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SPECIAL

Environment Protection and Biodiversity Conservation Act 1999

INCLUSION OF PLACES IN THE NATIONAL HERITAGE LIST

I, Ian Gordon Campbell, Minister for the Environment and Heritage, having considered, in relation to the place listed in the Schedule of this instrument -

- (a) the Australian Heritage Council's assessment whether each place meets any of the National Heritage criteria; and
- (b) the comments given to the Council under section 324G of the *Environment Protection and Biodiversity Conservation Act 1999*; and

being satisfied that each place specified in the Schedule has the National Heritage value or values specified in the Schedule include, pursuant to section 324J of the *Environment Protection and Biodiversity Conservation Act 1999*, the places listed in the Schedule in the National Heritage List.

Dated this 26th day of May 2005

Ian Gordon Campbell
Minister for the Environment
and Heritage

SCHEDULE**STATE****Local Government Area**

Name:

Location / Boundary

Values:

NEW SOUTH WALES**Brewarrina Shire****Brewarrina Aboriginal Fish Traps (Baiames Ngunnhu):**

About 6ha, off Doyle Street, Brewarrina, comprising an area enclosed by straight lines joining the following Map Grid of Australia (MGA) points consecutively:

1. 486260mE 6685850mN;
2. 486230mE 6685810mN;
3. 486060mE 6685810mN;
4. 485780mE 6685780mN;
5. 485760mE 6685870mN;
6. 485820mE 6685900mN;
7. 485980mE, 6685930mN;
8. 486100mE 6685970mN;
9. 486170mE 6685970mN then directly to the point of commencement.

Criterion**Values**

(b)
the place has outstanding heritage value to the nation because of the place's possession of uncommon, rare or endangered aspects of Australia's natural or cultural history.

The Aboriginal fishery at Brewarrina (Ngunnhu) is rare in being a dry-stone fish trap located on a large river system and the largest trap recorded. The Ngunnhu features a very complex design that exploits an unusual location.

Aboriginal people used the unusual combination of a large rock bar, seasonal river flows and suitable local rocks to develop the Ngunnhu. It is nearly half a kilometre long and consists of a series of dry-stone weirs and ponds arranged in the form of a net across the Barwon River. The size, design and complexity of the Ngunnhu is exceptionally rare in Australia.

(f)
the place has outstanding heritage value to the nation because of the place's importance in demonstrating a high degree of creative or technical achievement at a particular period.

The Ngunnhu is exceptional as it is an unusual and highly innovative development in pre-European Aboriginal technology. The stone-walled pens are designed to withstand the high water flows of the Barwon River. They are tear-drop shaped with the convex wall facing upstream. Some of the pen walls are higher than others enabling their use during both low and high water flows. This is combined with pond gates set at different locations enabling fish to be caught as they migrated both upstream and downstream. The structure of the Ngunnhu demonstrates the development of a very efficient method for catching fish involving a thorough understanding of dry stone wall construction techniques, river hydrology and fish ecology.

Criterion

Values

(g)

the place has significant heritage value because of the place's strong or special association with a particular community or cultural group for social, cultural or spiritual reasons.

The Ngunnhu has a strong social, cultural and spiritual association with Aboriginal people. While the Ngemba people are the custodians of the Ngunnhu, it was Baiame's wish that other tribes in the region, including the Morowari, Paarkinji, Weilwan, Barabinja, Ualarai and Kamilaroi should use it in an organised way. He allocated particular traps to each family group and made them responsible under Aboriginal law for their use and maintenance.

The Ngunnhu is of outstanding heritage value to the nation because it shows how an ancestral creation being, under Aboriginal law, determined the social, cultural and spiritual associations between a number of Aboriginal groups and a built structure on one group's land.

(i)

the place has significant heritage value because of the place's importance as part of Indigenous tradition.

Baiame, an ancestral being, is responsible for the design and traditional use of the Ngunnhu. He created the plan of the Ngunnhu by throwing his net across the Barwon River. Baiame dug up stones and boulders and he and his two sons Booma-ooma-nowi and Ghinda-inda-mui set them out in the pattern of a great fish net. They were constructed to resist damage during periods of high and fast water flows.

Neighbouring tribes were invited to the Ngunnhu to join in great corroborees, initiation ceremonies, and meetings for trade and barter. The Ngunnhu were, and still are, a significant meeting place to those Aboriginal people with connections to the area and continue to be used.

The role of an ancestral being (Baiame) in creating built structures is extremely unusual in Aboriginal society and makes both the structure (Ngunnhu) and the story nationally important.

TASMANIA**Tasman Municipality****Port Arthur Historic Site:**

About 197ha, Arthur Highway, Port Arthur, comprising the area covered by the Port Arthur Historic Site Conservation Plan (Godden Mackay Context 2000) and that part of Point Puer to the north of a line joining the following AMG points: 570200mE 5220880mN, 570540mE 5220890mN and 570670mE 5220980mN.

Criterion

(a)
the place has outstanding heritage value to the nation because of the place's importance in the course, or pattern, of Australia's natural or cultural history.

Values

Port Arthur Historic Site is a major and critical component of the British convict system constructed in Australia. The system is an example of a 19th century European colonial strategy of exporting prisoners and using their labour to establish a colonial economy. In Australia, this strategy had a significant impact on early colonial development and on the overall Australian psyche.

In particular, Port Arthur demonstrates to a high degree, an aspect of this British colonial process during the 19th century - the adaptation of the British penal system to Australian conditions and the evolution of the secondary punishment system away from its British origins.

The Probation System, 1839-53 — a system used only in Van Diemen's Land and at Norfolk Island — was a uniquely Australian approach to convict management, providing punishment to ensure that transportation remained a deterrent, but also opportunities for reform and betterment. The system is important in the context of both Australian and World penal history. Port Arthur is unusual as it operated as a regional centre for a number of probation stations throughout the Tasman Peninsula.

Port Arthur was effectively an industrial establishment. The extent of former industrial operations illustrates the importance of 'work' in the penal system and the role of the convict used as human capital in building colonial economies. Port Arthur has seen the advent and growth of a number of key industries in Tasmania including timber, shipbuilding, foundries and the manufacture of building materials including bricks and pottery. The Point Puer establishment (1833-1849) and the Port Arthur Separate Prison (erected 1848-1852) demonstrate the slow global evolution and spread of 19th century ideas about punishment and social reform.

The Separate Prison represents the British (and hence

Criterion

Values

(a) continued

Australian) shift away from the use of physical punishment in an isolated setting to deter crime to an emphasis on psychological manipulation to reform criminal attitudes including isolation from contamination.

After the cessation of transportation in 1853, Port Arthur also became a welfare institution for lunatics (convicts found insane during servitude), ex-convicts, convict invalids and paupers, demonstrating the human legacy of the British convict system. The Port Arthur Asylum (1868) is an important exemplar of then contemporary British thinking about better ways to manage and cure mental illness.

Port Arthur Historic Site is an outstanding, very rich and complex cultural landscape, the primary layers of which relate to the convict era (1830-77) and subsequent eras as a country town and tourist site, including a State National Park and a major historic site under conservation management. It combines the contradictory landscape qualities of great beauty and association with a place of human confinement and punishment. Since 1830 there have been many phases of significant development, decline and change with several major bushfires, demolitions, constructions, major landscape alteration and maturity of plantings, and more recently, restoration, stabilisation and conservation.

A gunman took the lives of thirty-five people and wounded nineteen others on 28 April 1996 - an additional layer of tragic significance was added to the place. A memorial marking the event was created around the site of the former Broad Arrow Cafe and includes the Huon Pine Cross erected soon after the event. Port Arthur Historic Site is significant as the site of contemporary large-scale loss of human life outside the context of war, and as an event that led to changes in Australia's national gun laws.

The attribute related to this criterion is the entire place.

(b)
the place has outstanding heritage value to the nation because of the place's possession of uncommon, rare or endangered aspects of Australia's natural or cultural history.

Port Arthur Historic Site is one of a small set of penal settlements in Australia specifically developed for convicts described at the time as recidivists and political prisoners. It was established in 1830 as a 'prison within a prison'. Today, only Port Arthur, Norfolk Island and perhaps Maria Island are able to actively demonstrate this aspect of Australia's convict history through their cultural landscapes and artefact collections.

The Port Arthur Historic Site includes the satellite convict

CriterionValues

(b) continued

settlement of Point Puer set up specifically to house convict boys. Point Puer is one of a limited set of convict settlements in the Australian colonies to receive a single category of prisoners and is rare as a reformist institution for convict boys.

The Separate Prison and the Lunatic Asylum are relatively intact rare examples of innovative ways of managing criminals and the mentally ill in the mid-19th century adapting the most modern European ideas of reform.

The attributes related to this criterion are the entire place, including the artefact collection, and particularly, Point Puer, the Separate Prison, and the Lunatic Asylum.

(c)
the place has outstanding heritage value to the nation because of the place's potential to yield information that will contribute to an understanding of Australia's natural or cultural history.

Port Arthur Historic Site has extensive research potential because of the place's relative integrity and authenticity and the ability of the material culture present to provide unique insight, primarily into the convict experience.

In combination, the oral tradition, documentary evidence, collections, structures, engineering relics, (both terrestrial and maritime) archaeological features and landscape at Port Arthur Historic Site have unparalleled potential for community education.

The Port Arthur Historic Site landscape is, in itself, a complex artefact which illustrates both former uses and changing use over time.

Port Arthur Historic Site's buildings, engineering relics and other structures contain, within their fabric, evidence of construction technology, available materials and adaptation to suit local conditions.

The Port Arthur Historic Site records and collections, including archaeological, provide a substantial research resource which, in conjunction with documentary evidence, have the potential to reveal and present much of the Port Arthur story.

Port Arthur Historic Site also has the potential to allow the exploration of particular aspects of Australia's convict past such as how many key industries in Tasmania operated including timber, shipbuilding, foundries and the manufacture of building materials including bricks and pottery, and other early trades; and how the boy's establishment at Point Puer, a unique experiment in penal segregation, operated.

Criterion

Values

(c) continued

Lempriere's tidal benchmark, placed on the Isle of the Dead in 1841, is believed to be the earliest benchmark installed anywhere in the world. As such, it has exceptional historical and scientific significance in the international field of climate research because of the run of the related surviving records from that time until 1848 and the comparative base provided for current recordings on sea levels.

The attribute related to this criterion is the entire place, including its records and collections.

(d)
the place has outstanding heritage value to the nation because of the place's importance in demonstrating the principal characteristics of:

- (i) a class of Australia's natural or cultural places;
- or
- (ii) a class of Australia's natural or cultural environments.

Australia's convict sites share patterns of environmental and social colonial history including classification and segregation; dominance by authority and religion; the provision of accommodation for the convict, military and civil population; amenities for governance, punishment and healing, and the elements of place building, agriculture and industry. Port Arthur Historic Site is outstanding in demonstrating the principal characteristics of an Australian Convict Site because:

- It presents important aspects of Australia's convict system including changing attitudes to punishment, reform, education and welfare;
- The physical landscape and setting at Port Arthur Historic Site retain a high degree of integrity and authenticity, thereby providing important evidence of the history and use of the place;
- The form and location of elements at Port Arthur Historic Site display deliberate design and arrangement, reflecting the order and hierarchy of Port Arthur's military and penal history;
- The built environment at Port Arthur Historic Site displays a large, surviving concentration and wide range of 19th century design, engineering and construction techniques in a range of materials and built forms;
- Substantial parts of the site include known stratified archaeological deposits of material culture, which can be analysed to yield information about the site unavailable from documentary sources alone;
- Port Arthur Historic Site's records, including manuscripts, maps, published material, photographs, historical, archaeological and architectural records, and databases, provide an extensive resource for a broad range of historical and social research; and
- Port Arthur Historic Site illustrates changing approaches to heritage conservation philosophy and practice and is considered a landmark place for place and materials conservation.

CriterionValues

(d) continued

The attributes related to this criterion are the entire place and its records.

(e)
the place has outstanding heritage value to the nation because of the place's importance in exhibiting particular aesthetic characteristics valued by a community or cultural group.

Port Arthur Historic Site is a complex layered cultural landscape, where the topography, plants and built elements combine to provide a physical chronicle of an eventful and dramatic past. The physical landscape present today evokes both the establishment of a British convict settlement in a remote Tasmanian setting and more than a century and a half of human history.

Port Arthur is a landscape of picturesque beauty. Its ruins and formal layout, in a serene setting, and the care with which this is maintained, symbolise a transformation in Australia from 'hated stain' to celebration of a convict past.

The picturesque setting of Port Arthur, recognised since the early days of the settlement, features buildings in a landscape of hills with valley, edged by harbour and forest. Port Puer and the Isle of the Dead, especially when viewed across Mason Cove, provide visual and historic focal points in important vistas. Similarly, Port Arthur is dramatic when viewed across the water from these settlements or from the water. The Church and the Penitentiary have both landmark and symbolic value for a variety of vistas to and within the historic site.

The melancholic drama of Port Arthur's cultural landscape both in the past and today has inspired art and literature including its portrayal in Marcus Clarke's 1874 novel "For the Term of His Natural Life".

The Port Arthur penal settlement is one of a small set of places of secondary punishment (together with Norfolk Island, Sarah Island and Maria Island) which relied on an 'alien', often water-bounded landscape to form the bars of the prison. The harbour location and views to and from the water are integral elements of both the visual and historical quality of the place.

The parkland of today's Port Arthur is, in part, an accidental and deliberate artefact of park management practices. This, in the context of ruined buildings and mature English trees, which in their turn, were, in part, a function of deliberate design intent, now seems to project an idealised notion of rustic contentment contrasting dramatically with Port Arthur's known penal history. This paradox is a very important part of the place's significance. The built and planted elements at Port Arthur combine in an image of an 'English' place established in the strongly contrasting Australian bush and marine setting of a rugged coastline.

Criterion

Values

(e) continued

For families, survivors, rescuers, staff and others associated with the 1996 tragedy, the Broad Arrow Cafe and other areas on site associated with the tragedy and subsequent memorial services evoke strong emotional responses as a reminder of the event.

The attribute related to this criterion is the entire place in its setting.

(g)
the place has outstanding heritage value to the nation because of the place's strong or special association with a particular community or cultural group for social, cultural or spiritual reasons.

Port Arthur Historic Site is a place where the aspects of Australia's convict experience are recalled within a picturesque landscape as a reminder of our inherited psyche and our communal past.

Port Arthur is the best-known symbol of Australia's convict past, a highly revered icon that symbolically represents Tasmania's place in Australian history.

The Arcadian qualities of the Port Arthur landscape are valued by most visitors to the place and by generations of Tasmanians.

For Australians broadly, particularly those of Anglo-Celtic background, Port Arthur is a place to reconnect with their colonial roots, real or imagined, and reflect on the meanings of the past. For some, the search for early family associations and identity has led to Port Arthur and the rediscovery of personal links with convictism.

Port Arthur has always been a place where visitors from across the world are moved emotionally, possibly one of the few such cathartic locations in post-settlement Australia.

Port Arthur Historic Site is a symbol of modern heritage practice in Australia – an expression of how we care (or, as in the past, have not cared so much) about our heritage. It holds an important place in the history of modern heritage conservation in Australia.

Port Arthur has become a particularly poignant, symbolic and special place following the April 1996 tragedy. The tragedy has become a prominent political symbol in Australia – 'Port Arthur' is now understood nationally and worldwide to encapsulate the debate and new policies for national gun reform. This has clearly added a new and emotionally powerful layer to the national meaning of the place.

The attribute related to this criterion is the entire place.

CriterionValues

(h) the place has outstanding heritage value to the nation because of the place's special association with the life or works of a person, or group of persons, of importance in Australia's natural or cultural history.

Port Arthur Historic Site has outstanding heritage value to the nation because of the place's special association with British convicts in Australia and their administrators in the period 1830 to 1877.

Port Arthur, in conjunction with other Australian convict sites, exemplifies a world-wide process of colonial settlement. The British colonial penal system, evident in post-1788 Australia and demonstrated to a high degree at Port Arthur, was significant in progressing 18th and 19th century European colonization.

John Howard, prison reformer, and Jeremy Bentham, philosopher and jurist, were instrumental in the changes to the criminal system in Britain that advocated reform rather than punishment and inspired the probationary system and the use of separate cells instituted at Port Arthur.

Captain Joshua Jebb designed London's Pentonville prison, one of the first model prisons erected between 1840 and 1842. Pentonville and its separate system were considered to be a success, and thus were adapted at other penal institutions including Port Arthur's Separate Prison (c1849).

Governor Arthur: the Governor of Van Diemens Land at the time that Port Arthur was established as a penal settlement and the person after whom it was named. He was involved first hand in the rules and regulations which gave order to Port Arthur.

Sir John and Lady Franklin: Sir John Franklin was the Governor of Tasmania 1837-43. He and his wife, visited Port Arthur in March 1837 to review operations at the penal settlement.

The Corps of Royal Engineers were responsible for planning, designing and constructing buildings at Port Arthur after assuming responsibility for structures located at penal stations throughout the Tasman Peninsula in 1835.

Commandant Charles O'Hara Booth, Commandant William Champ, and Superintendent James Boyd, were all significant in either the development or in the management of Port Arthur as a penal settlement and several of them had important roles at other places beyond Port Arthur, linked to the wider convict system or related to their period at Port Arthur.

Thomas Lempriere: Commissariat Officer at Port Arthur during the 1830s and 1840s. In 1841, he had a tidal benchmark

(h) continued

Criterion

Values

carved into a north facing vertical rock on the Isle of the Dead from

which he took regular tidal readings until his departure from the settlement in 1848.

William Smith O'Brien: the leader of the Young Ireland Movement who was found guilty of treason for his part in a failed armed rebellion against British rule of Ireland – he was a significant political prisoner. He was transported for life to Van Diemen's Land in 1848. In 1849, he was transferred to Maria Island, and then later Port Arthur, where he was placed in the cottage that now bears his name. He gained a ticket-of-leave, and left Port Arthur on 18 November 1850.

Other notable inmates were John Frost: Welsh Chartist and leader of the first truly working class movement in Britain providing the foundations of the Westminster System of government; and Linus Miller: 'Canadian' patriot and a leader of the anti-British forces of the Canadian rebellion of 1837-38.

For a description of any references quoted above, and more information on each of the places please search the Australian Heritage Database at <http://www.deh.gov.au/cgi-bin/ahdb/search.pl> using the name of the place.