apply for his family to move from the mainland and the transportation of female convicts (on a voluntary basis) to encourage marriage and habitation of the island.²⁵ These schemes operated only periodically during the convict era and were not successful. Female convicts were often ill-treated and forced into prostitution by their partners or through necessity.²⁶ They made a small contribution to the colonisation process.

Major convict sites

Several significant sites at the Andaman Islands are an important demonstration of the forced migration of convicts and represent key aspects of convictism. The most notable convict sites at the Andaman Islands include: the Cellular Jail (Port Blair, 1910–43); South Point Barracks (Port Blair, c.1858); the Viper Island Jail (Viper Island, 1867–1947); Administrative Headquarters (Ross Island, 1858–1942); the Presbyterian Church (Ross Island, 1860s); and the Cemetery (Ross Island, 1860s).

Major convict sites at Port Blair

The Cellular Jail is a significant convict site that represents the harsh punishment of convicts. The prison developed a reputation as a torture machine. It was used for the solitary confinement of all transported convicts for periods of approximately six months during which they were subjected to severe discipline regimes. The main purpose of the Cellular Jail was not to incarcerate convicts but to remove political prisoners involved in the nationalist freedom struggle. After a period at the Cellular Jail, convicts were moved to barracks (known as an 'associate prison') where they were divided into 'gangs' and put to hard labour on roads or felling trees. They slept at the barracks and had relative freedom of movement. The 'associate prison' was an important phase of the convict era at the Andaman Islands but there are no surviving convict sites that illustrate it.

The Cellular Jail is an outstanding convict landmark and example of Bentham's panopticon design. Along with Fremantle Prison, it is one of the largest convict prisons

in the world. Originally, the Cellular Jail was a massive three-storey structure, with seven wings radiating from a central watchtower with 698 back-to-back cells. Each wing spanned out from a central fulcrum with a belltower. This central tower had an extra floor to facilitate surveillance and had only one gate for entry and exit. A guard merely had to walk around a circle to get a clear unobstructed view of the verandas which faced the cells and from which he was protected by iron grilles. At night, an additional guard patrolled the verandas and conferred regularly with the central guard at the watchtower. Convicts however could neither see the guard nor communicate with other prisoners as each wing faced the rear of another.²⁷

The Cellular Jail was substantially destroyed in an earthquake (1941) and an invasion during the second world war. Only three of the original wings of the Benthamite design survive today. Fremantle Prison is reputed to be the only large panopticon design convict prison that has survived virtually intact in the world. Significantly, the Cellular Jail did not open until almost 50 years after the establishment of the penal colony. Only a very small number of convicts (approximately 500–700) were incarcerated there for around 10 years (1906–10 and 1932–38). By contrast, Fremantle Prison held around 10,000 convicts between 1855 and 1886, and a small number up until 1906. The New Gaol at KAVHA can also be compared to the Cellular Jail for its panopticon design although there are minimal remains of the prison at this site (see Part 3.A).

South Point Barracks housed female convicts who worked during the day on tasks such as cleaning and grinding wheat at work sheds. The barracks is a simple two-storey timber structure with tin roofing. However, the surviving structure has been modified, partitioned, repaired and encroached upon following closure of the penal colony. It is currently used as government accommodation and has been altered since the convict era.²⁸ Women comprised around 5 to 10 per cent of the total convict population in the Andaman Islands for a period of around 20 years. The shortage of women led to rampant prostitution and 'unnatural crime' in the colony. Convict women were encouraged to contract marriage with a male convict in order to sanctify relationships. However, efforts to create a sizeable female convict population at the colony were unsuccessful. Unlike Australia, women were not subjected to different institutionalised systems compared to men and did not play a critical role in the penal colony. A nearby female factory (where female convicts laboured and were housed while awaiting a marriage to be arranged) does not survive today.

Major convict sites at Viper Island

Viper Island Jail is a significant site that was used to confine male convicts between 1867 and 1910.²⁹ Convicts were subjected to severe work for the first six months. Hard labour in a chain gang was a most dreaded punishment. The jail became an important place for the secondary punishment of convicts, after it was superseded by the

Cellular Jail in 1910. The small prison could hold up to 200 convicts and originally comprised a two-storeyed building with solitary cells, lock-ups, stocks and whipping stands.³⁰ Today, the gallows of the prison is the only remaining standing structure and has recently been restored.³¹ Stocks, whipping stands and chain gangs were housed here although now only the plinths and dilapidated walls remain of the many other original prison buildings.³² Now overgrown with vegetation, well laid out roads lead to the summit where the Superintendent's house once stood. An overgrown sunken garden indicates the site and three ponds and several wells can still be seen.³³

Major convict site at Ross Island

The main convict site at Ross Island is the Administrative Headquarters (1858–1942). Ross Island was the main administrative centre for the Andaman Islands. The headquarters was built by convicts in 1858 and comprised a suite of buildings. Today, it includes the ruins of: the Chief Commissioner's House; the Administrative Office; Military Barracks; Presbyterian Church; and Cemetery. The plinth of the original brick Chief Commissioner's House is all that remains.³⁴ While neglected for a long time, some of the buildings have recently been restored and pathways have been added for tourist purposes. The Presbyterian Church was originally an elegant stone building with Burma teak interiors and etched Italian glass windows. The church has survived as a roofless ruin in a poor condition. The Cemetery was a graveyard for British military officers and their families. It contains 18 graves from the 1862–71 period. The wall of the cemetery has recently been restored. There are no remains of convict graves unlike other penal colonies (eg New Caledonia and Australia).

Other important convict sites

Several other sites in the Andaman Islands illustrate the important role of convicts in expanding the geo-political influence of Britain. These include: the European Infantry Barracks (Ross Island); the Cellular Building (Viper Island); the Andaman Club (Aberdeen on the mainland); Forrest Barracks (Haddo on the mainland); and Labour Barracks (Haddo). The European Infantry Barracks is a substantial brick building situated on the highest point of the island facing eastwards. Parts of the barracks are restored and in use by the navy. The Cellular Building comprises the ruins of the brick building and remnants of individual cells. The building may have been the site of the male prison. The remains include a long hall with iron roof supports and small arched doorways. The Andaman Club was used by prison officials and other officers from Port Blair during the convict era. The building is one-storey with a series of sloping roofs and a skylight. Today it is used for hosting meetings and exhibitions. The Forrest Barracks was used to house 'ticket-of-leave' convicts and convict labour gangs. It is a large two-storey timber building with a sloping roof. The Labour Barracks is a large wooden two-storey structure. Convict labour gangs were housed in the barracks. The

building now accommodates families of the Andaman Labour Force.

Summary

The Andaman Islands sites are significant examples of the use of transportation to expand Britain's geo-political influence and to deter crime. The convict sites illustrate the role of male and female convicts in establishing a new colony off the coast of India. The banishment of political dissidents from the nationalist protest movement also helped to consolidate the British colony of India. However, the surviving convict fabric is far less extensive than in Australia and its significance is not as great in relation to this aspect of convictism. The empire building aspect was small in scale in terms of the number of convicts transported to a small group of islands in contrast to Russia, Australia and America. Transportation to the Andaman Islands was not used to curb the geo-political ambitions of other major powers. Female convicts played a more marginal role in the colonisation process at the Andaman Islands unlike female convicts in Australia's penal colonies. In addition, the sites illustrate minor elements of the reformatory impulse in the colony and are not as notable as those in other penal colonies such as Australia and New Caledonia.

Only a small number of sites have survived at the Andaman Islands. With the exception of the Cellular Jail, the remaining convict sites are mainly in ruins and have limited protection and conservation. Most of the other substantial penal buildings have not survived including barracks under the 'associate system'.³⁵ The ruins are overgrown and do not compare to the extensive and well conserved convict remains in Australia or New Caledonia. The prison at Viper Island is in a poor state of conservation.³⁶ There are no remaining sites that demonstrate important aspects of the forced migration of convicts such as the classification system which was an important feature of the penal colony or other reformatory efforts or the role of female convicts. While the Cellular Jail is a public museum and a National Memorial, it is not fully protected under government legislation or other measures.

Straits Settlements (1790–1860)

Approximately 20,000 Indian convicts were transported between 1790 and 1860 to the Straits Settlements (Singapore, Penang and Malacca).³⁷ Convicts made important contributions to the colonisation of the colony undertaking many large projects such as quarrying stone, hunting tigers, felling timber, clearing swamps, jungles and forestlands for colonial expansion and reclamation, making bricks and public works. Convicts built a significant number of government offices, churches, houses, barracks, roads and bridges.³⁸ By 1841, the Straits were known as 'the Sydney convict settlements of British India'.³⁹

The penal colonies in the Straits Settlements have been described as the Enlightenment and Benthamite models for the world.⁴⁰ A system of punishment and 'moral reformation

through labour' was central to the administrative ideals for the penal colony and was structured through a formal system of progressive classes.⁴¹ The colonies also had severe punishment regimes including a segregated penal system for convicts from different racial or religious backgrounds. Convicts could be released following sustained good behaviour or be returned to a chain gang for bad behaviour. The majority of convicts were not confined in prisons but were allowed to live among the free population. Well-behaved convicts were made supervisors of other convicts who were put to work in labour gangs. Convicts made their own bricks at the Straits Settlements for local use and some were exported to Malacca. In 1867, convicts were awarded a Silver Medal for the quality of their bricks at the Agra Exhibition. St Andrew's Cathedral and Sri Mariamman Hindu Temple were built from convict-made bricks. Convicts were also employed in administrative offices and as police and firemen. In some cases convicts were housed in prison buildings overnight. The majority of convicts remained in the settlement on completion of their sentences.

Some convicts were also subjected to harsh punishment regimes. In the early years convicts were tattooed on the forehead and worked in fetters.⁴² Refractory convicts were given various forms of punishment including incarceration in prison and flogging. Although the classification system went through multiple changes, at every stage a chain gang was present as a deterrent. A segregated penal system where convicts were given differential punishment and treatment on the basis of their race was introduced to the Straits Settlements during the 1860s and included incarceration in separate prisons. Prisons in Singapore and Penang held 700 convicts at any one time.

Major convict sites

Convict sites at the Straits Settlements are an important representation of the forced migration of convicts, particularly the use of convict labour for the construction of infrastructure in the colony. Convict labour often supplemented the labour of free workers and indentured labourers. The most notable convict-built places include 'Istana' Government House (Singapore, 1869), St Andrew's Cathedral (Singapore, 1862), St George's Church (Penang, 1818), and Government House (Penang, 1790).⁴³

Major convict sites in Singapore

Government House (Singapore) including its grounds and auxiliary residences was built by convict labour to house Singapore's first colonial governor. Today it is known as Istana. Originally, it was an impressive neo-Palladian style building dominated by a central three-storey 28 metre high tower block with two-storey side wings featuring Ionic, Doric and Corinthian orders and colonnades. The grounds include a burial place of convicts who were transferred from the Bencoolen penal settlement to Singapore between 1825 and 1828. Government House was extensively damaged during an invasion (1942) leaving the grounds in ruins. Government House was renovated substantially between

1996 and 1998. This included additions and other changes such as modern conveniences. St Andrew's Cathedral is a Neo-Gothic style building that was constructed solely by convicts using high quality convict-built bricks. The north and south transepts were later added after the convict era giving an aerial view of the church as the shape of a cross.

Major convict sites in Malaysia

Government House (Penang) is a substantial two-storey brick mansion that housed the Governor's Office and Council Chambers. The house survives in highly original condition although there have been extensive additions to the complex during its operation as a convent from 1858 until the present day. St George's Church is a brick structure in the Georgian Palladium style with huge Grecian columns at the front entrance and a solid plastered stone base. The original structure underwent considerable changes and restoration work in 1864 and in 1948 such as a new gabled roof to replace the flat roof damaged during the second world war.

Other important convict sites in Singapore and Malaysia

Other important but less significant sites demonstrate the role of convict labour at the penal colony. These include: Fort Cornwallis (Penang, 1786, 1804, 1810); Horsburgh Lighthouse (Singapore, 1851); Empress Place Building (Singapore, 1827–67) and Sri Mariamman Hindu Temple (1843).

Fort Cornwallis was rebuilt with bricks and stones by convict labour between 1804 and 1810. The fort's walls, roughly three metres high, are laid out in star-like formation. Some of the original structures inside the fort remain including prison cells (which were also once used as barracks), a munitions storage area and a chapel. There is also a harbour light which was used to signal incoming ships. The fort was originally surrounded by a moat but this was filled in during the 1920s. Today, it is a privately managed historical site which includes an open-air amphitheatre and a gallery. In 1977, the Malaysian Government listed the fort under the *Antiquities Act 1976* to ensure its conservation and preservation. Substantial restoration work was undertaken in 2001.

Horsburgh Lighthouse has massive stone block walls which were quarried and shaped by convicts and free workers at Palau Ubin over 40 kilometres away. The lighthouse has seven levels and is 35 metres tall. It is in use today. While numerous roads and bridges were built by convicts (eg North and South Bridge Roads in Singapore) they have not survived in their original state.⁴⁴ There are no significant convict-built buildings or public works at Malacca.⁴⁵ Empress Place Building was the colonial offices during the convict era. It was constructed over several phases from 1827 with the use of some convict labour for a short period (1864–67). The building was used for administration during the convict period and later became a court house

and chamber for parliament. New wings were added to the building in 1903, 1911 and 1920. One new wing houses the Asian Civilizations Museum today. The building is laid out symmetrically along a central axis and has a Neo-Palladian exterior and pitched clay tile roofs. Sri Mariamman Hindu Temple is a brick and plaster structure that was built using convict labour and plaster craftsmen from Madras. The bricks were made by convicts.⁴⁶

Summary

The Straits Settlements convict sites are a good representation of the contribution of convicts to the construction of infrastructure, an important part of the story of the forced migration of convicts. Many of the sites are impressive structures, particularly St Andrew's Cathedral and Government House (Istana). However, some have been extensively renovated over time and some structures were only partially built using convict labour. There are no tangible remains that illustrate other aspects of punishment and reform. With the exception of penal records and photographs, there are few personal artefacts associated with convicts and no personal histories exist. Only one of the convict sites, St Andrew's Cathedral, has a plaque clearly stating its convict history. Consequently these sites are located at the periphery of the collective cultural memory of Singaporeans or Malaysians.⁴⁷

Bermuda (1824–63)

Between 1824 and 1863, around 9,000 convicts were transported to Bermuda providing the major labour force for the Bermuda Dockyard (known as the Convict Establishment Dockyard) and new fortifications at other parts of the island. The major objective of transportation was empire building. Bermuda was initially settled by free settlers, slaves and indentured labourers from the 17th century. The convict settlement was relatively small in terms of size, numbers sent and public works undertaken. In the early 1840s, the penal colony was expanded to take the pressure off VDL which experienced difficulty in absorbing the large number of convicts directed to the colony following the abolition of transportation to NSW.⁴⁸ Convicts were housed mainly in hulks and were later billeted at a purpose-built prison on nearby Boaz Island.⁴⁹ Systems of punishment and reformation were not established at the colony and female convicts were not transported to Bermuda. Convicts were not allowed to remain in Bermuda at the end of their prison terms. Most were repatriated to Britain and some were sent on to WA.⁵⁰

Convicts helped to transform Bermuda into the 'Gibraltar of the West' which was critical to the economic development of the colony. Prior to transportation, slaves and indentured labourers and free settlers were instrumental in the development of public works.⁵¹ The small population at Bermuda could not supply the labour needs for the naval base and other infrastructure development before the arrival of convicts. Following the cessation of slavery (1834),

convicts took over construction work at the base and other sites. Convict labour constructed all of the major stone buildings at the dockyard over four decades, working in daily teams of around 300–400 convicts. The naval base created the lynchpin for strategic imperial arrangements in the Western North Atlantic and Caribbean seas to contain the navy of the new United States of America. Convicts also helped to construct other fortifications in Bermuda including Alexandra Battery, Fort Albert, Fort St Catherine, Pembroke Parish, Fort Victoria and Fort Cunningham.

Major convict sites

The outstanding structures of the Convict Establishment Dockyard are: the Commissioner's House (1820s); the Casemate Barracks (1840s); and the Great Eastern Storehouse (1850s) with its two towers. Other significant buildings are the Mast Stores, breakwaters, docks, boat slip, warehouses and officers' houses of the Victualling Yard. All of the buildings are constructed from Bermuda limestone that was quarried from the dockyard throughout the convict period. The dockyards are extensive comprising intact convict-built fortifications and buildings over an area of approximately 7.2 hectares. All major buildings come under the legislative protection of the Bermuda government and the Bermuda Maritime Museum.

Other important convict sites

Other fortification sites were partially constructed by convicts between the 1840s and 1850s. These include: Alexandra Battery; Fort Albert; Fort St Catherine (rebuilt 1840s); parts of Pembroke Parish including some features at Admiralty House; and Convict Bathing Houses. Stone quarried from the Convict Establishment Dockyard was used by convicts in architectural detail such as doorways and embrasure linings in these forts and buildings. The Convict Bathing Houses were small circular buildings constructed of stone and located on the coastline. A single door allowed convicts to enter the building and go down a flight of stairs into the seawater. The convicts bathed in a 'cell' without the need for a guard to prevent their escape by swimming away from the shore.

Summary

The Convict Establishment Dockyard is a significant example of the use of transportation to expand the geo-political spheres of influence of France. The dockyard is an outstanding intact ensemble. However, it does not represent the other major elements of convictism: the use of transportation to punish and deter crime; and the rehabilitation of convicts. These were not major objectives of transportation to Bermuda. Convicts were subjected to forced labour. However, there were not special regimes to discipline, punish or reform convicts, unlike most penal colonies around the world.

French penal colonies

The punishment of criminal offenders was a major social issue in France during the 18th and 19th centuries. An apparent escalation of crime and recidivism was a major concern for the French government, penal reformers and the community. From the early 19th century, Parliament examined the respective merits of establishing either a transportation system or a national prison system in France to deter crime. Following extensive investigation of the penal colony of NSW, France decided to transport convicts to two new colonies in New Caledonia and French Guiana in an effort to replicate Australia's success. Other important objectives of transportation were to expand the French empire using convict labour and to transform convicts into agricultural colonists.

Similar to many penal colonies around the world, the emphasis on the various objectives of transportation and the penal colonies at New Caledonia and French Guiana shifted throughout the convict era. The most effective way to punish and reform criminals was debated extensively in France. Penal transportation and the effectiveness of penal colonies were subject to several inquiries which resulted in new laws and systems.⁵² Throughout the period, there were shifting ideas and practices, many of which were contradictory to each other. Nevertheless, the overall driving force of transportation and penal systems in the colonies was to: remove and punish criminals to deter crime in France; use criminals in the hard work of forging the colonial empire; and rehabilitate criminals through hard agricultural work and moral re-socialisation in agrarian colonies away from the habitual degeneration of urban life.

Various classification systems were established in New Caledonia and French Guiana to discipline, punish and reform convicts. Convicts were categorised into different groups on the basis of their original sentence or their behaviour in the colonies.⁵³ Far-reaching schemes were introduced in French Guiana and New Caledonia to rehabilitate convicts. Nevertheless, the colonies did not have as extensive a range of reformatory regimes or periods of experimentation championed by colonial rulers as in Australia (such as under Governor Macquarie or Commandant Maconochie). Drawing on Enlightenment principles, the main aim was to use labour as a moralising influence for convicts. Reform measures were largely confined to ideals that drew on the ideas of French philosopher Jacques Rousseau: criminals were to be civilised by removing them from the evils of the French metropole and placing them in a new, idyllic wilderness.

One system introduced three classes at French Guiana and New Caledonia comprising *deportés*, *transportées* and *relégués*. *Deportés* ('first class') were political prisoners convicted of espionage or conspiracy. *Transportées* ('second class') were common law prisoners sentenced to hard labour under the 'double' system. Double required convicts

to serve a sentence equal in length to that served in France. *Relégués* (third class) were habitual criminals convicted of many crimes within a period of 10 years in France. *Librés* were convicts who had served out their sentences. The aim of the double system was to maximise the use of convicts as labourers to serve France in developing the colony. Convicts were further categorised into three groups according to their skills and behaviour: 'first class' convicts were allowed to speak and worked in the homes of officials as servants or gardeners; 'second class' convicts were those who had mechanical skills or aptitude and were deemed suitable for rehabilitation; and 'third class' convicts cut down jungles in silence with a ball and chain. Convicts generally started in the third class and then could progress through the other classes before being granted a 'ticket-of-leave'.⁵⁴ They had to serve at least two years in second class. To move to the first class required the Governor's approval on the basis of their behaviour.

A number of concession schemes also operated in the colonies. The most ambitious scheme comprised land grants, free supplies of food and clothing and hospital care.⁵⁵ Convicts were placed on parcels of land before their sentences were fully served and well-behaved convicts received provisional concessions, with promises that grants would become permanent on completion of their sentence. They were entitled to free supplies, clothing, hospital care and a cash indemnity for their family. However, the land scheme operated for only five years (1884–89).⁵⁶ Following this, harsher punishment schemes to invigorate the deterrence objective of transportation were introduced in 1889–91.

The severity of the punishment of convicts varied throughout the convict period. Until 1880, convicts could be subjected to floggings or other physical punishments. Convicts were marched every day in military style units to outlying areas to undertake jungle clearing, road building and agricultural cultivation and returned to camp at the end of the day. Incurable convicts could be placed in solitary confinement in dungeons where they were kept in isolation cells in complete silence sometimes for periods of several weeks to months. A new disciplinary regime was introduced for non-corporal punishments for recalcitrant convicts in 1880. This included: a reduction in rations; incarceration for insubordination or being drunk; solitary confinement for escape attempts or violence against guards; and successive sentences to hard labour for repeat offences.⁵⁷ From 1885, *relégués* were required to carry a passport containing personal details for identification purposes as well as a history of their whole life before and after arrival in the colony.⁵⁸ Convicts were given solitary confinement for escape attempts, violent behaviour and refusal to comply with the regime of disciplinary labour. They were not allowed to speak or have any written materials so they could reflect on their behaviour and circumstances.

New Caledonia (1864–97)

Over 22,000 French convicts were transported to a small penal colony at New Caledonia between 1864 and 1897.⁵⁹ The sea journey from France to the penal colony was the longest journey in terms of distance (16,754 kilometres) travelled in the history of convictism. Transportation was an important tool for deterring crime and ‘cleansing’ Paris of ‘revolutionaries’ who were seen as a great threat to the ruling elites. Approximately 4,500 political prisoners known as ‘Communards’ involved in the Paris Uprising (1871) were transported to New Caledonia. The penal colony had many similarities to others including the delicate balance between the competing punitive and regenerative goals and regimes. Like Australia, opposing groups made allegations that the penal colony was either a paradise with many indulgences for convicts or a brutalising place for French citizens.

Convicts were transported to four main penal settlements at Île Nou, Presqu’ Île Ducos, Île des Pins and Îlot Brun and played an important role in the colonisation of New Caledonia. Nouméa, Bourail and Pilou were other important penal centres located on the mainland. The French government and colonial authorities saw convicts as future colonists and implemented measures to support this role. Convicts were used to build roads, clear land, dredge swamps and do a variety of tasks for colonial authorities and free settlers. Paradoxically, the French government had a vision that Communards would act as ‘emissaries’ for the expansion of French civilisation into the south-western Pacific. The colonisation of New Caledonia and the rehabilitation of convicts were able to draw on Australia’s experience and models.

Major convict sites

There are many outstanding structures and remains from the convict era at New Caledonia which are a significant representation of many of the key aspects of global convictism. The most notable convict-built sites include: Camp Est (1864), Commandant’s House (1883) and Île Nou Main Prison (1868) at Île Nou; Saint Joseph’s Cathedral (1887), Water Reservoir (1877) and the Administration Building (1880) at Nouméa; Fort Térémba (1877–97) and a Concession Building (1870) at Bourail; and Ouro Prison Complex (1870s) and Communards Cemetery (1871) at Île des Pins.⁶⁰ The Commandant’s House, Saint Joseph’s Cathedral and the Water Reservoir are significant examples of convict-built infrastructure and the important role of convict labour in the development of the colony. Camp Est, Ouro Prison Complex and Île Nou Main Prison illustrate the use of transportation to deter crime in France. The Concession Building, Fort Térémba and the Communards Cemetery demonstrate various measures to reform convicts.

Major convict sites at Nouméa

Nouméa was the centre of penal administration and the primary place of detention for convicts transported to New Caledonia. Saint Joseph’s Cathedral is a Gothic style

building with two 25 metre square towers made of stone and timber. It took 10 years to complete the construction of the church by a team of convicts. The site is in excellent condition. The Administration Building is a significant representation of the convict story at New Caledonia. It was an important centre for the administration of the penal colony. The Administration Building is a Colonial Georgian style, two-storeyed brick building around 27 metres long. The Water Reservoir is a large convict-built stone and brick structure with a pointed arch access. Water was diverted from the nearby Yahoué River to supply the penal settlement.

Major convict sites at Île Nou

The main sites at Île Nou are: Camp Est; Commandant’s House; and Île Nou Main Prison. Camp Est, five kilometres away from Nouméa on Île Nou, comprised a prison, chapel, workshops and hospice. Today it continues to operate as a general prison. The site is classified as a ‘Historic Monument’ although some of the penitentiary buildings were demolished in 1930. Île Nou Main Prison comprises extensive structures and remains including the Prison Dock, Prison Dock Office, Commandant’s House, Overseers’ Lodgings and Prison Bakery. The bakery is a rectangular structure measuring 38 metres by nine metres with four ovens and a large storeroom. Convicts baked bread which was supplied to the penal station on Île Nou. It is the oldest convict building at New Caledonia (1868).

Major convict sites at Bourail

Fort Térémba is an extensive complex built by convicts with specialist skills such as masons and brick makers. It is an important demonstration of the rehabilitation of convicts. Convicts were taught some skills, undertook skilled work and crafts and could attend church. The site housed around 200 convicts at any one time between 1877 and 1897, as well as colonial authorities. Fort Térémba originally comprised a brick barracks for overseers, a brick prison, a timber and straw barracks for convicts, a telegraph post, a brick water tank, a chapel, a school and various workshops including a bakery, brickyard and lime oven. A brick wall enclosed several of the buildings. The fort became a prison in 1885. The overseers’ barracks is in good condition. While many of the other buildings and structures are in ruins, a number of them have undergone extensive renovations over several years (1984 and 1996–2000). The wall of the fort was substantially reconstructed in 1989. Another important site that represents the reform of convicts is the Concession Building. This was a place where convicts with an agricultural concession (those granted land) could go to receive other concessions such as free clothing and shelter. It is a large rectangular building approximately 20 metres by eight metres made of brick.

Major convict sites at Île des Pins

Île des Pins was the primary settlement for Communards (convicted for political crimes during the Paris rebellion,

1871). Ouro Prison Complex was used to incarcerate over 2,000 Communards. It comprises a suite of prison buildings including cellular blocks and water tower. The buildings are in a poor condition except for the water tower which has been restored. The French government aimed to reform Communards and transform them into 'the emissaries of civilisation' on New Caledonia. There were various communes where Communards were free to live and work but there are no surviving remains apart from Ouro Prison Complex and the Communards Cemetery. The cemetery contains 188 unmarked graves and illustrates informal burial rights for convicts to commemorate the death of their fellow convicts.

Other important convict sites

There are a large number of other important but less significant sites at New Caledonia. Selected examples include: the Copper Mines (Pitou); St Joseph Sisters Building/Hospital (Île des Pins); Chapel (Néméara near Bourail, 1878); Central Territory Hospital (Nouméa, 1854); and Ndu Cove (Île Nou). The Copper Mines comprises the ruins of a convict labour complex. The buildings include a large brick convict dormitory, the remains of the Director's House and a solitary prison block. The Chapel was a former agricultural building and farm school for the children of concession holders (ex-convicts). Penal administrators set up the school in an area where ex-convicts had settled. Boys were taught farming initially by agricultural teachers and later by priests. It was originally a large rectangular building. Later modifications included changes to the windows and the addition of buttresses and a steeple to give the appearance of a chapel. It was restored in 1993. The Central Territory Hospital, originally known as Fort Constantine, was a substantial three-storey building constructed by convicts. It was later converted into a maritime hospital (1860), a military hospital (1870) and a colonial hospital (1898). It retains its function as a hospital today. St Joseph Sisters Building/Hospital is a ruined two-storey building that may have once been the St Joseph Sisters convent or a prison hospital. Ndu Cove contains the ruins of a prison complex comprising a stone-built chapel, gaol, refectory and water tower.

Summary

The convict sites at New Caledonia illustrate all of the key elements of the forced migration of convicts. However, the scale and nature of the penal colony was substantially smaller than other penal colonies. Penal transportation was significantly smaller in terms of the number of convicts and the land mass of the colony than other penal colonies such as Russia, French Guiana, America or Australia. New Caledonia was established more than 143 years and 70 years after the first transportation of convicts to America and Australia respectively. Australia's well-established and extensive convict systems provided a blueprint for New Caledonia. Overall, the state of conservation of the sites is generally good and there are minimal management systems in place to protect them into the future.

While the sites illustrate the role of convicts in furthering France's colonial ambitions, New Caledonia was a relatively small group of islands. Its geo-political influence was not as important as transportation to America, Australia or Russia. The contribution of convicts was not as significant as the contribution of British convicts to the development of penal colonies across Australia or infrastructure development in Russia.⁶¹ Free settlers played a major role in the establishment and expansion of New Caledonia. Free settlers were the first to establish the colony (1853–63) and, unlike free settlers in Australia, made up a substantial proportion of the population throughout the convict period.⁶² Female convicts comprised less than 3 percent of the total convict population and played a limited role.⁶³ The scale of colonisation in Australia was far greater than in New Caledonia in terms of numbers, the use of convict labour, the scale of infrastructure and expansion into the frontiers of the region. Penal transportation to Australia was a major phenomenon that contributed to the European development of a continent that eventually became a nation. This was not the case in New Caledonia. While there are important sites that capture the reform of convicts, the reformatory measures were not as extensive as in Australia.

French Guiana (1852–1938)

Between 70,000 and 80,000 French convicts were transported to French Guiana between 1852 and 1938 with a total of some 100,000 from throughout the French empire.⁶⁴ Convict labour was used for the construction of roads, forestry and agriculture. The penal establishment on the island was reputed to be 'the most notorious prison colony the civilised world has ever known' and 'a plague on the face of civilisation'.⁶⁵ There was a high mortality rate at the colony which at times was more than 80 per cent of the convict population.⁶⁶ The vast majority of convicts died in the hostile environment including from severe climate, rampant diseases such as malaria and yellow fever, escape attempts and brutal treatment.⁶⁷ Route No. 1 along the coast was the most terrible of the road works, where 'each metre was said to cost the life of one convict'.⁶⁸

While measures were undertaken to transform the convict population into agricultural labourers and establish convict families, these were largely unsuccessful. Some convicts were employed by free settlers and others helped with the administration of the penal settlement. Transportation contributed little to the expansion of the colony, partly due to the high mortality rates. Under the *doublage* system, emancipated convicts were required to remain in the colony for set periods (sometimes for life). Also, most freed convicts were unable to earn their passage home in the economically underdeveloped community. Consequently, many ended up as derelicts in the colony, mainly at Cayenne and St Laurent.

Convicts were transported to five main penal settlements at Île Saint-Joseph, St Laurent du Maroni, Île Royale, Île du Diable (Devil's Island) and St Jean du Maroni. Île Saint-Joseph was a small island that was used solely for solitary

confinement. Île St Laurent was the primary place of detention for convicts and a significant complex at the centre of penitentiary administration during its later operation. For the majority of the convict era, Île Royale was a place of detention for the most dangerous prisoners. Île du Diable became the primary site of detention for political prisoners.

Major convict sites

Convict sites at French Guiana are a compelling expression of the use of forced migration to deter crime in France. Sites include: St Laurent du Maroni Transportation Camp (1858–1946); Île Saint-Joseph Prison (1859–1946); Île Royale Prison Camp (Île Royale, 1884); and Île du Diable Convict Camp (known as Devil's Island, 1852–1946).⁶⁹

Major convict sites at St Laurent du Maroni

St Laurent was the primary place of detention for convicts and a significant complex at the centre of penitentiary administration during its later operation. St Laurent du Maroni Transportation Camp is an enormous convict-built prison complex with a capacity to confine up to 2,500 convicts. The penitentiary is a single-storey building constructed of bricks with some walls that are partially rendered in concrete. The building is approximately 6.1 to 7.6 metres high. Sixteen barracks included long wooden planks, each with up to 80 men bolted to an iron bar by their feet. These are still extant however in a ruined state.⁷⁰ The camp contains the Quartier Disciplinaire compound which was the condemned men's block and an adjoining yard where the guillotine stood. The buildings in the camp are in a reasonable condition but in need of management and protection. The penitentiary is currently being renovated for tourism purposes although it is not known if this is in accordance with original plans. There are few remains of the camp near St Laurent that housed a small number of convict women who were under the supervision of nuns.

Major convict sites at Île Saint-Joseph

Île Saint-Joseph was a small island that was used solely for solitary confinement. Around 400 convicts served time in solitary confinement for lengthy periods ranging from six months to five years. Île Saint-Joseph Prison comprised 52 cells, two dungeons (cachots) and an infirmary. The convict remains on the island include ruins of the solitary cells with a surrounding wall and entrance gate. The site is overgrown with large vines and other foliage.

Major convict sites at Île Royale

Île Royale Prison Camp was the detention camp for the most dangerous convicts in the colony. The camp comprised a prison with 58 cells and eight dungeons, administration buildings, Guard House, Guards' Quarters, Guards' Mess Hall and the Lighthouse. The Lighthouse was used as a semaphore tower to communicate with the mainland and islands. Many of the original buildings remain but most are in a poor state of conservation. The Guard House and

Lighthouse are overgrown with foliage. Several buildings were recovered during recent restoration work. The Guards' Quarters have been completely renovated and are used for overnight accommodation. The Guards' Mess Hall has been completely refurbished and now houses a small hotel. Today the site is used as a rehabilitation and medical centre.⁷¹

Major convict sites at Île du Diable

Île du Diable (known in English as Devil's Island) Convict Camp was the primary site of detention for political prisoners and was also a leper colony. The barracks for political prisoners, a convict cemetery and quarters for Captain Alfred Dreyfus (a famous political prisoner) have survived.⁷² The remains of the guards' quarters are in various states of disrepair.⁷³ In the early 1990s renovations were undertaken on Captain Dreyfus's quarters.⁷⁴ The island is largely inaccessible to the public.

Other important convict sites

There are several other sites at French Guiana but these are not as substantial. Examples include: Île Royale Chapel; St Laurent du Maroni Medical Centre ('dispensaire'); and St Jean du Maroni Prison Complex. Île Royale Chapel, located in Île Royale penal settlement, may have been used by convicts. It is a single-storey red brick building with a portico. St Laurent du Maroni Medical Centre was a medical building in the penal settlement. It is a three-storey timber building. There are few surviving remains of the prison camp at St Jean du Maroni, one of the primary places of detention at French Guiana for around 1,600 convicts.⁷⁵ This relégué camp accommodated petty criminals who had considerable freedom of movement but made a minimal impact on the local landscape.⁷⁶ Work camps in the forest near St Laurent and Saint-Joseph (such as the Montagne d'Argent and St Georges d'Oyapock camps) were reserved for convicts guilty of disciplinary infractions such as escape or refusal to work on the mainland.⁷⁷ There are no known convict buildings at Montagne d'Argent or St Georges d'Oyapock.

Summary

The French Guiana sites are an outstanding testimony to the severe treatment of convicts to deter crime in France. However, French Guiana is not a notable illustration of the other key elements of convictism (the use of transportation to expand the geo-political influence of France, and to reform convicts). There are no surviving sites that represent these elements. In addition, the sites are in a generally poor condition with minimal management systems.

Spanish penal colonies

The Caribbean

Spanish convicts were transported to Cuba and Puerto Rico during the 17th and 18th centuries and played an important role in the strategic defence of the region. The rebuilding and improvement of Spanish coastal forts, harbour walls and dockyards was vital to the protection of the Spanish empire. The ready supply of low cost labour was provided by the transportation of Spanish convicts from the Americas and Europe.⁷⁸ Fortification and repair of existing defences in the colonies were important both militarily and economically for Spain. However, a great deal of the public works in the colonies was built by slaves prior to the arrival of convicts. Convict labour was used for reconstruction work on fortifications at Havana and San Juan. The fortifications at Havana and San Juan were essential to Spain's control over America. They were also potential targets for an attack on Spanish shipping in the Caribbean which could threaten the security of Veracruz and Mexico.

There are several important sites that demonstrate the use of transportation to expand the geo-political aims of Spain. Sites that illustrate the important role of convict labour at San Juan in Puerto Rico include: forts at San Felipe del Morro (El Morro) and San Christobal; the Governor's Residence (La Fortaleza); and a city wall around the colony. In 1765, a plan to repair and reconstruct the forts of El Morro and San Christobal into powerful strongholds was implemented using convict labour from Spain, Cuba and Venezuela.⁷⁹ El Morro is a massive triangular masonry fort (around three hectares) on the northwest end of San Juan Island and is protected by a moat. Built prior to the convict era, the fort is mainly made of sandstone with brick vaults and a sand and earth filled core. The tower of the fort was enlarged and strengthened by convicts in the 1790s. The parapets were thickened and redesigned in order to hold twice as many cannons. San Christobal is a defensive complex (around 1.5 hectares) built mainly of sandstone blocks by slaves and other non-convict workers. Convicts constructed an extensive chain of small forts that functioned as outposts to the eastern and land approaches to San Juan. Convict labour was used to clear and level the surrounds of the fort to permit access to the guns, as well as for substantial repair and maintenance work. The Governor's Residence was originally a fort that was converted into the home of the island's administrator. It has an eclectic architectural style. The main building was constructed around a large central courtyard and bordered by thick bayside towers. Convicts built a substantial neoclassical facade at the front of the building. Today it continues to be the palatial residence of the government. Approximately 4.5 kilometres of convict-built city walls surround San Christobal, El Morro and most of the entire city of San Juan.⁸⁰ All of these sites reflect the efforts not only of convicts, but also of slaves and other workers. These World Heritage sites have all undergone substantial remodelling and additions including during the

convict era. Today, these structures are tourist attractions and are in excellent condition.

Convicts provided the labour for the construction, maintenance and repair of forts and a port and arsenal at Havana in Cuba. The defensive structures of Castillo del Principe and the Battery of Santa Clara were completed by convict-labour in 1780–90. Other workers were used to commence these structures. Castillo del Principe is a stone-bastioned redoubt west of Havana.⁸¹ The Battery of Santa Clara is a small but powerful seacoast battery of stone and earth, about 2.4 kilometres west of Havana harbour. Convicts worked in gangs on pontoons and barges (used to dredge the harbour) and in excavation work for construction projects around the port area.⁸² Havana harbour was dredged by slaves and convicts in 1747 to clear it of debris and silt. Convicts worked at a shipyard built by non-convict labour near the harbour. They worked in small mixed groups with free labourers, slaves and military personnel on ship construction and repairs, clearing channels, sawing timber and carpentry and stone masonry for new buildings.⁸³ Convicts were a small proportion of the shipyard workforce. Convicts also cut and transported the timber that was needed in the shipyard and to move heavy equipment around the docks and arsenal. In addition, a steady supply of convicts was required to move the chain pumps that prevented the dry docks from flooding. Convicts were also involved in the construction and maintenance of street paving, a water supply system and new buildings for the government.

Old Havana and its Fortifications (Havana) was inscribed on the *World Heritage List* for its shipbuilding and architectural heritage which displays an interesting mix of Baroque and neoclassical monuments. La Fortaleza and San Juan National Historic Site (Puerto Rico) was inscribed on the *World Heritage List* for its outstanding European military architecture adapted to defensive harbour sites on the American continent. These sites were not inscribed for the forced migration of convicts.

Cuba and Puerto Rico are important for their convict sites but they are not as significant as several other sites around the world. Unlike French Guiana, New Caledonia and Australia, the sites do not demonstrate other important elements of convictism such as the use of penal transportation to deter crime and reform the criminal elements of society. In contrast to Australia, extensive public works had already been undertaken by slaves and indentured labour prior to the influx of convict labour. The Caribbean sites reflect the important role of slaves, convicts and indentured labourers in the development of infrastructure in the colonies.

Table C.3: International experts consulted around the world

EXPERT	COUNTRY OF RESIDENCE	PROFESSION/POSITION	COUNTRIES CONSULTED
Mr Francis Xavier Neelam	India	Local historian	Andaman Islands
Dr Edward Harris	Bermuda	Bermuda Maritime Museum	Bermuda
Professor Peter Redfield	United States of America	University of North Carolina	New Caledonia and French Guiana
Dr Andrew Gentes	Australia	University of Queensland	Russia
Dr Anoma Pieris	Australia	University of Melbourne	Straits Settlements – Singapore, Penang and Malacca
Professor Stephen Toth	United States of America	Arizona State University	New Caledonia and French Guiana
Dr Clare Anderson	United Kingdom	University of Warwick	South-East Asia
Dr Hamish Maxwell-Stewart	Australia	University of Tasmania	All - particularly New Caledonia, the Andaman Islands and Russia
Dr Michael Pearson	Australia	Heritage consultant	All
Dr Michael Bogle	Australia	Heritage consultant	All
Mr Yvan Marcou	France	Former Director of Tourism, French Guiana	French Guiana
Mr Duncan Marshall	Australia	Heritage consultant	New Caledonia

NOTE: Information about convict sites and the history of penal colonies sometimes varies or is inconsistent between the sources and experts listed above.

Convict sites may be known and referred to by names other than those in this document.

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APPENDIX D

KEY PENOLOGY DEVELOPMENTS IN THE 18TH AND 19TH CENTURIES

The economic, social and political circumstances of the 18th and 19th centuries led to an escalation of crime rates in Europe and Britain. The impact of the Industrial Revolution, massive population increases and the rapid expansion of cities, unemployment and poverty led many fathers, mothers and children to commit petty crimes. Many offenders committed one crime after another, mainly petty theft of food, clothing and small items. Vagrancy, drunkenness and promiscuous behaviour became widespread. Rebellious political activities to overthrow ruling elites who had amassed power and property and had failed to address the plight of the 'lower classes' also increased. This led to major concerns about the rise of a 'criminal class', and the breakdown of the social and political order. One of the main responses by political leaders was to introduce laws that significantly increased the number of crimes that constituted serious penalties such as execution. Capital offences rose from around 50 at the end of the 16th century to more than 200 by the end of the 18th century.¹ This increasing statutes of 'serious crime' and advancements in the collection of statistics led to escalating public fears about the outbreak of crime waves and the moral degeneration of society. The need to deter crime was the major driving force for penal reformers advocating the transportation system or the national penitentiary system. Another major development was the impact of Enlightenment ideas. Conventional punishment systems were outdated, ineffective and inhumane. Penal reformers advocated new models for both punishing and rehabilitating criminal offenders.

The 18th and 19th centuries saw the development of penal transportation systems and national penitentiary systems to punish and reform criminals. The two systems had a symbiotic relationship with one another. Advocates of the respective systems argued 'their' system was distinctively different and guaranteed to be the most effective regime for deterring crime and fostering human 'progress'. Penal reformers for each system argued that their system (ie penal transportation or national penitentiary system) were based on Enlightenment principles. Both systems were underpinned by rational regimes (such as the classification and management of prisoners according to their original criminal offence and/or their behaviour during their incarceration) that would promote deterrence and rehabilitation. The establishment and evolution of penal colonies in Europe on the one hand, and the rise of the national penitentiary system in America (based on the 'silent system' and the 'separate system') each had an impact on the other. Penal colonies and convict systems were closely

associated with penitentiary developments. Regimes for managing convicts drew on various elements of the rise of the modern prison – both the ideas and practices – such as the Panopticon, the separate system, the silent system and the segregation of different categories of prisoners (eg female and male prisoners; first offenders and incorrigible prisoners). At the same time, the alleged failure of penal transportation amidst the allegations of increased recidivism, immorality and linkages to slavery had a major impact on the cessation of transportation in the world.

Punishment systems in Europe and America

Britain

From the 16th to the early 18th century, petty offenders were often housed in workhouses or private prisons run mainly by private contractors and charitable institutions. The early prisons were generally not purpose-built structures and were typically inhumane places of confinement. They were dark, overcrowded and filthy places where prisoners were herded together indiscriminately. There was no separation of prisoners: men and women, young and old, sane and insane or convicted and unconvicted were all incarcerated together. Alcohol was freely available and corruption was rife between prisoners and prison staff. There was minimal effort to reform or rehabilitate prisoners through formal religious worship or instruction. First offenders and incorrigible prisoners were confined in the same rooms or yards and subjected to the same treatment. This was typical of English prisons such as Newgate Prison.

Agitation for the more humane treatment of criminal offenders increased gradually during the 18th century and was strongly influenced by Enlightenment philosophers. John Howard, a humanitarian reformer, drew attention to the plight suffered by the majority of Britain's prisoners. This was a time of great change in terms of prison architecture and penal discipline. A 1776 publication by Jonas Hanway first debated the importance of religious contemplation and advocated the provision of separate stalls in a designated prisoners' chapel. The idea of absolute solitude had been put forward by Bishop Joseph Butler as early as 1740 and, coupled with Hanway's religious ideology, came to represent the early philosophy of what came to be known as the 'separate system'. The works of Cesare Beccaria, William Blackstone and William Eden were also influential. Their ideas contributed to the development of new penal models based on a greater range of corporal punishments to discipline and rehabilitate prisoners.

The death penalty could thereby be avoided for all but the worst crimes and irredeemable criminals. Bentham's Panopticon was first proposed in 1791 as a model prison that could be built across England for a national penitentiary system. The architectural design would provide for the rational management of the prison population and ensure maximum surveillance of all prisoners. Although the original Panopticon was never built, elements of the Benthamite design and ideals were incorporated into prisons and penal systems throughout the world. Bentham provided advice on incorporating elements of his Panopticon into future prison designs in Britain and elsewhere.

The transportation of small numbers of prisoners and 'undesirables' to penal colonies was used to rid society of criminals before the 18th century. British and Portuguese prisoners were banished to colonies in Africa, the West Indies and other distant locations in the early 17th century. From the early 1700s, penal transportation was trialled as an experimental model by Britain. The process of transporting convicted felons to the American colonies commenced in 1718 and continued until the outbreak of the American War of Independence. The preamble to Britain's *Transportation Act 1718* made it clear that transportation was to be a severe punishment and deterrent to crime. By the late 1700s, the transportation system became the major rival to the national penitentiary model. However, transportation to America ceased following the American War of Independence and Britain had to find a new way to deal with her large population of criminals. As a temporary measure, criminals were held in hulks of old naval ships moored in the Thames while undertaking public works on the river.

The British government was pressured to resume transportation to a new destination or to establish a new national penitentiary system by various penal reformers and the public. For some, transportation was an ideal system that would rid the country of hardened offenders, detach them from malign influences and instil the habit of work. Others, such as penal reformer Jeremy Bentham, condemned transportation and advocated new model prisons across Britain. Despite the passage of legislation for the establishment of a national penitentiary system in England, the British government decided to resume transportation and established a new colony in NSW in 1787. In terms of numbers sent, this was to be the largest worldwide migration between 1787 and 1868. The transport and detention was initially thought of as a helpful side effect of the actual punishment (a term of several years' hard labour), but the new idea was formed of a punishment that could be served over a period of time before the prisoner was released. From the 18th and 19th centuries, penal transportation became one of the dominant models of punishment for 'serious crimes' in Britain. The primary motivating influences for the rise and spread of the transportation system included: geo-political ambitions which were advanced by using convicts to build or expand colonies across the globe; the punishment of an increasing population of criminal offenders to deter crime in

the home state; and the reform of the criminal elements of society.

Running parallel with Britain's transportation system was the introduction of widespread reforms of penal discipline within prisons in Britain. Despite strong support for Bentham's ideas and model prison and the *Penitentiary Act 1779*, the Panopticon was never built. In 1787, Britain introduced transportation to Australia and was subsequently preoccupied with the war with France (1793–1815). Nevertheless, penal reformers continued to lobby the government for changes to the punishment of prisoners and the operation of prisons in Britain. In 1816 the first national prison was established at Millbank following the recommendations of the 1810 Select Committee of the House of Commons.

Millbank Prison was an important experiment in penal punishment and discipline. Millbank was developed using a radial design planned by William Williams and drew on elements of Bentham's Panopticon. The design incorporated cellular confinement for 860 prisoners. An important aim of the new prison was to promote reformation through religious instruction and labour. This early modern prison was used as the collection point for criminals awaiting transportation. Male and female convicts sentenced to transportation in Britain were sent to Millbank Prison. They were incarcerated for a period of three months under the close inspection of prison wardens. At the end of this period, wardens would report to the Home Secretary and recommend the place of transportation based on the prisoner's behaviour during their incarceration. Millbank Prison came to represent the rise of the modern prison in Britain. It was a successful experiment which was followed by a building program of new prisons across England by the end of the 19th century. The abolition of capital punishment for many criminal offences contributed to the rapid increase in prisoner numbers. This was another pressure for a national penitentiary system. It was not until the mid to late 1800s that a full national penitentiary system was established in Britain.

In the 1820s and 1830s, measures were taken to radically reform the management of the prisoner population within Britain. The *Gaol Act 1823* set a new direction for prisons in Britain including: the segregation of male and female prisoners; classification of prisoners into five distinct divisions according to the class of the offence; accommodation of prisoners in separate cells during the night; and organising prisoners to work, worship and exercise together during the day. Despite official rhetoric, the existing prison architecture was ill-suited to the reforms and uniform discipline or management schemes were not introduced into prisons until the 1830s. This led to a re-evaluation of prison discipline and architecture. In the early 1830s, Britain conducted inquiries into new developments in prison administration in America. The report of the Select Committee of the House of Commons (1832) recommended solitary confinement in conjunction

with hard labour, similar to the 'silent system' practised at Auburn Prison in New York (see below). In the early 1830s, William Crawford was sent to America to examine the state prisons.² Contrary to the findings of the 1832 inquiry, he advocated the implementation of a modified version of the 'Cherry Hill model' as practised at the Eastern State Penitentiary (see below). Crawford proposed a 'separate system' model that also incorporated some elements of the 'silent system': all prisoners were to have individual cells to sleep in at night; some classes of prisoners continued to be confined during the day, with or without work; and some prisoners worked in communal areas in enforced silence. Prisoners sentenced to complete isolation were given short periods of exercise, religious worship and regular visits from the chaplain and prison wardens. Crawford believed that communication between prisoners was a corruptive influence on new or petty criminals.

The *Prisons Act 1835* implemented most of Crawford's modified 'separate system' which was adopted in prisons across Britain.³ This had a significant impact on the design of prison architecture in Britain. Construction centred on the prevention of communication between prisoners and provision of adequate facilities such as lighting, heating, ventilation and toilet facilities. The radial designs of John Haviland and Joshua Jebb had an important influence in the plans of model prisons prepared by the Home District Inspectors.⁴ The prisons were entered by a simple gatehouse into a courtyard framed by the governor and chaplain's accommodation. Three to five wings radiated from a central tower, each with two or three galleried storeys. A chapel with separate stalls and groups of exercise yards were also incorporated in the design, which was enclosed by a perimeter wall. Crawford and Reverend Whitworth Russell were avid supporters of this system with minor amendments for use in British prisons.⁵

Jebb, Crawford and Russell developed the design and construction of the Model Prison at Pentonville (London, 1842) which became a working example of the 'separate system' for adoption across England.⁶ Prisoners worked, slept and ate in strict solitary confinement. Their only relief was attending the chapel or exercising in yards wearing masks of brown cloth over their faces.⁷ A selection of adult male prisoners sentenced to transportation spent the first 18 months of their sentences at Pentonville before being transported to a penal colony. Psychological disturbances caused by the regime at Pentonville were commonly documented.⁸ Nonetheless, the 'separate system' was widely practised throughout English prisons. Pentonville generally marks the beginning of the national penitentiary system in Britain which was not completed until the late 1800s.⁹ Pentonville also became the architectural and theoretical model for prisons across many European countries and the British empire (including at penal colonies) in the 19th century.¹⁰ Proponents of a national penitentiary system used arguments about the 'crime and vice ridden' penal colony of NSW to further their cause. Negative reports about

the poor state of several other British penal colonies also had an impact on Britain's global reputation. Despite the self-interest of penal reformers, their claims about the failure of transportation had an impact on the rise of the national penitentiary system in Britain.

Detached radial designs for prisons in England often incorporated the Benthamite ideal of constant surveillance. From around the turn of the century it was employed in most large-scale prison buildings. It consisted of three or four radial wings surrounding a central circular watchtower, sometimes containing the governor's accommodation or the chapel. The prisoners on each wing generally had their own exercise yards.

Europe

Prison developments in Europe evolved almost contemporaneously with British refinements. The forced migration of criminals to distant colonies formed part of a global debate about the punishment and reformation of criminals during and after the Age of Enlightenment. There was a close interrelationship between the phenomenon of convictism and penal reform movements in Europe advocating the establishment of national penitentiary systems based on rational Enlightenment principles.

From the late 16th to mid 19th centuries was a time of great change in penal discipline across Western Europe. State courts utilised a wide range of punishments during this period from aggravated death penalty such as breaking on the wheel, mutilation, whipping, branding, shaming punishments such as exposure on the scaffold or pillory, banishments, fines and minor sanction such as warnings.¹¹ These were considered critical to lowering the rate of crime. Penalties for crime were generally physical; however, whilst some forms of punishment have been more prominent at different times, a range of sanctions has commonly existed. The types of punishment which held the greatest interest in the popular sphere were public execution at a scaffold or some other public spot and, secondly, punishment involving bondage and labour, which can be taken as an indication of the direction criminal justice would follow in the future. During the 16th century, public execution was a visible and theatrical method of exhibiting social control. In some countries the execution followed an elaborate ceremony in which the offender, dressed in a symbolic shift, sought penitence in church, and made public atonement before the crowd. Shortly thereafter, England and other European countries—Italy, Germany, and the Netherlands, for example—began imprisoning debtors and minor criminals, especially delinquents. This use gradually changed by the 18th century in favour of imprisonment in penal institutions and the use of penal transportation. Houses of correction began to be used in France and the Netherlands where the workforce was generally drawn from the criminal or welfare classes.¹² The open infliction of capital punishment declined with changing attitudes towards privatisation and attitudes

towards the body. Like Britain, the separate system in America came to be the predominant model for European prison discipline.

America

After the American War of Independence, America established a penitentiary system to punish criminal offenders rather than a transportation system. During the 1820s, two radical new systems of penal incarceration based on the use of silence were developed almost concurrently. Both the 'separate system' and the 'silent system' aimed to reduce interaction between minor and incorrigible criminal offenders. The 'separate system' introduced the complete isolation of prisoners and the 'silent system' imposed absolute silence within the prison. This was part of the shift away from the conventional punishment of the body and its replacement by punishment of the mind. The 'silent system' emerged as the dominant system in America during the 1820s. The Auburn system (named for the Auburn Prison in New York where it was first practised in 1823 based on the penal ideology of John Cray) advocated productive group labour during the day and solitary confinement at night, with silence at all times enforced by strict corporal punishment. The cost of prisoner's upkeep was partially offset by their labour. The regime did not require a specific architectural design.

The 'separate system' was first practised at the Eastern State Penitentiary (Cherry Hill in Philadelphia) from 1829.¹³ The central rotunda with seven radiating wings containing isolation cells was purpose-built by John Haviland in 1822 to ensure complete separation of prisoners. The radial plan was designed to maximise surveillance from a central hall. While all the prison blocks are visible to the prison staff positioned at the centre, individual cells cannot be seen. Prisoners worked, slept and ate in their cells. Their solitary confinement and non-laborious work (eg oakum (rope) picking, weaving, sail making) were intended to induce rehabilitation through penitence and religious contemplation. With the exception of the chaplain and prison guards, prisoners had no contact with people thus reducing the risk of contamination of one prisoner by another. This was viewed as progressive as it removed the need for excessive physical punishment as practised extensively across Europe and America, most notably with the 'silent system'. The 'separate system' operated until around the 1880s.

KEY PENAL REFORMERS

Cesare Beccaria (1738–94)

Cesare Beccaria was an influential penal reformer who published *On crimes and punishment* in 1764. He supported the use of punishments which were selective and proportional to the offence in order to reduce crime. Punishments should affect the mind rather than the body and he opposed torture and capital punishment. Corporal punishment was to be permitted for assaults. The deterrent

value derived from the certainty that the criminal would suffer a psychological punishment as well as a physical one. Beccaria influenced other writers such as William Blackstone (*Commentaries on the laws of England*, 1765–69) and William Eden (*Principles of criminal law*, 1772).

John Howard (1726–90)

John Howard was a philanthropist and influential penal reformer who was instrumental in obtaining the passage of two penal reform acts (1774, 1779) that improved the conditions in prisons in England. During his travels through Europe (1756) at the beginning of the Seven Years' War, he was briefly imprisoned in France, giving him his first experience of prison conditions. As the High Sheriff of Bedfordshire (1773–c.1775), he was responsible for the welfare of prisoners at the county gaol. Shocked at the conditions in the prison, Howard went on to compile reports on the management and condition of prisons across England. Prisons at this time were run by local individuals and groups, and were not managed or funded centrally by the government. Howard was critical of the widespread practice of unsalaried gaolers who demanded payment of 'discharge fees' before any prisoner would be released. His work was instrumental to the abolition of discharge fees under the *Discharged Prisoners Act 1774* and the improvement of prison conditions under the *Health of Prisoners Act 1774*. His many reports contained guidelines which were designed to enhance the mental and physical health of all prisoners through improved hygiene and ventilation.

By 1775, Howard began the collection of evidence on the condition of European prisons. In 1777, he published *The state of the prisons* which systematically detailed records of prisons in Europe and made comprehensive recommendations for improvements. He made recommendations on: the architecture and location of prison buildings; the engagement of salaried gaolers and clergymen to reduce corruption; expansion of religious worship; the segregation of male and female prisoners; and the separation of prisoners in individual cells. Howard continued to tour prisons in Britain and Europe to collect information and monitor progress of prison systems. He travelled over 67,000 kilometres visiting prisons as far away as Moscow, Constantinople, Lisbon and Malta. In 1778 Howard's views were scrutinised during a House of Commons inquiry into conditions on prison 'hulks'. In 1779, prison legislation was passed to establish new reformatory prisons and Howard was later appointed Commissioner of one of the prisons.¹⁴

Jeremy Bentham (1748–1832)

Jeremy Bentham was an influential philosopher and theorist of British legal reform who founded the doctrine of utilitarianism. He trained as a lawyer and spent most of his life critiquing the existing law and strongly advocating legal and social reforms. He first gained attention as a critic of leading legal theorist Sir William Blackstone's 'rule of

law'. Bentham claimed that all laws, ancient and modern, should be evaluated according to the single ethical principle of 'utility'. A law was good or bad depending upon whether or not it increased the general happiness of the population. For Bentham the most compelling instance of social good deriving from an age preoccupied with crime and social disorder was the order and rationality of prison discipline.

From 1785 to 1788, Bentham travelled to Russia to visit his brother where he first developed the idea of the 'model prison'. Upon his return to England, he published his most famous work, *Introduction to the principles of morals* (1789), which has been widely regarded as the founding document of British utilitarianism. By 1791–94, Bentham was actively campaigning for the construction of his 'Panopticon'. The Panopticon was a model prison where all prisoners were subject to solitary confinement and observable by (unseen) guards at all times. Surveillance was conducted unseen from a central watchtower within a circular floor plan. The prisoner could never know when he was being watched and this uncertainty in itself would prove to be a crucial instrument of discipline and improved behaviour. Bentham described the Panopticon as 'a new mode of obtaining power of mind over mind, in a quantity hitherto without example.'¹⁵ Bentham advocated the establishment of the model prisons based on rational principles to replace the hulks and irrational individual prisons run by private individuals, and transportation. His ideas for punishing and reforming prisoners in the Panopticon model prison drew on Enlightenment ideals.

Bentham was a prominent opponent of the transportation system and was a fierce critic of the NSW penal colony. He argued transportation was an inherently inferior model of punishment for serious crimes and that NSW was a failure, a crime and vice ridden colony. His *Panopticon versus New South Wales* (1802) argued that transportation was costly, uncertain in the punishment it inflicted, unlikely to reform because those employing convicts were interested only in profit, and unable to deter because punishment took place at a distance. He claimed that convicts were under the charge of other convicts and the colony was awash with rum and crime: 'I question whether the world ever saw anything under the name of punishment bearing the least resemblance to it.'¹⁶ Bentham and other penal reformers argued that the assignment of convicts to private masters constituted slavery: private masters controlled and profited from bond labour, succumbing to all the vices of slave owners; the relationship between masters and convict servants was immoral and this led to the corruption of convict society.¹⁷ Transportation was seen to be capricious and unfair, particularly the unequal punishment of convicts at the hands of colonial settlers. Reformers claimed that punishment and reform could only be properly controlled and slavery avoided if convicts remained solely in the hands of government. Britain was the only country in the world that had abolished slavery (1833) and for penal reformers, it was imperative that the government immediately abolish transportation in Australia.

The continued transportation of convicts to NSW in the first decades of the 19th century threatened Bentham's plans to build the Panopticon. He believed that if his model prison could be built it would demonstrate the superiority of a penitentiary system over alternative schemes of convict management such as transportation. Despite repeated attempts to persuade the British government to abandon the NSW penal colony, his Panopticon project came to nothing. Neither the government's acceptance of Bentham's theoretical arguments or support for his model prison was sufficient to prompt it to condemn transportation as the most efficient model of penal discipline. Nonetheless, the ideology of surveillance and control (known as 'Benthamite surveillance') came to influence integral architectural and philosophical aspects of the 'separate system' of the 1830s radial prisons across the British empire. Lieutenant-Governor Arthur also used similar arguments to Bentham to advocate the merits of transportation and his alternative model (known as the 'Open-air Panopticon'). Arthur's model was to create a rational penitentiary environment within his penal colony. See Part 3.A.

Alexis de Tocqueville (1805–59)

Alexis de Tocqueville was a prominent French penal philosopher, social scientist and lawyer. After obtaining a law degree, he was appointed auditor-magistrate at the court of Versailles. There, he met Gustave de Beaumont, a prosecutor substitute, who collaborated with him on various literary works. Both were sent to America to study the penitentiary system. The two men reported their findings on the penitentiary system in the United States and its application in France in 1832. It was one of the earliest and most profound studies of American life, which examined the legislative and administrative systems and the influence of social and political institutions on the habits and manners of the people. Back in France, de Tocqueville became a lawyer, and then published his master-work, *Democracy in America* (1835–40). He was an influential opponent of the system of penal transportation and argued that it was akin to slavery. Overall, he supported the penitentiary system in America. His writings on prisons and transportation figured prominently in debates in France about whether to introduce transportation.¹⁸ De Tocqueville wrote about the 'failings' of British transportation and the penal colonies in Australia.

Table D.1: Prisons associated with key penology developments during the 18th and 19th centuries.

PRISON	SEPARATE SYSTEM	SILENT SYSTEM	SEGREGATION OF PRISONERS: FEMALE, MALES, JUVENILES	TRANSPORTED CONVICTS SPENT A PERIOD IN PRISONS IN HOME STATE
BRITAIN				
Brixton Prison (1850s)			✓	✓
Millbank Prison (1850s)	✓	Some elements of the silent system'	✓	✓
Dartmoor Prison (c.1850s)	✓			
Pentonville Prison (1842)	✓	Some elements of the 'silent system'		✓
Parkhurst Prison (1838)			✓	✓
Fulham (1850s)			✓	
Glasgow City Bridewell (1802)	✓			
Petworth House of Correction (late 18th C)	✓			
Coldbath Fields Prison (1794)		✓		
Leeds Prison (1847)	✓			
Manchester Prison (1869)	✓			
FRANCE				
La Colonie Agricole de Mettray (1840)	✓		✓	
La Petite Roquette Children's Prison (1830)	✓		✓	
AMERICA				
Mount Pleasant State Prison (1828)	✓	✓		
Auburn Prison (c.1820)		Does not survive today		
Eastern State Penitentiary (1829)	✓			

APPENDIX E TESTIMONIALS

Dr Edward Cecil Harris

Executive Director, Bermuda Maritime Museum

It is an outstanding statement that addresses the issues of relevance to UNESCO for such heritage sites, as well as being a considerable historical treatise on convictism in Australia, with all the worldwide parallels and comparisons woven in. I cannot add anything more of value to this statement, which I believe is a completely compelling thesis of justification for this application for World Heritage Site status.

Dr John Hirst

**School of Historical and European Studies,
La Trobe University**

Convicts have often been transported as a labour force; only once have they been used to found a new society. Convict Australia was a strange late flowering of the ancient regime in crime and punishment. Australia contains relics of the society that convicts built and of the institutions in which they were housed as the new thinking in penology became dominant.

Professor John Braithwaite

**Research School of Social Sciences,
Australian National University**

There are few more terrifying spaces on earth than the huge prison block at Fremantle. There, children of the twenty-first century can imagine the darkness and cruelty this building contained before electricity in the nineteenth century. Likewise they imagine the darkness and danger of the convict coal mines. Yet they also wonder how those gnarled hands cut by stone, backs scarred by the lash, came out into the bright light to build a beautiful society. Tasmania proved genetic theories of crime wrong by building a very low crime society in the nineteenth century from mostly criminal genetic stock. Their ghosts are palpable in the beauty of Port Arthur as are the ghosts of Bentham and Foucault in the architectural remains of their panoptic vision of discipline. Macquarie in Sydney, Macconachie on Norfolk Island said explicitly that they wanted to restore the convicts, forbears of contemporary reintegrative and restorative justice. That reintegrative form of justice laid the foundation for an egalitarian, free society, and for contemporary thinking on how to reinvent justice restoratively.

Dr Clare Anderson

Department of Sociology, University of Warwick

The *Australian Convict Sites* nominated for World Heritage status are outstanding representations of a unique historical process: the colonization of an entire continent through the transportation of convict labour. Moreover, they express Australia's enormous significance in the development of ideologies of punishment, reform, and rehabilitation. As such, they are unparalleled globally in their nature and extent.

Professor Joy Damousi

**School of Historical Studies, University of
Melbourne**

The Australian Heritage Sites captures an extraordinary series of historical events that have made a profound and enduring impact on the development of several societies across the world. Collectively, these sites offer a rare insight into the diversity and complexity of the convict system during the nineteenth century; they provide a rare opportunity to examine the philosophy and practice of theories of criminality and incarceration as they were implemented. Most significantly, however, these Australian sites point to the only example in the world where convict transportation was intended not only to punish offenders but aimed to create an entirely new society through the reformation of transported convicts.

Dr Hamish Maxwell-Stewart

**School of History and Classics, University of
Tasmania**

Convict transportation was part of a wider global movement of unfree workers which helped to shape the modern world. While sites associated with slavery and indentured labour are represented on the *World Heritage List*, there is no current listing for places associated with the forced movement of convict labour. This timely nomination will rectify this anomaly. Australia, the continent colonised by convicts, is the outstanding example of penal transportation and sites that bore witness to that process are without parallel.

Dr Heather Shore

**School of Cultural Studies, Leeds Metropolitan
University**

The *Australian Convict Sites* nomination is an extremely important step in preserving both the historical heritage of Australia as well as that of the many thousands of British working-class people who were transported to the colonies. As an historian of crime I am extremely impressed by this nomination, and feel that the preservation of these sites has implications in a number of areas, such as culture and education. Culturally, the sites preserve the important spatial dimension of the convict experience. Educationally, they provide an experience for young people and researchers to understand and contextualise the convict experience. This is an excellent nomination document and fully deserving of UNESCO World Heritage status.

Professor Stephen Toth

**Department of Language, Culture and History,
Arizona State University**

The convict sites discussed in this nomination are vitally important representations of Australia's convict past. Their haunting remains are a stark reminder of a bygone era in which punishment and permanent exile were intertwined with colonial ambition. No other attempt at penal colonisation approached the scale and scope of that seen in Australia, and these locales are richly deserving of the UNESCO World Heritage status.

APPENDICES ENDNOTES

Appendix A endnotes

1 The majority of convicts were to be kept out of the towns and assigned to the more prosperous free settlers who could give greater attention to their discipline and reform. The minority of badly behaviour convicts were sent to be sent to labour gangs to carry out land clearing. Recalcitrant convicts were to be sent to new and distant penal settlements. Convict boys were to be kept at Carters' Barracks (Sydney) and taught trades to make them useful when assigned to free settlers. Convict's property was to be confiscated until they were reformed and they were not to be given land or assistance once they became free. Central records were to be kept of offences committed in the colony.

Appendix B endnotes

1 The convict era in Australia was characterised by frequent shifts in direction between the goals of punishment and reform. The British Government and colonial authorities often pursued different objectives or sought to give greater weight to some over others. Harsh punishment regimes were needed in order to deter crime in Britain but at other times, Britain was sensitive to allegations that it was responsible for slavery in a new guise and setting up a new colony ridden with crime and vice. Colonial authorities were frequently driven by local needs to build a new society where it was important to reform convicts and integrate them into the new order. While the goals of punishment and reformation were often in conflict, there were also synergies between them. Severe punishment regimes, such as hard labour and the Model Prison system, had the twin aim of punishing and reforming convicts. Similarly, strategies aimed at reforming convicts, such as compulsory religious instruction and the probation system were seen and experienced by convicts as tools to further discipline and punish them. These contradictions and complexities were an important feature of the convict system in Australia and of many penal colonies in other parts of the world.

2 Davis in Alexander (2005): 432.

3 Colonial authorities were dependent on many free settlers and enlisting their support for the penal system was often difficult.

4 Brooke and Brandon (2005): 246. The large number of convicts who were shepherds got away with very little being required of them.

5 Maxwell-Stewart in Alexander (2005): 417.

6 The pursuit of the new system during periods of economic depression created major tensions in the colony.

7 Nicholas and Shergold (1988): 44.

8 Shaw (1966): 152.

9 Shaw (1966): 153.

10 Shaw (1966): 152-167; and Erickson(1983): 114.

11 Nicholas and Shergold (1988): 59.

12 Nicholas and Shergold (1988): 48-51.

13 Nicholas and Shergold (1988): 43-48; Hirst: 265.

14 Hirst (1995): 266.

15 Ritchie (1986): 160.

16 Hirst (1995): 266.

17 Gold was first discovered in 1851 and resulted in the 'gold rush' where there was a massive increase in the migration of free settlers to Australia. In 1852, 370,000 immigrants arrived in Australia and the economy of the nation boomed. The total population trebled from 430,000 in 1851 to 1.7 million in 1871.

18 Nicholas and Shergold (1988): 58.

19 Vamplew (2007): 4.

20 Exceptions included: the probation system (VDL only), the female factory system (NSW and VDL), segregated prisons for juvenile convicts (NSW and VDL) and hiring depots (WA only).

21 Kerr (1984): 60.

22 Nicholas ('The care and feeding of convicts') in Nicholas (1988): 189.

23 Hirst (1995): 275.

24 Hirst (1995): 275.

25 Hirst (1995): 485.

26 Brooke and Brandon (2005): 246.

27 Brooke and Brandon (2005): 246.

28 Nicholas 'The convict labour market' in Nicholas and Shergold (1988): 112; Alexander (2001): 290. While there are significant linkages between convictism and slavery (as well as indentured labour), there were also important differences. Under slavery, the whole product of the labour belonged to the master who distributed part of it for the maintenance of the slave. By contrast, private masters under the assignment system did not have property rights over convicts, as all ownership rights were vested in the government. Assignment was a commodity exchange where private employers paid a quasi-wage (a mix of maintenance in kind and money) for convicts allocated by the state controlled labour market. Convicts were also convicted of crimes and were serving out their sentences under the assignment system. For almost half a century, the assignment system worked relatively effectively both as a means of punishment as well as providing avenues for the reformation of the convict through industry and with the assistance of private masters (notwithstanding variations and inconsistencies in its application particularly private masters' treatment of convicts: either too harsh and therefore appearing to be too like slavery, or too lenient and enjoying better conditions than free workers back home and subject to little criticism).

29 'Nicholas 'The convict labour market' in Nicholas and Shergold (1988): 111.

30 Hirst (1995): 288.

31 Nicholas 'The care and feeding of convicts' in Nicholas (1988): 180.

32 Atkinson (2004): 84.

33 Shaw (1966): 202.

34 Rude (1978): 178-179.

35 Brooke and Brandon (2005): 231. There were also said to be 75 convicts in irons, without clothes in small prison with hardly any air to breathe.

36 The threat of floggings was also used as a deterrent.

37 Pybus in Frost and Maxwell-Stewart (2001): 25-26.

- 38 Brooke and Brandon (2005): 233. Maconochie saw the physical coercion and absence of reform principles as tantamount to slavery.
- 39 Forster (1996): 111.
- 40 Atkinson (2004): 83.
- 41 Atkinson (2004): 83.
- 42 Rude (1978): 178.
- 43 Rude (1978): 176.
- 44 O'Connor in Frost and Maxwell-Stewart (2001): 148-151; Hughes: (2003).
- 45 Brooke and Brandon (2005): 230.
- 46 Nobbs (1991): 128.
- 47 Nobbs (1991): 128.
- 48 Some convicts allegedly went to extreme efforts to escape their plight including committing murder in order to be sent to Sydney for their trial. Some hoped to escape a death sentence while others hoped to escape during the journey.
- 49 Brooke and Brandon (2005): 231.
- 50 Brooke and Brandon (2005): 230-231.
- 51 Pybus in Frost and Maxwell-Stewart (2001): 23; Atkinson (2004): 143-144.
- 52 The *Monitor* quoted in Hirst (1983): 179.
- 53 Atkinson (2004): 143-144. Port Arthur railwaymen were described as 'terribly jaded, running down with sweat, and I saw one of them continually trying to shift his irons from a galled spot on his ankle.'
- 54 Atkinson (2004): 147.
- 55 Pybus in Frost and Maxwell-Stewart (2001): 25.
- 56 Daniels (1998): 105.
- 57 Daniels (1998): 105.
- 58 Daniels (1998): 106.
- 59 Daniels (1998): 112, 114-116.
- 60 Daniels (1998): 146.
- 61 Brooke and Brandon (2005): 238.
- 62 Female convicts were not transported to WA for several reasons: the experience of convict women in NSW and VDL showed that there were significant problems in trying to control females (they were seen as a potential threat to penal colonies and required considerable measures and efforts to control them). Also, the major objective for WA was to build economic infrastructure and this required male convicts.
- 63 Atkinson (1998): 160. Daniels (1998): 110-111. Elizabeth Fry was an influential British advocate of penal reform of female convicts and her ideas had an impact on the development of Australia's female factories. In 1823, she wrote to the British Under Secretary of State for the Colonies recommending the establishment of a female factory in VDL. Her views and principles on the management of female prisoners were outlined in *Siting, superintendence and government of female prisoners* (1825). The establishment of dedicated female factories reflected some of her penal philosophies. The classification system, introduced in NSW and VDL between the mid 1820s to mid 1830s, similarly drew on Fry's schema for the continuous gradation of prisoners and the systematic application of rewards and punishments. The British government and colonial authorities commissioned inquiries and reports including the inquiry into female convict discipline (1841-43) and a magistrates inquiry into the treatment of women in Cascades Female Factory (1855). The discipline and reform of female convicts figured prominently in all of the major British commissioned investigations including the Select inquiry into transportation (1812), the Bigge Inquiry (1819-21) and the Molesworth Commission (1837-38). Several coronial inquiries were also held to investigate the deaths of inmates and general conditions at female factories such as the 1838 inquest of Cascades Female Factory. Diverse ideas about the problems and the best ways to punish and reform convict women were documented in the official reports. These reports reflected tensions between punishment as a deterrent to criminals in Britain on the one hand, and reforming convicts to become members of the new society, on the other. The British government and colonial authorities commissioned inquiries and reports including the inquiry into female convict discipline (1841-43) and a magistrates inquiry into the treatment of women in Cascades Female Factory (1855). The discipline and reform of female convicts figured prominently in all of the major British commissioned investigations including the Select inquiry into transportation (1812), the Bigge Inquiry (1819-21) and the Molesworth Commission (1837-38). Several coronial inquiries were also held to investigate the deaths of inmates and general conditions at female factories such as the 1838 inquest of Cascades Female Factory. Diverse ideas about the problems and the best ways to punish and reform convict women were documented in the official reports. These reports reflected tensions between punishment as a deterrent to criminals in Britain on the one hand, and reforming convicts to become members of the new society, on the other.
- 64 Atkinson (1998): 134. While some females worked in the fields, the vast majority were to be assigned as domestic servants.
- 65 Under the assignment system, women were largely confined to work as domestic servants or marriage partners despite the high demand for labour to build infrastructure and agricultural industries.
- 66 Daniels (1998): Kerr (1984): 66-67.
- 67 Hirst: 274. The indeterminate sentence punished acts committed while confined at a female factory. This predated Maconochie's system.
- 68 Hirst (1995): 266
- 69 Hirst (1995): 267
- 70 Hirst (1995): 270
- 71 Hirst (1995): 270
- 72 Hirst (1995):270
- 73 Hirst (1995): 267; Sturma (1983):19. During the early 1830s, it was reported that masters were brought before the bench almost daily.
- 74 Brooke and Brandon (2005): 235.
- 75 Brooke and Brandon (2005): 233-234.
- 76 Atkinson (2004): 79
- 77 Dyster (1988): 130.
- 78 Hirst (1995):271; Shaw (1977): 84. However, individual governors continued to be pragmatic in their approach to tickets-of-leave. Between 1810 and 1820, under Macquarie's liberal rule, around one fifth of convicts who arrived in NSW were given a ticket-of-leave.
- 79 This violated the policy of granting indulgences only to the well-behaved as many of these convicts were more like their captive bushrangers and not the sober, industrious and honest servants envisaged in the ticket-of-leave rules.
- 80 Sturma (1983): 111.
- 81 Nicholas and Shergold (*A labour aristocracy in chains*) (1988): 106-107.

- 82 Nicholas and Shergold (*A labour aristocracy in chains*) (1988): 107.
- 83 Nicholas and Shergold (*A labour aristocracy in chains*) (1988): 106-107. NSW was described as a 'labour aristocracy': physically separated from the bulk of convicts, skilled workers worked together, joined trade and craft institutions (eg. benefit societies, trade unions and mechanics institutes), developed a group solidarity with an elite identity and values and earned substantial sums through private employment outside their hours of enforced servitude.
- 84 Hirst (1995): 268-69
- 85 Hirst (1995): 66; Alexander (2003): 279. Until 1840, police in Sydney and the constabulary in the country districts were recruited largely from ticket-of-leave convicts and ex-convicts. In the mid 1840s, convicts and ticket-of-leave holders made up about half of the special Border Police. In 1835 there were 453 policemen who were mostly convicts in VDL.
- 86 Fabian and Loh (1989): 30.
- 87 Hirst (1995): 272
- 88 Atkinson (2004): 68
- 89 Atkinson (2004): 69
- 90 Denholm (1979): 11.
- 91 Hirst (1995): 268
- 92 Roe in Alexander (2005): 427.
- 93 Maxwell-Stewart in Alexander (2003): 418.
- 94 Daniels (1998): 224, 225 and 228. It is important to note that the typical experience of convict women was that their labour was in low demand and opportunities were severely constrained. Most convict women were in a more vulnerable position in the labour market, confined to domestic service and work related to domestic tasks such as laundry work and dairy making. Most women did not have experience of business before being transported. Also, marriage was not always a safe haven for women.
- 95 Daniels (1998): 226.
- 96 Ryan quoted in Daniels (1998): 65.
- 97 Daniels (1998): 225-228.
- 98 Daniels (1998): 225. While this was not typical, there were a number of other examples such as Sarah Thornton, Maria Lord.
- 99 Daniels (1998): 225.
- 100 Daniels (1998): 65, 229.
- 101 Ryan quoted in Daniels (1998): 65. Daniels (1998): 229.
- 102 Convict women married to officers gained access to land grants on becoming free.
- 103 Daniels (1998): 96.
- 104 Daniels (1998): 214. They claimed that they were better off in the colonies than they would have been back home; wages were high, the food was good; and 'Australia' was a fine, wholesome and plentiful place. While letters were written mainly by literate male convicts some illiterate convicts saved money to get a scribe.
- 105 Brooke and Brandon (2005): 220.
- 106 Dyster in Nicholas (1988): 128.
- 107 Hirst (1995): 268
- 108 Hirst (1995): 268; Brooke and Brandon (2005): 234.
- 109 Daniels (1998): 227.
- 110 Hirst (1995): 268.
- 111 Sturma (1983): 14.
- 112 Brooke and Brandon (2005): 221.
- 113 Sturma (1983): 111.
- 114 Sturma (1983): 108; 113.
- 115 Sturma (1983): 111.
- 116 Sturma (1983) 19.
- 117 Sturma (1983) 19.
- 118 Sturma (1983) 19.
- 119 Sturma (1983) 19.
- 120 Atkinson (2004) 78-79.
- 121 Atkinson (2004): 112. The 1834 insurrection at Norfolk Island resulted in 54 men being tried and 13 executions of convicts.
- 122 Daniels (1998): 145-150.
- 123 Atkinson (2004): 84-85, 112; Sturma (1983): 15; Hammond 2003 BA thesis. There were 'convict mutinies' on private estates such as Claggan in VDL and Castle Forbes in the Hunter Valley, NSW in 1833. Six assigned convicts absconded from the Hunter Valley estate of James Mudie after robbing his house and attempting to kill his partner John Larnach. In 1834, a group of convict servants (three males and one female) murdered their master. In 1830, one convict from Bathurst went from station to station collecting other angry convicts to 'take the settlement' using the war-cry 'Death or liberty! At one stage, up to 130 convicts had joined in but most broke away and it was easily quashed by the military.
- 124 Maxwell-Stewart in Alexander (2005): 417.
- 125 Roe in Alexander (2005): 426.
- 126 Daniels (1998): 143, 153.
- 127 Daniels (1998): 143, 146; 149.
- 128 Daniels (1998): 137.
- 129 Daniels (1998): 143.
- 130 Atkinson (2004) 82. In the 1830s, convicts made various demands to have wheat included in their rations and convicts' right to wheat was eventually successful. Some of the riots in the female factories were related to demands for food.
- 131 Brooke and Brandon (2005): 239.
- 132 Brooke and Brandon (2005): 239.
- 133 Brooke and Brandon (2005): 239
- 134 Brooke and Brandon (2005): 239-240.
- 135 Daniels (1998): 135.
- 136 Frost and Maxwell-Stewart 'At large with the run-aways' (2001): 203-204.
- 137 Brooke and Brandon (2005): 240.
- 138 Sturma (1983): 101.
- 139 Sturma (1983): 101. Atkinson (2004) 84. Brooke and Brandon (2005): 240-241. In 1836, two convict bushrangers declared that they would round up and flog 'all the Gentlemen', catching at least one man and giving him 30 lashes'. Young Jack Donahoe turned bushranger three years after being transported. He became so notorious that a special patrol was formed to hunt down his gang. He escaped several times but members of his gang were hung and he was later killed in an ambush in 1830 aged 23. Michael Howe and Matthew Brady with their gang of 28 men often attacked landowners who ill-treated convicts. They also raided military garrisons and settlements on the 'outskirts' of Hobart. In 1824, Brady and 13 other convicts escaped from Macquarie Harbour in a whaleboat, robbed travellers and outlying settlers.
- 140 Hirst (1995): 274.
- 141 Sturma (1983): 1.

142 Some free settlers wanted to retain convict workers in the colonies while others wanted to rid their new society of all convicts. Some also had ambitions for political independence from Britain and wanted to put an end to the despotism of the autocratic, bureaucratic state of the convict system. The convict era in Australia was characterised by frequent shifts in direction between the goals of punishment and reform. The British Government and colonial authorities often pursued different objectives or sought to give greater weight to some over others. Harsh punishment regimes were needed in order to deter crime in Britain but at other times, Britain was sensitive to allegations that it was responsible for slavery in a new guise and setting up a new colony ridden with crime and vice. Colonial authorities were frequently driven by local needs to build a new society where it was important to reform convicts and integrate them into the new order. While the goals of punishment and reformation were often in conflict, there were also synergies between them. Severe punishment regimes, such as hard labour and the Model Prison system, had the twin aim of punishing and reforming convicts. Similarly, strategies aimed at reforming convicts, such as compulsory religious instruction and the probation system were seen and experienced by convicts as tools to further discipline and punish them. These contradictions and complexities were an important feature of the convict system in Australia and of many penal colonies in other parts of the world.

Appendix C endnotes

- 1 Segal (1993): 54; Eltis (2002): 5. Before the 16th century, most migration was fundamentally voluntary although there were some coercive elements.
- 2 Eltis (2002): 7.
- 3 Segal (1993): 54.
- 4 Eltis (2002): 8.
- 5 Eltis (2002): 11.
- 6 Russia and Siberia is sometimes defined as transportation or convictism and sometimes not a type of convictism. See Nicholas and Shergold. Many people exiled to remote places within the state of Russia were not typical of the phenomenon of convictism.
- 7 Segal (1993): 12.
- 8 The 1780s to the late 19th century was the most significant period for the mass migration of indentured labourers and convicts from Britain, Ireland, Canada, India, France, Russia, Spain and Mexico to many parts of the globe. Criminals provided much of the vanguard for the 18th and 19th century European colonisation of Oceania, Asia and South America. After 1820, a quarter of a million convicts were shipped across the world's oceans to colonise Australia, New Caledonia, Singapore and French Guiana, and to meet labour demands in Gibraltar, Bermuda, Penang, Malacca and Mauritius. This figure does not include the transportation of Russian convicts to Sakhalin Island.
- 9 Bogle (1999): 6, 51.
- 10 Maxwell-Stewart (2007): Reynolds (1969)
- 11 Gentes (2007) At various times and places, schemes were set up but this involved only a minority of exiles. Davies (2006). Millions of persons were also exiled under the Gulag system (after 1917). This was a penal system of forced labour camps (in reality extermination camps) which primarily received political prisoners and functioned as a mechanism for repressing political opposition to the Soviet state.
- 12 Gentes (2007)
- 13 Prisoners comprised convicts as well as political prisoners who were not convicted of crimes.
- 14 Gentes (2007)
- 15 A very small number of convicts were transported to America during the 17th century. However, the vast majority were transported after the Transportation Act 1718
- 16 Forster in Eltis (2002): 264.
- 17 Ekirch (1987): 114.
- 18 Anderson (2007) states that the administration's annual reports detail there were around 10,000 convicts in the settlement at any one time.
- 19 Yang (2003): 7, 11-12. Examples include: 1801 Inquiry; Committee on Prison-Discipline (1838); and the Norman Report (1874).
- 20 Anderson (2007).
- 21 Anderson (2007).
- 22 Neelam (2007). Many convicts tried to escape under the mistaken notion that there was a northern land bridge connecting the islands to the mainland.
- 23 Mathur (1985): 52-55.
- 24 Sen (2000): 1-2.
- 25 Neelam (2007). The shortage of women contributed to rampant prostitution and homosexuality in the colony. The transportation of female convicts to the colony was one of the measures to tackle this problem. The other measure was to allow convicts to bring their families from the mainland once they became self-supporters. Both measures were unsuccessful.
- 26 Vaidik (2006): 226.
- 27 Mathur (1985):77.
- 28 Neelam (2007).
- 29 When transportation to the penal colony was started in 1858 convicts were put to work on Ross and Chatham islands to clear the jungle. The island was an open jail and they were not kept under any kind of confinement.
- 30 Neelam (2007).
- 31 Neelam (2007).
- 32 Bogle (2007); Neelam (2007)
- 33 Neelam (2007).
- 34 Neelam (2007).
- 35 Anderson (2006;2007):5
- 36 Anderson (2006; 2007): 5.
- 37 Singapore, Penang and Malacca were known as the 'Straits Settlements' from 1823.
- 38 Cornelius-Takahama (2004)
- 39 Turnbull (1989): 46.
- 40 Turnbull (1989): 46.
- 41 Pieris (forthcoming). The least advantageous category was of 41/hard labourers, typically assigned to the 5th, 4th and 3rd classes. They worked in gangs on roads and infrastructure works and were supervised by convict peons. Women and invalids in the 6th class made brooms and ropes and were employed on lime kilns. Skilled labour, drawn from the 1st, 2nd and 3rd classes, was organized into an artificer corps in May 1853. Artisans numbered 113 from a total of more than 2000 convicts and were trained by skilled European workmen.
- 42 Anderson (2007).

- 43 There are no significant convict-built buildings or public works in Malacca.
- 44 Roads built by convicts have been overlaid by bitumen while convict built bridges have undergone substantial redevelopment.
- 45 Malacca forms part of Georgetown which was nominated for World Heritage listing in 2001. However, it has not been nominated for convictism and there are no known convict remains.
- 46 Pearson (2006):48.
- 47 Pieris (2007)
- 48 The expansion of Gibraltar penal colony was also designed to help relieve the pressures at VDL.
- 49 Hulks were floating hostels created in old warships of the Royal Navy capable of housing up to 1,500 prisoners.
- 50 Harris (2007).
- 51 Prior to the transportation of convicts to Bermuda, slaves and indentured and free labourers formed the workforce at the dockyard.
- 52 Toth (1999): 64-71. Examples include: Parliamentary Commission (France, 1880); French ministry investigation (1884); and Dislere Commission which abolished land concessions and marked 'the end of the humanitarian decade'.
- 53 Toth (2006): 43.
- 54 Several penal colonies introduce schemes that were similar to Australia's 'ticket-of-leave'. The schemes often had different titles and were generally not as formalised.
- 55 The term 'ticket-of-leave' was sometimes used.
- 56 Toth (1999): 61-71.
- 57 Toth (1999): 65.
- 58 Toth (2006): 44.
- 59 Anderson (2007); Nicholas (1988) states 1865-1897.
- 60 Bogle (2007).
- 61 Convicts made an important contribution to the colonisation of New Caledonia but on a global scale it was less substantial and impressive compared to the role of convicts in the development of colonies in Australia and the building of a new nation. A small convict population complemented a labour force comprising substantial numbers of indentured labourers and free settlers in developing the small island of New Caledonia. New Caledonia comprised approximately 19,060 square kilometres compared to Australia's 7,692,024 square kilometres.
- 62 Toth (2007); Saussol (1988): 41, 44; Sénes (1993):60; There were: 350 free settlers and 250 convicts in 1864; 2,700 free settlers in 1878 and 6,000 convicts in 1875; 5,600 free settlers in 1887 compared to 9,700 convicts; and 9,600 free settlers compared to 8,850 convicts in 1891.
- 63 Australia is the only site in the world where male and female convicts played a major role in the development of a continent and a nation.
- 64 Redfield (2007). French Guiana is sometimes referred to as 'Devil's Island'.
- 65 Belbenoir (1938).
- 66 Toth (2003): 315.
- 67 It was assumed that the severe climate and tropical diseases would 'finish off' even the most hardened criminals.
- 68 Forster in Eltis (2002): 287.
- 69 Toth June (2007); Redfield June (2007) There are few surviving of the prison camp at St Jean du Maroni, one of the primary places of detention for around 1,600 convicts. This relégué camp accommodated petty criminals who had considerable freedom of movement but made a minimal impact on the local landscape. There are no known convict buildings at the other penal settlements at Montagne d'Argent (the first jungle camp that was used for deforestation and convict road building) and St Georges d'Oyapock. Work camps in the forest near St Laurent and Saint-Joseph were reserved for convicts guilty of disciplinary infractions such as attempting to escape or refusal to work on the mainland.
- 70 Toth (2007); although they were showing significant signs of deterioration as of 2001.
- 71 Toth report (2007).
- 72 The stone bench on which he sat and viewed the ocean waters also survives. Dreyfus was 'a famous Jewish military officer falsely accused and convicted of treason' (Toth 2007 report). Captain Dreyfus' quarters includes a surviving stone bench.
- 73 Toth (June 2007).
- 74 Administered by the French Government départements d'outre-mer.
- 75 Redfield (2007); Toth (2007).
- 76 Redfield (2007).
- 77 Redfield (2007). The first jungle camp that was used for deforestation and convict road building.
- 78 Pike (1983): 136.
- 79 Pike (1983): 25.
- 80 The wall surrounded the whole city except for the east side where a section has been demolished and were constructed 1630-1650 and 1760-1780 to strengthen and enclose the city.
- 81 A redoubt is a defensive structure whereby arrows could be fired on two sides. It is generally attached to the main fort, although it can be a 'stand alone' structure.
- 82 Pike (1983): 146.
- 83 Jennings (1948): 10, 13

Appendix D endnotes

- 1 Bogle (1999): 23.
- 2 William Crawford, of the Society for the Improvement of Prison Discipline (SIPD), had been a secretary of a society which investigated juvenile delinquency in London.
- 3 Brodie, Croom & O'Davies (2002): 88. This followed the In 1835, a Select Committee of the House of Lords conducted an inquiry into prison discipline and found 'Entire Separation, except during the Hours of Labour and of Religious Worship and Instruction, is absolutely necessary for preventing Contamination, and for securing a proper System of Prison Discipline'.
- 4 Joshua Jebb, a Captain in the Royal Engineers, was appointed Surveyor-General of prisons in 1837, in order to provide the Home Office with a technical adviser on prison architecture.
- 5 A former Chaplain of Millbank Prison. Crawford and Russell produced refinements and amendments to the system and associated design in their second (1837), third (1838) and fourth (1839) reports to the Home Office.

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- 6 Crawford and Russell proposed this in the 1838 report, in association with Jebb. Pentonville became a working model of the 'separate system' that could be inspected by borough and country magistrates. Two Acts of Parliament were passed allowing for the building of Pentonville prison for the detention of convicts sentenced to imprisonment or awaiting transportation. The construction of five radiating wings around a central watchtower began in 1840 and the first inmates were received in 1842.
 - 7 The wedge-shaped exercise yards were arranged in oval or circular blocks around a central observation section. In daily religious instruction, prisoners sat in individual high sided stalls, their heads visible to the chaplain but completely preventing any contact with other prisoners.
 - 8 Brodie, Croom and O'Davies (2002): 96.
 - 9 The building program of prisons across England was not completed until the late 1800s.
 - 10 Morris and Rothman (1998): 181. Pentonville-type prisons were built in Holland, Belgium, Spain, Switzerland, Scandinavia, Austria, Hungary and Portugal in the latter half of the 19th century.
 - 11 Spierenburg (1995): 46.
 - 12 O'Toole (2006): 9.
 - 13 It was also known as the Cherry Hill model.
 - 14 Encarta. online The name of the prison is not specified.
 - 15 Bozovic (1995): 29-95.
 - 16 Hirst (1995): 274.
 - 17 Hirst (1995): 286.
 - 18 Forster (1996): 4.