Interpreting confinement in north-western Australia

'It's time for us to take the bandage off and see how deep the wound is.'
Archie Barton, AM.

The word 'confinement' may signify intangible as well as tangible restrictions. People may be confined within their own culture, gender, age, level of health or occupation, some or all of which may not encourage an open attitude towards other people, cultures or lifestyles. However, in this paper we are more concerned to focus directly upon those buildings, or their remains, which clearly illustrate confinement: prisons. They hold inmates under sentence, that is their purpose, but in the north-west of Western Australia, where prisons were constructed with warders' quarters beside them - usually near a police station and a court-house - the social freedoms of their guards, warders or prison officers were also contained. Western Australia is littered with prisons. Many of those constructed in the 19th century have been listed on the State's register of heritage places and one at least, Fremantle Prison, is part of the National Estate.1 The imposing structure of Fremantle Prison cast a long shadow over later gaols in the colony as it became the place of the long-term (white) prisoner.2 The last convict stepped ashore at Fremantle in 1868. Two years earlier the first town had been proclaimed in the north-west - Roebourne - and in 1887, one year after Fremantle Prison was handed over to the colonial government, Roebourne opened its first stone gaol.

Michal Bosworth

Michal is a heritage consultant in Perth who has worked as a professional historian for many years. She is currently completing a book on the history of the Fremantle Convict Establishment.

Amanda Jean

Amanda Jean is a conservation architect who has worked in Victoria, New South Wales and Western Australia. She is a member of the Australia ICOMOS Executive Council and is living in Melbourne.

Figure 1 Settlement of Western Australia in the 19th century, showing main towns used for trials and detention. (Western Australian Atlas of Human Endeavour, 1986)
The convict system

The convict system had enabled a form of prison discipline created in Britain to be brought to Australia. But in spite of some tangible benefits conferred upon the colony during the years 1850 to 1868, transportation had ceased for a number of reasons. Complaints from the eastern states had become increasingly strident; the alleged success of the system had brought transportation into some disrepute because it was argued that former convicts, in achieving citizenship, removed the terrors of exile from the sentence. Most of all, however, it had become increasingly obvious that Western Australia's failure to attract free labour was attributed at least in part to the presence of convict workers.

When access to lands discovered in the north-west was opened up, the economic rationalists of the 19th century argued vehemently that on no account should convict labour be permitted north of the 26th parallel. The new areas, which were initially described as 'rich pasture country', were to be released only to free white men. Their original inhabitants were to be protected under British law, but were not regarded as likely to prove very troublesome to pastoralists. It is probable that no English gentleman sitting in London mulling this decision would have applauded the rapacity with which the lands were to be seized and the vigour with which the indigenous inhabitants were to be pressed into service as a labour force by the incoming pastoralists. The Western Australians were not too pleased themselves about the decision taken for them in London, stating plaintively that they had too few resources to be able to take up the new lands immediately and it was all too likely that they would be beaten to the land rush by "'othersiders"(a constant complaint in colonial Western Australian history).4

Dispossession

The north-west country - including the Ashburton, Pilbara and Kimberley districts of today - is vast. In the 1860s it was inhabited by groups of Aboriginal people such as the Thulandji, the Gurama, the Indjibandi, the Mangala, the Wangkajunka, the Ngardi, the Bardi, the Djawi, the Worrorna, the Banuba, the Ngarinjin and the Mirriwung and many more. These were real people whose unfortunate lot was to be colonised by white pastoralists who knew nothing about their culture and appeared unable to comprehend their laws:

We have seen our people massacred and raped. We have seen our children and grandchildren taken away. We have been forced from our own homes and our own land. We have been arrested for being on the streets at night, arrested for not having the right pass; arrested for no reason at all. We were not allowed to own property or housing. We were not allowed to move from one place to another. We were barred from schools and hospitals and towns because we are Aboriginal.6

The tensions of current historiography, between those who argue that there was a 'frontier' of white settlement and that Aboriginal Australians fought back against their dispossession, and those who cling to a pioneer myth about sturdy and brave pastoralists, make any discussion about the history of law and order first and foremost political. But the remaining physical fabric cannot be ignored. Often buildings are all that is left standing in remote areas to indicate that a town had once existed. They colour part of the history and heritage of the state, and they extend our understanding of the spread of white settlement and Aboriginal resistance. The questions raised by prisons in the north-west include the place of penal theory in an undeveloped colony and the continuing influence of British prison practice and British political thought.
The remoteness of the north-west of Western Australia from Perth and other centres of population throughout the 19th century underscores social conditions. Until the building of the telegraph in the 1880s, communications were dependent upon sailing vessels, but the cyclone coast inflicted many tragedies on those who sailed its shores. The rule of the state was left in the hands of those who lived in the area. They were rarely checked, although superiors in Perth often wrote advice and occasionally a salutary inspection took place.

Two industries grew up — pastoralism and pearling — and initially the same men were likely to be involved in both. Some did build houses and inveigled their wives to stay, especially in the winter months. The labour forces for these industries were at first Aboriginal people, ‘blackbirded’ to the pearling schooners by the pearler-pastoralists from inland areas. But the wealth of the pearl-banks enticed other workers from countries to the north. To protect the local investors a system of indentured labour was introduced. Chinese businessmen were deliberately excluded from pearling; however, Malay, Koepanger and Japanese divers appeared — and so did Japanese prostitutes. These women were likely to spend occasional periods of time in the female wing of the prisons built in Roebourne and Broome. No such wing existed in the smaller police lock-ups at places like Onslow, Cossack or Marble Bar. Unprotected women, especially Aboriginal women, were at risk from physical attack and rape in the north-west as the result of these social conditions and, if apprehended by police as witnesses or as felons, they were likely to find their places of confinement in the policeman’s own quarters where they worked as domestic servants.

Colonial policy legitimised white control of the north-west by the creation of local Justices of the Peace throughout the pastoral areas; by the establishment of an active police force, which was largely directed by the local government residents who were responsible for law and order; by the imposition of a restrictive Masters and Servants Act, and by the construction of prisons, courthouses and police stations. However, while Aboriginal people were being impressed into labour gangs on pastoral stations or on pearling luggers, there was a vocal groundswell against the perceived brutality of the methods being used in the north-west. Massacres of Aboriginal people were reported in England as well as in Australia, and it has been suggested that dismay at those who opposed such violence was based on a fear that responsible government in Western Australia would be delayed. Certainly the British government ensured that a clause was written into the conditions for responsible government that reserved one per cent of the state’s income for the indigenous population — a condition which was removed by John Forrest’s Government in 1898.

**Prisons**

Prisons in the north-west thus reflect the turbulent and traumatic period of contact history. To substantiate this point it is only necessary to inspect the buildings, which exhibit some particular features not evident in city prisons. The remote prisons and gaols had no perimeter walls. The ventilation grills in the walls, if they existed, were above a height of three metres, inaccessible to free relatives, thus prohibiting the flow of goods from outside to inside. Within the stone cells at Onslow, Marble Bar, at Roebourne, Cossack and wherever Aboriginal prisoners were to be confined, iron rings can be discovered, either in the floor or on the walls, where the inmates were shackled. Iron rings are also to be found outside prisons for the same purpose — beside jetties, where prisoners were forced to wait for transport down the coast, and beside iron lock-ups, where they were sometimes chained in the heat as punishment. Chains were
utilised by the police who brought the prisoners to the gaols from the pastoral areas, and chains were worn by these men until their release.

The discussion that such practices provoked, once it was revealed by a Royal Commission in 1904, might have led to some architectural changes in these places of confinement, but failed to do so for the ordinary reason of lack of funds. Instead of ordering expensive walls to be constructed, the Prisons Department ordered an internal inquiry into the practice of chaining. The heaviness of the chains was described and various gaolers defended the different practices of chaining at night. Some argued for the retention of neck chaining on ‘humanitarian’ grounds – the skin was not chafed; others agreed on a more racist understanding of the Aboriginal body – their ankles and wrists were so narrow and slight it would be dangerous to shackle them that way. Eventually the Prisons Department endorsed a new style of confinement: pairs of men were to be chained together with the chain rising from an ankle-shackle to a waist-band linked to the waist band of their partner, which allowed them to be employed outside the prison on public works. However, individual gaolers continued to vary their practices – men were not chained at all in Roebourne prison at night after this period, but continued to be chained around the neck in Wyndham and Broome until well into the 20th century. Chains were used again in Marble Bar lock-up in the 1940s as the local police strove to quell the pastoral strike. These iron rings, so visible in the remains of the prisons and lock-ups throughout the area, are a memory of a discredited form of prison discipline, but one which had an unexpectedly long life.

The second prison constructed at Roebourne in the period 1894-6 was designed in the Public Works Department in Perth. The plans bearing the signature of George Temple Poole. Four large cells radiate from a central yard, like wings around a miniature panopticon. Three were classified for Aboriginal prisoners; the fourth contained a fireplace, being designed for the comfort of the officers. A second building contained two cells each for ‘coloureds’ or ‘Asiatics’ and whites. Race was the determining factor in the separation of prisoners, despite the contemporary determination in

Figure 2 Prisoners labouring on the Derby Causeway, 1894. (Batty Library, 26308P)
Fremantle Prison to divide prisoners on the grounds of their age, their sentence and their skills. Neither Roebourne Prison nor Onslow lock-up displayed the same implications for the reform of prisoners as was built into the fabric of Fremantle. Yet Aboriginal prisoners in all north-west prisons and lock-ups were worked in gangs building roads, restoring bridges and constructing water supplies for the local communities. In Fremantle such labour on public works had been part of the reformation process for each convict and had assisted or hindered his reduction of time within the gaol. In the north-west, Aboriginal labour was appreciated as essential to the construction of an infrastructure, but the prisoners themselves were neither educated nor imbued with the same religious ideals as the convicts had been. Chapels were thus another absence in the north-west prisons.

Temple Poole’s prison at Roebourne dominated law and order in the north-west until it was closed in 1924. Two years earlier the Commissioner for the North-West had opened an office in Broome and Broome prison was to supersede Roebourne’s place in the prison hierarchy. Roebourne’s court house and police station continued in use; the police station until the present day, the court house until after the World War II, when it was briefly utilised as a school for Aboriginal children and by the Public Works Department. From being a central administrative centre the town dwindled in importance until the 1950s when it experienced a resurgence. Mining interests constructed modern ports at Point Samson, Port Hedland and even considered the prospects of Cossack, Roebourne’s outlet to the sea, as a possible port; Cossack is now almost a ghost town and is a heritage site. In 1965 the Administrator for the NorthWest decided that the strength of the buildings in Roebourne, which had withstood the severe climatic conditions which sweep the region, warranted their re-use as a prison. Almost 10 years later the prison was re-commissioned and in use for another decade until a new facility opened south of the town in the 1980s.

The use, re-use and subsequent closure of Roebourne prison thus illustrate the changing fortunes of this part of the north-west, but they also indicate that policies towards Aboriginal people, their workplaces, their health, their education and the reserves set...
aside for them were undergoing change. Roebourne is now home to five different groups of Aboriginal people. They were moved from their reserves into the town in the 1960s and 1970s as reserves were progressively changed, and as the law governing their employment on pastoral leases insisted that they receive equal pay with white rural workers. 19

![Image](Onslow Gaol, 1997. (Photograph: A. Jean))

**Interpretation issues**

The political nature of the debate about contact history means the interpretation of any site cannot sensibly occur without extensive local consultation and involvement with Indigenous groups. There may be other places linked to the prisons, such as early massacre sites and, less known, the public works performed by chained prisoners which contribute to the appreciation of the issues.

It is important to understand that indigenous people will have a different appreciation of prisons and associated sites. Indigenous people’s perception and oral histories of the past have not been widely documented and often do not easily integrate into western theoretical history. Consultation should also occur with local government authorities and other interested groups. Where people feel free to express their own opinions nothing is ever resolved without discussion, but the expertise of those leading the discussion must not be ignored and a critical appraisal of all information will always be necessary.

The now deserted law-and-order heritage buildings of the north-west of Western Australia would make ideal sites for a continuing dialogue and interpretation of a series of histories that might illuminate a proud and painful past, and instigate a healing process for those who were injured by it. Local communities should be permitted to benefit economically from the development and interpretation of these sites as cultural tourism centres. Importantly, issues need to be contextualised. For example, any
historical signs or photographs interpolated into these sites should be seen as part of a debate, rather than as evidence simply of the 'wickedness' or 'depravity' of one side or the other.

The work has begun at some of the places mentioned in this paper, which highlights the need for investment in further research and conservation. Interpretation of these sites in the future may include reference to more than one law system. Further exploration of the intangible cultural heritage issues outlined in this paper may lead to a recognition of these 'confinement sites based on racial groupings' for potential world heritage listing referenced to World Heritage themes such as 'forced migration'.

endnotes

1 Western Australia did not achieve statehood until 1890. M. Bosworth researched the history of Fremantle Prison as part of the Conservation and Future Uses project in 1989-1991.

2 Long-term black prisoners were sent to Rottnest. See Neville Green and Susan Moore, Far from Home: Aboriginal prisoners of Rottnest Island 1838-1931, Nedlands, 1997 (vol. 8 of The Dictionary of Western Australians).

3 WA Government Gazette, 20 January 1865, Governor Hampton's proclamation noting no convict labour north of 26th parallel and also the provision of reservations for the Aboriginal population.

4 See Great Britain, Parliamentary Papers, Vol. XXXVII, 1865, 367, 'Papers and Letters from Western Australia,' where it was argued that the lands to the north were being exploited by 'flockmasters from Melbourne or Adelaide,' while local colonists were being disadvantaged by the ruling against the labour of convicts in the new areas.

5 In this paper we concentrate upon the Pilbara and the Ashburton.

6 Frank Sebastian, 1997. Expressed to officers of the WA branch of the Council for Aboriginal Reconciliation at a community meeting.

7 The word 'frontier' itself is contested in historiography as some uses and understandings rest upon the work of an American historian, Frederick Jackson Turner's book The Frontier in American History, first published 1920, where he argued that a form of 'dominant individualism' ultimately assisted the spread of civilisation.

8 In Australia, see for example Nancy Withnell Taylor, A Saga of the north-west Yerwa-mud-a-doo. The first settlement of North West Australia told through the Withnell and Hancock families 1861 to 1890, Perth, 1980, reprinted 1987, Kaye Forrest, The Challenge and the change: the colonisation and settlement of North west Australia 1861-1914, Perth, 1997 for an antipodean reflection of this argument, Henry Reynolds, The Other side of the frontier, Ringwood, Victoria, 1982; The Law of the land, 2nd ed., Ringwood, Victoria, 1992; Neville Green, Broken Spears: Aborigines and Europeans in the south-west of Australia, Perth 1984; Anna Haebich, For their own good: Aborigines and government in the south-west of Western Australia, 1900-1940, Nedlands, 1992, for research into violence and controlling legislation on the frontier. There are of course many other contributors to this debate, including Prime Minister John Howard.

9 Greater detail about the pearl fishing industry can be found in Appendix D, Sandra Goulder, 'Pearling industries in the North West' of A. Jean et al, Old Onslow Townsite, Pilbara Western Australia: A Conservation Plan, op. cit.

10 As late as 1971 this situation obtained in Broome. Department of the North-West, PRO, ACC1301, 10 September 1971 letter from Broome gaoler to Minister for Mines, requesting a fence to keep the female prisoners segregated from the men, rather than have the women work for the male officers.

11 Both Rev. J.B. Gribble at Carnarvon and Resident Magistrate E.H. Angelo at Roebourne protested strongly against the treatment of Aboriginal people during the 1880s. Gribble was virtually hounded out of the colony and Angelo was rewarded for his efforts by a posting on Rottnest Island which he saw as a demotion and where he oversaw the confinement of many sent from his courthouse in Roebourne. See J.B. Gribble, Dark deeds in a sunny land, Perth 1905, reprinted Perth 1987; and CSO Confidential Despatches 1886-1889, PRO ACC 1172 and ACC391 COB Confidential Despatches, Box 25, 31 October 1890. For greater detail on this period of history see Part One. 'First settlers and white settlers', in C.T. Stannage (ed.), A New History of Western Australia, Nedlands, 1981 (reprinted several times).

12 One conflict, later called the Battle of Minderoo, took place in the Ashburton in 1867. Fighting was so fierce that it dissuaded the movement of white pastoralists into the area for at least a decade.


14 See the Roth Report, or Royal Commission on the Condition of the Natives, 1904, which documented abuses of power by police in the north-west, argued against chaining of Aboriginal prisoners and noted a 'high appreciation of the humane supervision and considerate treatment exercised by gaolers over their Aboriginal prisoners'.

15 In 1946 Aboriginal pastoral workers walked off stations in the north-west in pursuit of claims for better pay and conditions. See Don Mcleod How the West was Lost, 1972.
Detail about the chaining debate can be found in the PRO Col. Sec. file ACC752 2613/19 'Chaining of Aboriginal prisoners, 1901-1934'.

Since the 1950s mining has become the main industry in the Pilbara and other port facilities exist along the coast.

In September 1968 the Public Works Department was informed that Roebourne gaol had been classified 'A' by the Historical Society, PRO file ACC2571 1579/60, Public Works Department offices, Roebourne.

In February 1973 the local Public Works maintenance men were informed that: 'In accordance with the Principal Architect's instructions, such restorations are to be in accordance with the original style of the building unless otherwise approved.' PRO, PWD ACC1867, Box 6, 1423/65. The National Trust also informed the Minister for Environmental Protection, Health and Town Planning, that they believed Roebourne Gaol to be the oldest Government building still standing in the North of the State', letter 28 November 1973.

Other factors were also at work as the Annual Reports from the Commissioner for Native Affairs throughout the 1950s indicate. See also A. Bickerton, _Meet the People: stories of the Pilbara_, Fremantle, 1989. Bickerton was the local member of parliament from 1958 to 1974. 'Over the years Roebourne had experienced social discrimination and repressive bureaucracy in the form of magistrates, mining registrars, trials, sentences and gaols. Like it or not, in the past Roebourne meant exploitation, conscription, retribution and detention, and the fester created then can still produce pus.' p. 94.