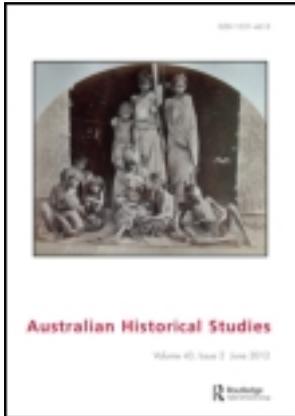


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Australian Convict Sites and the Heritage of Adaptation: The Case of Newcastle's Coal River Heritage Precinct

DAVID ANDREW ROBERTS & ERIK EKLUND

The Australian Government's successful nomination of eleven 'convict sites' for World Heritage listing has again highlighted complex relationships between history and heritage. This article considers one convict site excluded from the nomination—the Coal River Heritage Precinct in the heart of Newcastle (NSW). While the site falls short of fulfilling conventional heritage criteria, the material remains having been so seriously eroded, its historical significance is nonetheless considerable. In fact, its significance lies in what has been destroyed, as much as in what has survived, because the site evidences a process of adaptation and transformation over time. This theme of adaptation, we argue, is an instructive reflection of the legacies of Australia's convict past, but is not so well embodied by the successfully-nominated convict sites. Drawing on the lessons from this particular case study, we suggest that more progressive and adventurous approaches may be needed to adequately reflect the historical significance of Australia's convict inheritance.

THE AUSTRALIAN Government's 2008 nomination of eleven 'convict sites' for World Heritage Listing acknowledged the impressiveness and potency of those particular places, and also the broader, global importance of Australia's convict history (see Table 1).¹ The nomination addressed a conspicuous disparity in Australia's World Heritage profile, which until the listing of Melbourne's Royal Exhibition Building (2004) and the Sydney Opera House (2007) contained no sites concerning the nation's post-contact heritage. The nomination of convict sites to fill that gap was all the more remarkable, given the complex and problematical role which convict heritage has played in Australian culture and identity over the last two hundred years. However, it does suit a modern fascination and identification with convict heritage among many Australians—an interest that has in some measure been stimulated and shaped by iconic places such as at Port Arthur and Norfolk Island.² The eleven sites were successfully evaluated by the International Council on Monuments and Sites and added to UNESCO's list of World Heritage sites in 2010.

The recognition of eleven Australian convict sites overshadows the thousands of identified convict sites throughout Australia, some of which are struggling to obtain suitable recognition and protection. One such example is the

¹ Australian Government, *Australian Convict Sites World Heritage Nomination* (Canberra: Department of the Environment, Water, Heritage and the Arts, 2008).

² E. C. Casella and C. Fredericksen, 'Legacy of the "Fatal Shore": The Heritage and Archaeology of Confinement in Post-Colonial Australia', *Journal of Social Archaeology* 4, no. 1 (2004): 99–125; E. Casella, 'Prisoner of His Majesty: Postcoloniality and the Archaeology of British Transportation', *World Archaeology* 37, no. 3 (2005): 453–67.

complex of historic remains within the so-called Coal River Heritage Precinct (hereafter 'Coal River' or the Precinct) at the entrance to the port of Newcastle, New South Wales. The Precinct covers some of the sites and remnants of the Newcastle convict settlement (1804–1823), as well as numerous other important natural and cultural landmarks, set within the very heart of one of European-Australia's oldest and most significant settlement sites. The Precinct was deemed unsuited to the series-nomination of sites for World Heritage listing, despite earnest efforts for its inclusion. We cannot suggest that this was unjust, given what is demanded by the very strict World Heritage assessment guidelines. However, it does cause us to reconsider prevailing ideas about what constitutes 'heritage', and what is considered worth conserving, because although heritage values are at least partially articulated in terms of natural, cultural and historical importance, what is privileged and preserved ultimately rests on measurements of the 'authenticity' and 'integrity' of surviving physical fabric. This has long been a primary issue in heritage discussion, constituting a key tension between heritage philosophy which seeks to articulate cultural and historical values, and heritage practice with its overriding emphasis on fabric. The problem is especially relevant to Australia's convict heritage because the surviving material evidence barely matches the subject's historical and cultural importance. As Denis Gojack has argued, what has survived, and what has hitherto drawn the attention of heritage scholars and practitioners, offers only a very partial picture of Australia's convict heritage.³

In this article we consider the case for 'Coal River', setting it against the sites now recognised on the World Heritage list. We are *not* suggesting that the Precinct ought to have been included in the World Heritage nomination. Rather, our aim is to posit the Precinct as representing a different set of heritage values to the World Heritage convict sites, or indeed any site evaluated in terms of the completeness of surviving physical fabric. The Precinct and many comparable Australian convict sites embody what we call a 'heritage of adaptation', where what is evidenced is a history of transformation rather than preservation. The idea owes more to the subjective and nuanced notions of 'living', 'cultural', 'intangible' and 'inclusive' heritage' which, internationally, have broadened the scope and definition of heritage, especially in the wake of UNESCO's *Convention for the Safeguarding of the Intangible Cultural Heritage* (2003). These innovations in heritage studies and management have been unevenly adopted on national levels,⁴ and seemingly the assessment of Australian convict sites has not kept pace. Indeed, the World Heritage nomination, which required the articulation of 'international significance' but in fact rested more prescriptively on evaluations of material fabric, possibly exacerbated the issue. We are not heritage

³ D. Gojak, 'Convict Archaeology in New South Wales: An Overview of the Investigation, Analysis and Conservation of Convict Heritage Sites', *Australasian Historical Archaeology* 19, (2001): 73–83.

⁴ M. Turnpenny, 'Cultural Heritage, an Ill-defined Concept? A Call for Joined-up Policy', *International Journal of Heritage Studies* 10, no. 3 (2004): 295–307; Y. Ahmad, 'The Scope and Definitions of Heritage: From Tangible to Intangible', *International Journal of Heritage Studies* 12, no. 3 (2006): 292–300.

practitioners but academic historians, which may explain our focus on the intangible and our articulating of heritage values largely in terms of historical significance. But historians seem well placed to appreciate that what is required to establish 'international significance', both rhetorically and materially, fails to do justice to the history and legacies of Australia's convict past on a national level. Australian convict sites, we argue, require more progressive and adventurous approaches to heritage that adequately reflect the true legacies of Australia's convict inheritance.

Convict Newcastle

From its earliest colonial moments, Newcastle was intimately associated with industry and exile. The first extractions of coal from 'Colliers' Point' (at the base of what became 'Signal Hill', now Fort Scratchley) were undertaken in 1801. These efforts likely represented the first commercial coal mining undertaken in the Southern Hemisphere, and marked Newcastle as the birthplace of Australia's coal mining industry. The colonial authorities ordered a permanent settlement at what was then called Coal River in April 1804. Until the establishment of the Port Macquarie settlement in 1821, Newcastle operated as the colony's main receptacle for recidivists, a place of exemplary punishment where extreme isolation and hard labour could be orientated around the extraction of precious resources such as coal, salt, cedar and lime.

Newcastle was thus a formative and notorious example of the nexus between punishment and profit that underlined the early history of New South Wales. It was the prototype for a network of secondary settlements that became central to the reinvention of the convict colony as a place of terror, and which left a powerful and lasting impact on popular memories of the convict period.⁵ As a place of punishment and industry, Newcastle also served as a logistical and administrative platform for the expansion of British power and influence across the hinterland of the Hunter Valley—a process that ultimately diminished Newcastle's usefulness as a place of exile, resulting in its formal closure as a penal settlement in 1823. In a manner that reflected the broader transition from convict colony to free society, Newcastle then developed as a more regular settlement. Convicts worked alongside emancipists and free emigrants in the service of the public, the Australian Agricultural Company, and numerous smaller commercial and mercantile operations and attendant industries. This transition from a convict to a free society provided what is now a key element of the heritage values embodied in 'Coal River'.

Post-convict Newcastle emerged as a place defined by European industry, especially the production of coal. The Hunter River (named after Governor John Hunter), long remained known as Coal River. The settlement, originally 'King's

⁵ D. A. Roberts and D. Garland, 'The Forgotten Commandant: James Wallis and the Newcastle Penal Settlement, 1816–1818', *Australian Historical Studies* 41, no. 1 (2010): 5–24.

Town', soon became Newcastle. It was named after Newcastle upon Tyne, the capital of British coal-mining and the scene, as put by one contemporary, of so 'many laborious and dirty branches of business . . . above and below ground' that 'the constant use of soap [was] indispensably necessary'.⁶ During the nineteenth century, coal was extracted from seams throughout the district and exported from the port at Newcastle, which became the world's fifth largest port by the turn of the century.⁷ With the 1915 opening of the Broken Hill Proprietary Steel Works and the attendant rise of subsidiary manufacturing activities, the 'Coalopolis' became the 'Steel City', consolidating Newcastle as the largest regional industrial and manufacturing centre in Australia—the 'Workshop for the [Australian] Commonwealth'—and an increasingly important port for the exporting of raw materials, steel products and agricultural produce.⁸

Newcastle's early development as a place of hard labour and exile thus marked the beginnings of a trajectory, fermenting both a legendary history of struggle and adversity and an enduring sense of neglect and marginalisation. Coal, and industry more generally, provided Newcastle with the tainted image of a 'Problem City'—a place of pollution and privation, and of practices and pursuits that are viewed with some ambivalence and scorn.⁹ Newcastle seemed 'practically hidden from view', as one commentator noted in 1927.¹⁰ While he was being literal, referring to the impenetrable smoke that billowed from collieries and coking ovens, the observation referenced a broader sense of Newcastle's position on the nation's cultural periphery. While the convict contribution to the city's development and history remains poorly understood, those origins have never been entirely forgotten or shunned. Rather they have tended to seem somehow coherent, absorbed within a proud and parochial sense of place.¹¹

Convict Newcastle survives not only within the historical memory and identity construction of the city, but also in an array of historical and archaeological remains that mark the city as an important convict site, and a particularly instructive one. There are problems however, in that the material remnants are partial and concealed, while the intangible historical traditions and social memories inspired by 'Coal River' are vague and subtle, posing

⁶ J. Baillie, *An Impartial History of the Town and County of Newcastle upon Tyne and its Vicinity* (Newcastle upon Tyne: Vint & Anderson, 1801), 522.

⁷ S. Marsden, 'Newcastle's Waterfront', *Historic Environment* 14, no. 3 (1999): 19–25.

⁸ C. M. Zierer, 'Industrial Area of Newcastle, Australia', *Economic Geography* 17, no. 1 (1941): 31–49; M. T. Daly, 'The urban pattern of Newcastle', *Australian Economic History Review* 10, no. 2 (1970): 190–204.

⁹ M. W. Rofe, 'Gentrification within Australia's 'problem city': Inner Newcastle as a zone of residential transition', *Australian Geographic Studies* 38, no. 1 (2000): 54–70; M. W. Rofe, 'From "Problem City" to "Promise City": Gentrification and the Revitalisation of Newcastle', *Australian Geographical Studies* 42, no. 2 (2004): 193–206.

¹⁰ Mauldon 1927 cited in *People and Politics in Regional NSW, Volume 1. 1856 to the 1950s*, ed. J. Hagan (Sydney: Federation Press, 2006), 54.

¹¹ J. Croft, 'A Sense of Industrial Place: The Literature of Newcastle, New South Wales, 1797–1997', *Antipodes: A North American Journal of Australian Literature* 13, no. 1 (1999): 15–20; N. Cushing, 'Coalopolis to Steel City: Perceptions of Newcastle 1797–1859', *Journal of Australian Studies* 57 (1998): 61–7.

considerable problems for recognition under prevailing heritage practices. This circumstance is actually typical of much of Australia's most important convict heritage, but we argue that it also defines what is significant about the site in terms of its local and national heritage values.

Recovering Convict Newcastle

Historical archaeology constantly reminds us that where fledgling settlements were levelled and overlaid by urban and industrial development, giving way to modern cities, the earliest evidence was not always obliterated. Even in the heart of modern Sydney it was possible in 1983 to discover the remains of the house built a matter of months after the arrival of the 'First Fleet' in 1788.¹² In the 1990s, excavations in Australia's oldest urban precinct, The Rocks, unearthed the material evidence for new insights on early convict culture and its role in laying the foundations of a modern metropolis.¹³ The story is similarly revealing in the smaller regional centres of eastern Australia. At Port Macquarie, archaeological excavation of the 'Glasshouse' site on Clarence Street in 2006 uncovered the well-preserved remains of convict-era buildings, including a rare brick barrel drain and numerous artefacts.¹⁴ Today, the Hastings Council's 'Remembering Our Convict Heritage Walk', an interpretive trail that leads pedestrians around thirteen important archaeological and historical convict sites, is a commendable example of contemporary heritage practice, particularly enlightening in the manner in which it contrasts the contemporary structures of the present with the fragmentary remains of the past. That contrast admits the impermanence of the past and confronts the conceit of the present, and tells a poignant narrative of adaptation and growth over time. It witnesses Australia's founding endeavours, but also evidences development and transition, connecting penal origins with the present day. These lessons and values are perfectly communicated in the case of Newcastle's 'Coal River'.

In Newcastle, some relics of the convict-era could never be demolished or forgotten. The Commandant's Bath or 'Bogey Hole', hewn by convicts from a secreted rock platform, survives as an iconic cultural landmark and a haunting reminder of the city's past. The most visible and functional piece of infrastructure is Macquarie Pier that links Nobbys Island to the mainland, a remarkable engineering feat initiated with convict labour in 1818 to ensure the commercial viability of the port of Newcastle and its dependant industries. It is justly valued as one of the very few pieces of early-colonial infrastructure that remains vital and useful in today's society. Most physical remains of the convict

¹² H. Proudfoot et al., *Australia's First Government House* (Sydney: Allen & Unwin and the NSW Department of Planning, 1991).

¹³ G. Karskens, *The Rocks: Life in Early Sydney* (Melbourne: Melbourne University Press, 1997).

¹⁴ Edward Higginbotham and Associates Pty Ltd., 'Report on the Archaeological Excavations of the Glasshouse, Clarence and Hay Streets, Port Macquarie, NSW: Summary of Main Findings', unpublished report, 2008.

settlement, however, were quietly ravaged by time, accident and redevelopment. By 1900, it was noted that 'few relics of the old buildings still remained', and that 'modern buildings for the most part occupied the sites that had for so many years in succession held the strong and substantial edifices which dated from the early days of the past century'.¹⁵ Some original material was preserved in the creation of new structures, and new buildings were constructed, some still standing today after numerous additions and alterations. The original coal mines under Signal Hill, abandoned in the mid-1820s, were covered over in the 1880s as the imposing walls of Fort Scratchley were built, 'their entrances ... finally blotted out of sight forever by a deep thick wall of concrete and masonry'.¹⁶

However, throughout the twentieth century, the mines reappeared due to land subsidence. In 1906, a 'creep' that caused extensive wreckage to homes and gas and water pipes, and emptied 500,000 litres of water from a subsidiary reservoir, was popularly attributed to the shallow mines built during the convict era.¹⁷ In 1943, subsidence on the grounds of the James Fletcher Hospital revealed a convict mine-shaft, traced to a visible adit on the side of a nearby cliff.¹⁸ In the late-1970s and 1980s, amid plans for the large-scale redevelopment of the inner-city and the industrial waterfront, the discovery of partially collapsed tunnels beneath the Newcastle police station, the Royal Newcastle Hospital and the city morgue, served as a reminder that Newcastle and its surrounding suburbs was honeycombed by some 300 mines, many of them unmapped and forgotten.

The most significant rediscovery of convict Newcastle was made in 1986 when University of Newcastle lecturer and celebrated local historian, Dr John Turner (1933–1998), found a convict-era brick on a vacant block of land adjacent to the Newcastle Railway station. The site, then an unsealed car park owned by the State Rail Authority, was identified as the location of the former 'lumberyard', also known as the 'coal yard' and later the 'convict stockade'. The large allotment on the eastern edge of the settlement had been used for storing and processing cedar and coal, and was the site of 'the common and coarser mechanical operations',¹⁹ including the forging of the tools and materials required for public work programs. Excavations in July 1987 uncovered the remains of a convict-built brick drain and an industrial kiln or forge, a rich result from a ten square-metre sample of the site. Subsequent excavations unearthed abundant artefacts, including evidence of pre-contact Aboriginal occupation, such that the site was deemed to provide 'substantial evidence ... of the major themes which generated the development of Newcastle'.²⁰ Damaris Bairstow

¹⁵ *Sydney Morning Herald*, 29 May 1905.

¹⁶ *Newcastle Morning Herald*, 29 January 1885.

¹⁷ *Sydney Morning Herald*, 17 May 1906 and 14 February 1908.

¹⁸ *Newcastle Morning Herald*, 21 July 1943.

¹⁹ J. T. Bigge, 'Report of the Commissioner of Inquiry into the State of the Colony of New South Wales', 1822, *British Parliamentary Papers: Colonies, Australia, Volume 1* (Shannon: Ireland University Press, 1971), 115.

²⁰ M. Walker, *The Convict Lumber Yard, Stationmaster's Residence and Paymaster's Office: a Conservation Policy Prepared for the Council of the City of Newcastle* (Newcastle, Newcastle City Council, 1989), 25.

(who had recently worked on the Coal Mines Historic Site in Tasmania, now on the World Heritage register) acclaimed the Newcastle lumberyard as 'the only known site in Australia to retain evidence of early convictism on a broad scale'.²¹

The land was only narrowly and fortuitously saved from sale for high-rise development. However, it was another decade before the Newcastle City Council and the State Government embraced its heritage significance. An interpretive park was opened in September 1999, at which time it was acclaimed as 'Australia's first industrial site' and Newcastle's 'newest and most unusual tourist attraction'.²² The symbolic importance of the lumberyard site was at that time enhanced by anxieties surrounding the closure of the BHP steelworks, a traumatic event that unsettled Newcastle's industrial identity. Agitation for the conservation of the lumberyard site corresponded with demands for the preservation of some steel works structures, the two asserting an historical continuity that emphasised Newcastle as 'The Birth Place of Australian Industry'.²³ Today the lumberyard site is a local heritage icon, 'Our Buried Treasure', although one that is under-utilised as a tourist attraction.²⁴

The unearthing of the lumberyard demonstrated that convict-era remains had not been entirely obliterated from the Newcastle CBD. Actually, the development of Newcastle had caused surprisingly little subterranean disturbance. Local geography and topography, and the problems of land subsidence from nineteenth-century mining, combined with a raft of economic and commercial factors to impede the development of the CBD, such that Newcastle was, at least in the late-1990s, considered 'a substantially intact nineteenth century city both above and below ground'.²⁵ Archaeological surveys identified over 177 local sites associated with the convict period. It was estimated that seventy-five to eighty per cent of the total land area of the Newcastle CBD likely contained archaeological relics, a survival rate 'far greater' than in Sydney (five to ten per cent), or Melbourne (twenty to twenty-five per cent). On these grounds, Newcastle was deemed a 'considerable archaeological resource'.²⁶

The importance and extent of Newcastle's archaeological record has been further borne out by more recent developments, notably the rediscovery of the original convict coal mines, long-held to have been destroyed during the development of the Newcastle CBD. The uncovering of contemporary documents provided important contextual evidence of the beginnings of a 'bord and pillar' style method of mining, indicative of an early, tentative step to apply European and North American industrial techniques in the southern

²¹ D. Bairstow and M. Davies, *Coal Mines Historic Site Survey: Preliminary Report*, Occasional Paper no. 15. Hobart: Department of Lands, Parks and Wildlife, Tasmania, 1987.

²² *Newcastle Herald*, 24 June 1999 and 3 September 1999.

²³ T. Norman and C. Ashleigh, 'The Birth Place of Australian Industry', *Newcastle Herald*, 19 October 1999.

²⁴ *Newcastle Herald*, 6 November 2000.

²⁵ Suters Architects, 'Newcastle Archaeological Management Plan', vol. 1 (unpublished report, Newcastle, 1997), 5, 28–9, 36.

²⁶ *Ibid.*, 29.

hemisphere. Documents also assisted researchers in locating numerous 'drifts' or entrances to the mines of 'Collier's Point' beneath Fort Scratchley. Ground penetrating radar analysis and subsequent drilling at three locations in September 2005 demonstrated that 'extensive workings are present in the coal seam'.²⁷ Other work is in progress, including further study on the Commandant's Residence, and renewed efforts to examine the convict-built foundations of Macquarie's Pier.²⁸

Assessing the Precinct

The convict lumberyard, Macquarie Pier and the coalmines and adits that perforate the coastal cliffs form the key convict-era components of 'Coal River', but importantly the zone contains much more than convict-era sites. It includes, for example, Fort Scratchley, famously the only coastal military installation in New South Wales to have fired in anger during a time of war, as well as Nobbys Lighthouse, Signal Hill, and the Art Deco Club House on Nobby's Beach. The Precinct encompasses a great number and range of commercial and residential premises that showcase both the definitively Victorian character of the city as well as its most modern architecture. Collectively, and by way of contrast, these landmarks and structures mark a series of important transitions in the life of the city, reflecting also Australia's journey from convict colony to free nation. Moreover, 'Coal River' is a functional precinct, a living zone, a scene of business and recreation and dwelling, providing a remarkable fusion of heritage and the everyday.

The case for the recognition and protection of Newcastle's Coal River Heritage Precinct is championed by the Coal River Working Party (formed in 2003), a collective of commercial, community and professional parties based at the University of Newcastle, whose combination of expertise and enthusiasm demonstrates the merits of heritage appreciation and activism at the grass roots level. The Working Party successfully nominated the Precinct for the New South Wales State Heritage Register in 2003, making the case for its historical, associative, aesthetic and social significance under state heritage criteria. It was determined that the Precinct revealed a concentration of 'the whole story of the development of New South Wales' first and most important industrial centre', and evoked a raft of themes central to the foundation of modern Australia.²⁹

The Working Party's case for including 'Coal River' in the series-nomination of convict sites for World Heritage listing was, however, rejected, occasioning

²⁷ A. Love et al., 'Investigation of Convict Coal Mine Workings beneath Colliers' Point, Newcastle East: Results of Drilling Investigation' (unpublished report, 2005), 3.

²⁸ A. Hardy, 'Government House Newcastle, New South Wales' (Graduate Diploma in Applied Heritage Studies thesis, Curtin University of Technology, 2006).

²⁹ Coal River Precinct, NSW State Heritage Register Item Listing [online]. Available from <http://www.heritage.nsw.gov.au/07_subnav_01_2.cfm?itemid=5053900>

comments on the ‘often ... uphill battle to get recognition for the role the Newcastle region played in our nation’s history’.³⁰ The Working Party then nominated ‘Coal River’ for the National Heritage Register, in recognition of its exceptional natural, Indigenous and historic values. It was argued that the Precinct was a witness to ‘the critical moments in Australia’s development as a nation’, and that it met what was, at that time, a key National Heritage requirement of providing a ‘living and accessible record of the nation’s evolving landscapes and experiences’.³¹ Despite the enthusiastic backing of the local Member of Parliament and the National Trust’s Hunter Regional Committee, that nomination was unsuccessful.

Since Newcastle’s ‘Coal River’ represents an evolved landscape, where the integrity of original fabric has been substantially eroded, it was never seriously considered for inclusion on the Australian government’s series-nomination of convict sites for World Heritage Listing. The long and ponderous path towards the 2008 nomination began in the early-1990s when the then Department of Environment, Sport and Territories commissioned a ‘Study of World Heritage Values Convict Places’ from Michael Pearson and Duncan Marshall. That report culminated in a shortlist of eight sites considered worthy of nomination for World Heritage Listing on account of ‘their authenticity and degree of protective management’ (Table 1).³² A sound case was made for the shortlisted sites (although the shortlist was revised over the following decades, as explained below). The more problematic outcome, however, was an inventory of around 200 ancillary ‘convict places’, which noted the condition and ‘special features’ of each. This was the most difficult task, and the least immediate in that few if any of those sites stood out clearly as meeting the World Heritage criteria for ‘international significance’. In what was necessarily a broad-brush exercise, thousands of sites were overlooked, and many of those included were under-appreciated.

Newcastle warranted only a passing reference in the Pearson and Marshall report. In a contextual account of ‘Convicts in Australia’, it was noted that Newcastle was established ‘to mine coal and to manufacture salt and produce lime, and as a place of secondary punishment’, and that the ‘penal settlement was transferred [sic]’ to Port Macquarie in 1823. Here the report did marginally better than the 2008 World Heritage Nomination, which only conceded the existence of convict Newcastle by listing ‘Coal River’ among a number of ‘important penal settlements in NSW and VDL’, without even acknowledging where ‘Coal River’ actually was.³³ Pearson and Marshall did acknowledge the rediscovery of the former lumberyard, citing a short research note published

³⁰ S. Grierson, *Australia Parliamentary Debates, House of Representatives Hansard*, 14 August 2007, 118–19.

³¹ E. Eklund and A. Eklund, ‘Coal River Heritage Park Newcastle: National Nomination’ (unpublished report, 2007). Accessed from: <www.newcastle.edu.au/service/archives/colriver/pdf/nhn2007.pdf>

³² M. Pearson and D. Marshall, ‘Study of World Heritage Values Convict Places’ (unpublished report Canberra: Department of the Environment, Sport and Territories, 1995).

³³ Australian Government, *Australian Convict Sites World Heritage Nomination*, 212.

several years earlier which had actually said very little about the initial and limited excavations conducted in 1987 (it was primarily about the enormous media interest in the excavation and attempts to fast track the sale of the site).³⁴ Pearson and Marshall did not cite numerous other archaeological projects and historical investigations conducted over several years,³⁵ and were uncertain about the status of formal management and interpretation guidelines covering the lumberyard site.³⁶ The authors concluded that 'no other substantial remains of the convict period are known to survive', and certainly none suitable for World Heritage listing.

We are not condemning the perfunctory treatment of Newcastle's convict heritage in Pearson and Marshall's report, which was clearly a broad-brush effort. Their key aim was to locate pre-eminent sites that were obvious and impressive enough to demand serious consideration for World Heritage listing. Nevertheless, the 1995 report played a role in subsequent decisions on the heritage values of Australian convict sites, including those sites that were too obscure to be considered for World Heritage listing. For example, the federal government publically explained the omission from the World Heritage *Nomination* of the Albany Old Gaol in Western Australia in terms of its failure to 'meet the rigorous technical requirements of a World Heritage place' and its not having been listed as significant by Pearson and Marshall, thirteen years earlier.³⁷ Pearson and Marshall's report has also been referenced extensively in the literature on Australian convict sites and throughout the National and State heritage databases. The Historic Houses Trust in Sydney used the report as a key source for its 'Convicts: Sites of Punishment' exhibition which opened in June 2005, and which omitted significant reference to Newcastle. Despite its limited and specific brief, the report has been influential, given its pioneering nature and broad dissemination. Actually, what the report demonstrated, and in fact directly acknowledged to some extent, is the need for more wide-ranging research into the places and physical remains of Australia's convict past. Our knowledge of convict sites is evolving and dynamic, and new discoveries necessarily cause us to re-evaluate their significance and worth. That much is evident in the subsequent deliberations over which sites were to be nominated for World Heritage listing.

³⁴ Pearson and Marshall, 'Study of World Heritage Values Convict Places', 44–5; D. Bairstow, 'The Newcastle Lumber Yard: Recent Discovery of Convict Remains', *Australian Society for Historical Archaeology: Research Bulletin* 6 (1987): [np].

³⁵ J. W. Turner, *The History of the Lumber Yard/Stockade Site* (Newcastle: Newcastle City Council, 1989); Walker et al., *The Convict Lumber Yard*; Godden Mackay Pty. Ltd, 'Convict Lumber Yard Site: Archaeological Assessment and Heritage Conservation Advice' (unpublished report, 1992); S. Lavelle, 'Report on Archaeological Monitoring of Works at the Convict Lumberyard/Stockade Site, Newcastle' (unpublished report, 1993).

³⁶ Pearson and Marshall, 'Study of World Heritage Values Convict Places', table 5.

³⁷ P. Wong, *Australia Parliamentary Debates, Senate Hansard*, 13 May 2008, 1667–8.

Determining 'Pre-eminence'

There were substantial adjustments made to the selection of sites for World Heritage listing, between the time of Pearson and Marshall's initial recommendations, the submission of a 'Tentative List' of sites to UNESCO in 2000,³⁸ and the final 2008 *Nomination*. These adjustments tell us something of the evolving political and management issues surrounding the determination of which sites were best suited to UNESCO's guidelines. However, they also serve to underline how certain prescriptions for assessing heritage value can perhaps distort the messages and meanings of Australia's convict history.

Two sites shortlisted by Pearson and Marshall—Norfolk Island and Cockatoo Island—had to be temporarily omitted from the proposed nomination, owing in the first case to problems in securing inter-government agreements, and in the second case to the absence of conservation management planning.³⁹ Both reappeared in the 2008 *Nomination* once these issues were resolved. The Coal Mines Historic Site, which Pearson and Marshall initially coupled with Port Arthur, was soon after listed separately, although they had in the intervening period been brought under the same management authority (they are discrete sites, but historically connected). The Old Government House at Parramatta, initially overlooked, was added to replace the First Government House Site in

Table 1. The 'long and ponderous path' towards the 2008 nominations by the Australian Government of eleven 'Convict Sites' for World Heritage Listing.

1995 Shortlist (Pearson and Marshall 1995)	2000 Tentative list (UNESCO 16 June 2000)	2008 Nomination (Australian Government, 2008)
● Kingston (Norfolk Island)	● First Government House Site	● Kingston (Norfolk Island)
● Port Arthur	● Hyde Park Barracks	● Old Government House and Domain
● Fremantle Prison	● Great North Road	● Hyde Park Barracks
● First Government House Site	● Darlington Probation Station	● Cockatoo Island
● Great North Road	● Port Arthur	● Old Great North Road
● Ross Probation Station	● Coal Mines Historic Site	● Brickendon-Woolmers Estates
● Hyde Park Barracks	● Ross Female Convict Station	● Darlington Probation Station
● Cockatoo Island	● Fremantle Prison	● Cascades Female Factory,
● Convict Station		● Port Arthur Historic Site
		● Coal Mines Historic Site
		● Fremantle Prison

³⁸ UNESCO 16 June 2000, Tentative Lists: Australian Convict Sites. Accessed from: <<http://whc.unesco.org/en/tentativelists/1436/>>

³⁹ M. Pearson, 'Australian Convict Sites World Heritage Nomination', *Historic Environment* 14, no. 5 (2000): 66–9.

the Sydney CBD, which, like the Newcastle sites, contains important archaeological remains but no extant structures. The Brickendon-Woolmers Estates at Longford, which were the very last of the items to be added to the World Heritage nomination list (in January 2007), were not mentioned by Pearson and Marshall at all, but are now instrumental to the *Nomination* as an exemplar of the convict assignment system.

The Darlington Probation Station on Maria Island was not originally shortlisted in 1995, at which time the condition of its existing structures was 'unknown'.⁴⁰ However, further investigations of the site later established its enormous importance as a consummate and largely intact example of a convict probation station.⁴¹ Similarly, the Cascade Female Factory in South Hobart prevailed over the previously preferred Ross Probation Station in the Tasmanian midlands, largely because of the former's significant associations with the confinement and punishment of convict women. Originally overlooked for its relatively poor state of survival, the case for the Cascades was supported by several years of extensive historical research and archaeological excavation, by the purchase and acquisition of various allotments with funds provided by government and private benefactors, and by the application of the necessary levels of conservation management planning and protection. The result would have pleased the late Kay Daniels, who thought the initial list of sites recommended for nomination blandly emphasised the incarceration of men and threatened to perpetuate convict women as 'marginal figures'.⁴²

The eleven convict sites chosen for World Heritage Listing were deemed to be of exceptional and universal value as monuments to the global forced migration of convicts and the evolving ideas and practices of punishment and reform during the modern era. They were singled out as 'the most representative' or 'pre-eminent' of an estimated 3,000 other sites 'distributed across several States and Territories', on the grounds that they provide 'a complete representation of all the significant elements' of Australian convictism, including penal stations, gang labour, assignment, female factories and the Tasmanian probation system.⁴³ The case for their universal significance is coherent and compelling, but it is also somewhat rhetorical, or is at least more persuasively applied to some items than to others. Ultimately, they are pre-eminent in the extent to which they maintain high degrees of 'integrity' and 'authenticity', with strong 'elements of wholeness and intactness', as demanded by the UNESCO's Operational Guidelines for the Implementation of the World Heritage Convention.⁴⁴

As such, the Australian convict sites that now enjoy World Heritage listing are testaments not only to the times of their construction and use, and to the

⁴⁰ Pearson and Marshall, 'Study of World Heritage Values Convict Places', table 5.

⁴¹ H. Maxwell-Stewart, 'World Heritage Serial Nomination for Australian Convict Sites' (unpublished report, Canberra: Department of the Environment and Heritage, 2006).

⁴² K. Daniels, *Convict Women* (Sydney: Allen and Unwin, 1998), 249.

⁴³ Australian Government, *Australian Convict Sites World Heritage Nomination*, 17, 99.

⁴⁴ UNESCO 2005, paragraphs 87–89.

combination of accident and wisdom that allowed their preservation, but also to the heritage criteria that assessed them. They document the formative elements of our history, but also the development of conservation practices in more recent times. These sites have long been protected under some form of management and legislation. All are now National Heritage Places and are further embraced within the *Australian Convict Sites Strategic Management Framework*.⁴⁵ Their historic and heritage values have been comprehensively studied and articulated, their protection and conservation is relatively well funded by government, and they are interpreted, managed and audited by some of the world's finest heritage professionals. Moreover, most remain set within natural surroundings that have retained their 'visual integrity'. Port Arthur and Kingston on Norfolk Island are especially lauded for their 'landscape settings that have changed little since the convict era', a landscape that 'evocatively captures the atmosphere of the convict experience' and induce 'a strong sense of place and character'.⁴⁶

In short, the big eleven are pre-eminent because they seem sealed in time. They are places of the past, ostensibly frozen in the present. Indeed, in many cases this effect has been deliberately curated by the removal of evidence of subsequent re-use—'Reconstruction' as defined by the Burra Charter, or the process of 'returning a place to a known earlier state'⁴⁷—winding back the clock, as it were, to enhance the site's authenticity. However, in this sense they are exceptional because they are anomalous. Without denying their obvious and extraordinary value on these grounds alone, we might nonetheless consider the effects of the preservation and perceived primacy of these particular sites in terms of the possible meanings they communicate in the present. A strong sense of place and character, however enlightening and powerful, can deceive us on at least three levels.

First, although some sites exude the 'atmosphere of the convict experience', that experience can seem strangely marinated. Port Arthur, for example, with its damp cells and moody weather, invites us to imagine the noise and dust of a bustling settlement and sense the grim horrors of convict life, yet the ambience is now unavoidably that of a quaint and quiet spot perfumed by the sweet smell of freshly-cut grass. Whereas isolation and discomfort were once its essence, car parks, motel accommodation and a state-of-the-art interpretive centre now convenience the site. This does not necessarily diminish a site's historical and educative value, notwithstanding the tourism-driven tendency to package it as an authentic conduit of past experience—a chance to know the past as it actually was, or as we are told or wish it to be.⁴⁸ Indeed, such apparent paradoxes may be

⁴⁵ Australian Government, *Australian Convict Sites: Strategic Management Framework* (Canberra: Department of the Environment, Water, Heritage and the Arts, 2008).

⁴⁶ Australian Government, *Australian Convict Sites World Heritage Nomination*, 119.

⁴⁷ Australia ICOMOS, *The Burra Charter: The Australia ICOMOS Charter for Places of Cultural Significance* (Canberra, 1999).

⁴⁸ G. Watt, 'Consuming Heritage: Perceived Historical Authenticity', *Annals of Tourism Research* 27, no. 4 (2000): 835–62.

far less stark than we believe, and can still be appreciated and mediated in site interpretation, particularly as they reflect changing practices and site use.⁴⁹ However, by being seemingly sealed in time they do not really capture the sense of transition and development, or provide that story of material adaption and socio-cultural change over time, that is in our view so critical to understanding the legacy of convict Australia.

Second, while these sites confront us with immediate and integral evidence of the convict system, they also potentially provide a comforting barrier by disengaging the convict era from the experience of contemporary Australia. They do so by suggesting a history that occurred at certain demarcated spots, mostly isolated and long-since abandoned, rather than a history that laid the foundations for European economy and society in a more evidential and observable sense. They help us imagine a world dislocated and far removed from our current realities, rather than a history that is truly constitutive of modern Australia. They promote a disembodied sense of heritage, a safe heritage, and one that, conceived this way, accords with the general means by which Australians have always dealt with their 'Birthstain'—as something made safe by remoteness and seclusion, by being discrete and detached, both temporally and spatially.

Not all of the nominated sites are, or ever were, isolated and momentary products of the convict era. The Cascade Female Factory and Fremantle Prison squat amidst evolving urban landscapes. Hyde Park Barracks and the Old Government House at Parramatta were used as offices and residences until very recently. Parts of the Great North Road remain in use today (although much of it was never used as a major thoroughfare, which obviously contributed to its preservation), and the Brickendon-Woolmers Estates continue to operate as working farms. But it seems telling that while the *Nomination* describes Australia's convict history as internationally unique, forced migrants having made 'a major contribution to European settlement and development of a continent that later became a nation',⁵⁰ the point is barely explored, as if conceding that it is not amply illustrated in the choice of sites. It is easier to imagine and insinuate the trajectories between the convict era and contemporary Australia than it is to locate and observe them physically. As far as it would involve evidence of re-use and development, and an attendant diminishing of 'integrity' and 'authenticity', such trajectories are poorly suited to the requirements of heritage protection.

Third, while the nomination aimed to cover 'all the significant elements' of Australia's convict system, the chosen sites were in fact heavily weighted towards the themes of incarceration and/or exemplary punishment. Notwithstanding the variety of past policies and populations they represent, the chosen sites mostly evoke captivity and hardship, and are thus amenable to the lucrative

⁴⁹ R. Morrison, 'The Management of Paradox: The Archaeology of the Port Arthur Landscape', *Historic Environment* 15, no. 3 (2003): 27–33; R. G. Young, 'Isle of Gothic Silence', *Island* 60 (1997): 31–5.

⁵⁰ Australian Government, *Australian Convict Sites World Heritage Nomination*, 99–100.

phenomena of ‘thanatourism’ or ‘dark tourism’.⁵¹ Carceral institutions were enormously important to the administration and experience of the convict system, but then Australia was quintessentially an ‘open gaol’ where prisoners were generally *not* institutionalised but integrated into the social and economic structures of colonial society. The special significance accorded to these sites potentially distorts popular perceptions of the convict past, tempting us to over-emphasise their significance as exemplars of convict life in the nineteenth century. Rather, they are places that, on account of their particular function, were necessarily solid and substantial and thus more likely to have survived physically. What is necessarily omitted from the World Heritage nomination are those ‘elements’ that by their nature did not bequeath substantial fabric. For example, the common and quintessential experience of convict stockmen, lodged in makeshift bark huts on the pastoral frontiers, was a quite different aspect of the assignment system than is represented by the Brickendon-Woolmers Estates.

The World Heritage criteria does not accommodate such evolved landscapes as ‘Coal River’ where heritage values are not so obviously embedded in material fabric. Moreover, it is difficult to argue the Precinct as having obvious ‘outstanding’ and ‘universal’ significance, as fraught and contested as that concept is. But certainly, what is required to satisfy definitions of Outstanding Universal Value under UNESCO’s *Operational Guidelines*, both rhetorically and materially, do not necessarily reflect the nature and importance of Australia’s convict heritage, especially on a national level. Rather, the World Heritage criteria potentially exalt one type of heritage at the expense of others that seem more apt to communicating the legacies of convict Australia.

A ‘heritage of adaptation’

Newcastle’s ‘Coal River’ stands for a rather different concept of heritage—one that applies a different set of values than those demanded under World Heritage criteria, and which communicates other messages more befitting the legacy of convict Australia. It represents an adaptable heritage, or a heritage of adaptation, one that illustrates the vibrant interactions between natural and cultural forces over time. It embodies a series of transitions between convict and free society, communicating a sense of origin while tracing a long and complex history of economic and industrial transformation. It evidences the layering, co-existence and associations of different phases of history, and reveals the dynamic and ongoing interrelationship between past and present. The ‘Coal River’ is no

⁵¹ J. Lennon and M. Foley, *Dark Tourism: The Attraction of Death and Disaster* (London: Continuum, 2000); T. Preece and G. Price, ‘Motivations of Participants in Dark Tourism: A Case Study of Port Arthur, Tasmania, Australia’, in *Taking Tourism to the Limits: Issues, Concepts and Managerial Perspectives*, eds, C. Ryan, S. Page and M. Aicken (Boston: Elsevier, 2005), 191–98; D. Best, ‘Norfolk Island: Thanatourism, History and Visitor Emotions’, *Shima: The International Journal of Research into Island Cultures* 1, no. 2 (2007): 30–48.

isolated, 'intact' site, but a place where the story of convictism is located within a broader narrative of Australian history. That story is told through the evidence of transformation, rather than the providence of preservation.

Australian heritage legislation promotes 'a cautious approach to change', conceding that items must be cared for and made 'useable', but preferring they be changed 'as little as possible' in order to retain 'cultural significance'.⁵² However, heritage practitioners are more expansive in understanding that 'heritage places are the result of a layering of history, of use and change, and [that] it is the values related to this layering which is important'.⁵³ We ask if the idea can be extended to sites *without* substantial or visible remains, where the 'layering' and evidence of 'use and change' is critical to their cultural and historic significance, even if, or in fact because of, the very partial survival of physical fabric. On this level, the very circumstances of erosion and development which diminished 'Coal River' in terms of the 'authenticity' and 'wholeness' of its tangible remains, arguably serve to enhance its value as a cultural landscape, for the very reason that it more accurately records the nation's evolving environments and experiences. In Taylor and Altenburg's words, it is illustrative of 'the way people create places' over the years, 'offering a sense of continuity, a sense of the stream of time'. It offers 'a cultural context for cultural heritage'.⁵⁴ Contrary to the conventional emphasis on materiality, this is an insight induced by how much fabric has been removed, rather than by how much has survived.

Although its heritage values are not entirely intangible, 'Coal River' perhaps evokes some of the more inclusive and nuanced meanings of 'cultural heritage', associated with values that are communal, shared and developed across generations, 'constantly recreated' by changing responses to environment and history, but providing a sense of 'identity and continuity'.⁵⁵ Certainly, it is associated with collective memories and traditions that are both pivotal to the national story and conducive to expressing and sustaining identity on a local level. However, 'Coal River' struggles to gain recognition as a convict heritage site because of the relative paucity of its tangible remnants and the concomitant subtlety of its heritage values, and it lacks the long history of professional appreciation, protection and promotion accorded to other sites. There has also been a broader pattern of disinterest in the history of early Newcastle, which some may feel reflects a general cultural angst about the city itself, as if those who do not know the city or its history cannot grasp the notion that Newcastle could offer something of core value to the nation's cultural heritage.

Iain Robertson has identified a tendency in the United Kingdom to devalue or sanitise industrial and working-class heritage, or 'heritage from below', in preference for a heritage that sanctions the cultural and social values of the

⁵² Australia ICOMOS 1999.

⁵³ Pearson and Marshall, 'Study of World Heritage Values Convict Places', 60.

⁵⁴ K. Taylor and K. Altenburg, 'Cultural Landscapes in Asia-Pacific: Potential for Filling World Heritage Gaps', *International Journal of Heritage Studies* 12, no. 3 (2006): 268.

⁵⁵ UNESCO 2002, article 2.2.

elite.⁵⁶ Studies of Australian heritage have found a similar situation here, despite the efforts of particular scholars and activists in landmark sites such as the Midland Government Railway Workshops, the Eveleigh Railway Workshops, and the tangible and intangible working-class heritage at Broken Hill.⁵⁷ Convicts, however, the most maligned of Australia's working-class, long provided an unsettling and undesirable heritage that many Australians fought to expunge and overcome. However, the cultural values and meanings associated with convict history have changed, such that it is now generally recognised as unique and formative, although there remains a tendency to associate that history with those 'secluded' and 'detached' physical remnants which are now on the World Heritage register. In this sense, 'Coal River', with its convict-era fabric and the later structures which evidence transformation, combined with the intangible stories and traditions that are associated with it, provides an important cultural and historical landscape, one that is perfectly amenable to the type of stimulating, dynamic and inclusive engagements with history and heritage that are elsewhere positioned at the cutting edge of heritage practice.⁵⁸

Newcastle has long been a frontline in the seemingly innate 'battle' between the interests of heritage and development. The skirmish over the fate of the Newcastle lumberyard site in 1987 presaged a longer conflict that escalated dramatically after an earthquake in December 1989, when the immediate damage to heritage buildings was compounded by enthusiastic demolitions and an aggressive campaign against heritage advocates.⁵⁹ More recently, minor acts of resistance to the examination and promotion of sites within 'Coal River' were evidenced by delays and interference with geotechnical fieldwork, and in instances of support for development applications within the Precinct that appeared to sidestep its status as a State Heritage registered site. Development within the Precinct is not inherently unsustainable, as it is with those sites nominated for World Heritage listing, and of course, adaptation is integral to its history and value. What is required and applicable here, as Michael Turnpenny has noted, is not 'static, ossifying protection but rather a commitment by practitioners to explore, record and consider wider values in the

⁵⁶ I. J. M. Robertson, 'Heritage From Below: Class, Social Protest and Resistance', in *Heritage and Identity*, eds. B. Graham and P. Howards (Aldershot: Ashgate, 2008), 143–58.

⁵⁷ B. Oliver, 'More than Just Locomotives: Re-discovering Working Lives at the Midland Railway Workshops', *Historic Environment* 21, no. 2 (2008): 19–23; L. Taksa, 'History and Public History in Australia: Allies or Uneasy Bedfellows?', *International Labor and Working Class History*, 76 (2009): 82–104; K. Reeves, E. Eklund, A. Reeves, B. Scates and V. Peel, 'Broken Hill: Rethinking the Significance of the Material Culture and Intangible Heritage of the Australian Labour Movement', *International Journal of Heritage Studies* 17, no. 4 (2011): 301–317.

⁵⁸ M. Robertson, 'Àite Dachaidh: Re-connecting People with Place—Island Landscapes and Intangible Heritage', *International Journal of Heritage Studies* 15, nos. 2–3 (2009): 153–62; L. Smith, A. Morgan, A. van der Meer, 'Community-Driven Research in Cultural Heritage Management: The Waanyi Women's History Project', *International Journal of Heritage Studies* 9, no. 1 (2003): 65–80.

⁵⁹ M. Henry, 'The Battle for Newcastle: Heritage and the Earthquake' in *Packaging the Past? Public Histories*, eds. J. Rickard and P. Spearitt (Melbourne: Melbourne University Press, 1991), 102–16.

management process'.⁶⁰ Protective heritage management, however, ought to ensure that such development accords with and contributes to the heritage values of the Precinct, and the failure to extend protection obviously serves the interests of those would wish to elude such obligations.

Setting aside the quandaries we have identified in the elevation of certain select convict sites within the rigid criteria of the World Heritage Convention, the successful listing of the pre-eminent eleven will justly ensure their acknowledgement and preservation, while asserting the broader, global importance of Australia's convict history. It is to be hoped, however, that the narrow prescriptions for assessing heritage value, epitomised by UNESCO's World Heritage guidelines, are not extended to determine what constitutes value and importance when assessing some of Australia's ancillary convict sites, such as those within 'Coal River'. While such sites may be less iconic, they are often hardly less significant in national or even universal terms. However, incorporating them into the national map of Australian convict history will require some substantial revision of what constitutes heritage—a definition that recognises adaptation, and which extricates the idea of 'evolving landscapes and experiences' from the conventional emphasis on materiality. Historians certainly have a role to play in critiquing the prevailing formal notions of heritage as encoded in various state and federal legislation. The acknowledgement and protection of Australia's convict heritage will be well serviced by our conceptual and evidentiary rigour, as well as our particular disciplinary emphasis on context, meaning, and transformation.

⁶⁰ Turnpenny, 'Cultural Heritage, an Ill-defined Concept?', 301.