

Supporting Documentation: Historical Context of Cockatoo Island Prison

Cockatoo Island is the largest island in Sydney Harbour, situated where the Parramatta River meets the Tasman Sea. The island is known as Wa-rea-mah by the Indigenous Eora.¹

Establishment of the Prison

Cockatoo Island served as a Penal Establishment between 1839 and 1869. With the impending cessation of transportation to New South Wales, in 1840, 'secondarily transported' convicts would need to be punished within the colony, rather than being sent to the remote Norfolk Island in the Pacific.²

Governor George Gipps recommended to the Colonial Office in London, that Cockatoo Island replace Norfolk Island as 'the place of greatest security within the colony, not actually a prison'.³ Its founding population of 60 convicts from Norfolk Island arrived in July 1839.

Prisoners

Over the next five years, 1440 Norfolk Islanders were transferred to Cockatoo Island, serving commuted sentences that more than halved their remaining sentences.⁴ They were joined by prisoners serving sentences of 'hard labour on the roads or public works' convicted of colonial crimes within New South Wales.⁵

Cockatoo island also imprisoned free settlers, who are listed in the registers as 'came free'. This included assisted and unassisted migrants arriving from Britain and Ireland, 37 Chinese migrants arriving during the gold rush (1848-50s) and sailors on shore-leave (many of them American whalers). Other prisoners were locally born, listed in the register as 'native' or 'born in the colony, this included both Europeans and 22 Aboriginal prisoners.⁶

Sentencing

Cockatoo Island functioned as both a regional and a local gaol, with around half sentenced at Sydney. In places like Bathurst and Maitland, prisoners sent to Cockatoo Island were sentenced at the Circular Court, which rotated between rural districts. A small proportion were sentenced at Moreton Bay (Brisbane), a former secondary punishment station which closed in 1842, and Port Phillip District (Melbourne) which received convicts between 1844-9 under the 'exile' scheme. All prisoners were first sent to Darlinghurst Gaol in Sydney to undergo a medical inspection, before being shipped out to Cockatoo Island.

¹ Ian Hoskins, 'Islands of Sydney Harbour', *Dictionary of Sydney*, 2014, <https://dictionaryofsydney.org/entry/islands_of_sydney_harbour> [accessed: 7 Aug. 2017].

² Tim Causer, "'The Worst Types of Sub-Human Beings'? The myth and reality of the convicts of the Norfolk Island penal settlement, 1825-1855', in Professional Historians Association NSW (ed.), *Islands of History: Proceedings of the 25th Anniversary Conference* (Sydney: Anchor Books, 2011), pp. 8-31.

³ House of Commons Parliamentary Paper 1843, vol. XLII, no. 158, Convict Discipline: Copies of Extracts of any Correspondence between the Secretary of State and the Governor of Van Diemen's Land, on the subject of Convict Discipline, Part I, Gipps to Lord Russell, 13 Oct. 1841, Sydney, pp. 11-13.

⁴ TNA, CO 201/286, Gipps to Glenelg 1839, Sydney, no. 102, p. 249.

⁵ G. Connah, *The Archaeology of Australia's History* (Cambridge: Cambridge University Press, 1988), p. 57; Hoskins, *Sydney Harbour*, p. 48.

⁶ Kristyn Harman, *Aboriginal Convicts: Australian, Khoisan, and Maori exiles* (Sydney: UNSW Press, 2012)

The majority of prisoners arriving on Cockatoo Island were tried at the Quarter sessions, an intermediary court which tried the 'bulk of cases of indictable crime' in New South Wales.⁷ More serious cases were tried at the Supreme Court in Sydney, or if they were a soldier at Court Martial.

Cockatoo Island was the main destination for convicts who broke the terms of their tickets-of-leave (by which convicts were allowed to live 'freely' within a prescribed district but not return home).⁸ Under the 1830 *Offenders Punishment and Transportation Act*, a bench of magistrates could sentence any transported convict (including those holding a ticket-of-leave or conditional pardon) to up to 12 months' 'hard labour on the roads' for minor offences like absconding, refusal to work or disobedience of orders, drunken and/or disorderly behaviour.⁹ Convicts who were still serving sentences of punishment could also be transferred to or from Cockatoo to a different road gang or convict stockade (e.g. Newcastle Breakwater or Hyde Park Barracks).

Labour

Hard labour, rather than isolation, was the crux of the punishment on Cockatoo Island. In the early years, 1839-45, the convicts worked digging bottle-necked grain siloes, quarrying sandstone and completing number of large construction projects, including building convict barracks for 500 prisoners and a guardhouse for 56 soldiers.¹⁰

In 1845, Gipps wrote to Secretary of State for War and the Colonies, Lord Stanley, in London, describing the 'advantages which would accrue to this Colony and to the Empire at large, were a Dry Dock to be constructed at Sydney for Men of War'.¹¹ Under the supervision of Royal Engineer, Captain Gother Kerr Man, the convicts quarried Fitzroy Dock directly into the island's sandstone base, encountering a hard layer of shale underneath. There were further delays when the dimensions of the dock had to be extended to encompass larger-steam vessels.

In 1851 Task work was introduced to increase productivity. Under this system convicts could earn time off their sentence and a daily wage, for exceeding their daily quotas. Convicts could earn up to 'half-a-day in time and three-pence in money each day'.¹² A third of the money could be used buy indulgences (like tea and sugar) and the rest went into a savings account.¹³ Convicts remained on the island after the dock became operational in 1857, building and manning twelve workshops and an

⁷ NSW Courts', *The Prosecution Project*, <<https://prosecutionproject.griffith.edu.au/other-resources/new-south-wales-courts/>> [accessed: 1 Aug. 2017]; G.D. Woods, *A History of Criminal Law in New South Wales: The colonial period, 1788-1900* (Sydney: Federation Press, 2002), pp. 56-7.

⁸ BPP 1852-3, vol. LXXXII, no. 1601 1677, 'Convict Discipline and Transportation', McLean to Grey, 8 Oct. 1851, Sydney, p. 110. Convicts could also be sent to chain gangs or Newcastle Breakwater under these regulations, but were usually sent to Cockatoo Island.

⁹ 'An Act to Facilitate the Apprehension of transported felons and Offenders illegally at large and of persons found with Arms and suspected to be robbers', 5 Wm. IV. 9, NSW (1834), renewed in 6 Wm. IV, NSW (1835), 1 Vict. 2, NSW (1837); 3 Vict. 27-8, NSW (1840).

¹⁰ Sue Castrique, 'Under the Colony's eye: Cockatoo Island and the Fitzroy dock, 1847-57', *Journal of the Royal Australian History Society*, 98:2 (2012), p. 222.

¹¹ *Historical Records of Australia*, ser. I, vol. XXIV, Gipps to Lord Stanley, Secretary of State for War and the Colonies, 12 Nov. 1845, Sydney, no. 185.

¹² Legislative Council, NSW, Sessional Papers on Prison Discipline, 1856-7, Edward Deas Thomson, Colonial Secretary, to John Maclean, Principal Superintendent of Convicts, 12 April 1855, Sydney, pp. 1043-5.

¹³ Legislative Council, NSW, Sessional Papers on Prison Discipline, 1856-7, Edward Deas Thomson, Colonial Secretary, to John Maclean, Principal Superintendent of Convicts, 12 April 1855, Sydney, pp. 1043-5.

engine house.¹⁴ Captain Mann reported that the best convict stonecutters had increased daily average from 3 to 5½ metres per day, and ‘work[ed] more cheerfully’.¹⁵

Despite its success, an 1856 Legislative Assembly Board of Inquiry recommended that the task-work system be stopped, in the belief that access to money was corrupting the prisoners. New prisoners arriving after 1 June 1858 were serving fixed term sentences, while working alongside convicts earning time off their sentences each day. Anger bubbled over, protesting through three mass downings of tools, general misconduct and many escape attempts.¹⁶

Discipline

In 1858, a Legislative Assembly board of inquiry into the management of Cockatoo Island concluded that Cockatoo Island was a ‘worse hell, if that be possible, than Norfolk Island’.¹⁷ The inquiry criticised the superintendent Charles Ormsby for using convict labour for personal profit, running boxing matches and allowing convict warders to exert tyrannical power over other prisoners. Captain Mann replaced Ormsby as the Superintendent of both the prison and the public works.

An 1861 Select Committee on Public Prisons, chaired by Henry Parkes, investigated these disciplinary failings and allegations of ‘unnatural crime’ (homosexual acts).¹⁸ The Committee was particularly concerned about a lack of segregation in the barracks between young prisoners and hardened ‘old lags’.

Almost thirty-years after the cessation of transportation to New South Wales, Cockatoo Island was a ‘relic’ of the convict past in the midst of the colony’s capital city. From a practical perspective, now that the dry dock was operational and workshops built, there was little use for convict labour on the island. The prison was closed in 1869. The prisoners were transferred to Darlinghurst Gaol and the island and its dockyard facilities handed over to the Royal Navy.

Heritage

In 2010, Cockatoo Island was placed on the UNESCO world heritage list, along with nine other convict sites around Australia.¹⁹ It is a popular tourist destination, receiving up to 150,000 visitors during the years it hosts the *biennale* festival of the arts.²⁰ It is the only surviving convict-built public works in New South Wales.²¹

¹⁴ *Castrique, Under the Colony’s Eye*, pp. 211-215.

¹⁵ TNA, CO 201/467, Committee on the Estimates of Expenditure for 1854 (Dry Dock) (Sydney: W.W. Davies, 1853), Mann, Minutes of evidence, encl. 2. in Fitzroy to Duke of Newcastle, 21 Dec. 1853, no. 161, p. 2.

¹⁶ BPP 1867-8, Vol. LVII, nos. 3961, 6961-I, ‘Prison Discipline in the Colonies, Report of the Select Committee of the Legislative Assembly’, appointed 23 Jan. 1861, p. 109.

¹⁷ Report of the Board of Inquiry into the Management of Cockatoo Island with Appendices A to E, no. 17A, Votes and Proceedings of the Legislative Assembly, vol. II, New South Wales, (1858) Vol. II, p. 264.

¹⁸ Report from the Select Committee on Public Prisons in Sydney and Cumberland; together with the proceedings of the committee, minutes of evidence (Comprising statements of prisoners), and Appendix, Legislative Council of Western Australia, Sessional papers, no.157-a, (1861).

¹⁹ ‘Australian Convict Sites’, UNESCO, 2010 <<http://whc.unesco.org/en/list/1306>> [accessed: 10 Sept. 2017].

²⁰ Stephen Gapps, ‘[Review] Cockatoo Island, Sydney, Australia, Sydney Harbour Federation Trust’, *The Public Historian*, 33:2 (2011), pp. 149-152.

²¹ Sydney Harbour Federation Trust, ‘Cockatoo Island Management Plan’, pp. 1-2.