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# Closing the cell door: where are the Histories of Care-leavers at the old Melbourne Gaol?

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## ABSTRACT

The Old Melbourne Gaol maintains a crucial place in social histories of the city. The Gaol ceased operation in 1924 and, as a heritage site, locates its history firmly in the nineteenth and early-twentieth centuries. While the exhibition invites a moral consideration of modes of punishment implemented in the gaol, its critique suggests resolution: these are not practices that *we* engage in *now*. By presenting these kinds of closed or finished narratives, the site turns visitors firmly towards the past rather than creating a site which invites reflection on the harms that carceral institutions continue to inflict in the present day. This, we argue, has a particular significance for Care-leavers, who are a significant demographic to have passed through the Gaol's walls. While recognising that a site like the Old Melbourne Gaol has innumerable memory communities invested in it, and that no presentation of the site might fully satisfy them all, this article argues for present-looking public histories that place the gaol's history in conversation with weighty social justice issues of today, including acknowledging the gaol's role as part of the foundations of the 'care'-to-prison pipeline observed by many activists as a pressing social issue in the twenty-first century.

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## Introduction

Care-leaver survivor-activism has been pivotal in pressuring governments and other past-providers of 'care' to engage in restorative justice processes for harms inflicted by historical 'care' provided to children separated from their families.<sup>1</sup> Ever-cautious of the potentially cascading costs of accepting responsibility for past wrongs, government and non-government responses have tended to construct chronological boundaries separating so-called historical child welfare from present-day systems, yet research shows that accepting such generational divisions does not serve the best interests of either historical Care-leavers or those with more recent experiences of out-of-home 'care' (Golding, McKemmish, and Reed 2021; Musgrove 2015). Survivor-led activism has argued for the utility of recognising heritage sites associated with difficult histories as Sites of Conscience (Steele et al. 2020), that is, 'safe spaces to remember and preserve even the most traumatic memories [which also] enable their visitors to make connections between the past and related contemporary human rights issues' (ICSC 2024). In this article, we build on the philosophies espoused by the Sites of Conscience movement to examine the Old Melbourne Gaol. We argue that while the Gaol's current public exhibition intentionally sets out to place the site in conversation with a number of the wider social institutions and practices of colonial Victoria, it tends to do so through closed or completed historical narratives rather than present-looking histories that might prompt visitors

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to think about complex social debates and layered histories which are essential context for meaning-making at heritage sites (Witcomb 2021).

The term Care-leaver, and the sense of group identity which has coalesced around it, grew out of late-twentieth-century survivor-activism (Wilson and Carlton 2022). Thus, we acknowledge the term may seem somewhat anachronistic when used in relation to people in 'care' during the nineteenth-century, but we argue for the importance of connecting contemporary social issues with their deep historical contexts. Survivor-activists in Australia were amongst the first, globally, to successfully agitate for formal government inquiries into historical child welfare policies and practices, and the inquiries and apologies which resulted from this and similar activism across the world have typically included a strong sense of acknowledging historical injustices as part of the healing process (Swain, Wright, and Sköld 2018). The historical gaze of such inquiries is most often confined to the preceding 50–100 years because the primary goal is to grapple with the meaning of the past for living communities of survivors (Sköld 2023). There is a need for research-based advocacy which establishes connections between contemporary social justice issues and social institutions of the past. This article is a case study-based response to that need, and we argue that connecting the past and present is particularly valuable in histories intended for the general public, such as those at heritage sites like the Old Melbourne Gaol. We also argue that the Old Melbourne Gaol is an appropriate site for considering how Care-leaver history is represented, both because, as illustrated in the second section of this article, there is a history of Care-leavers being over-represented amongst its former inmates, and because the Gaol itself already makes comment on connections between colonial welfare and the site.

## The dark and distant histories of the old Melbourne Gaol

Since time immemorial, Aboriginal people have been the traditional owners and custodians of the land now referred to as the Australian State of Victoria. The Victorian Aboriginal population, which at the beginning of the nineteenth century is believed to have been around 60,000 people (Reeves, McCalman, and Cook 2001) speaking at least 38 different languages (VALC 2014), remains a vibrant community whose culture, dreaming, and connection to land persists despite the onslaught of colonisation. Unlike New South Wales and Tasmania, where the British established sustained penal colonies in 1788 and 1803, respectively, colonisation of Victoria began with a trickle of European whalers and sealers making temporary camps along the coastline and a short-lived British penal colony (October 1803–January 1804) on Bunurong country. Then, in 1835 waves of colonisers began arriving in present-day Melbourne, first from Tasmania (then known as Van Diemen's Land) and subsequently from New South Wales. Their intention was to establish a colony based on pastoral land claims for sheep grazing.

Victoria has often been described as a free-settler colony, as opposed to the penal colonies of New South Wales and Tasmania, but such a characterisation conceals the centrality of carceral institutions and prisoner labour to Victoria's early colonial history. Convicts, including some sent down from Sydney for the express purpose of performing labour, constructed many of Melbourne's early public buildings and roads, and as the non-Indigenous population expanded from 224 in 1836 to roughly 24,000 in 1842, the insufficiency of the stop-gap solutions for incarcerating the growing number of locally-convicted prisoners was clear (O'Toole 2006). The Melbourne Gaol – now open to the public as a museum (NTAV n.d.) – was purposefully built to impose itself as a symbol of authority on the city's skyline despite the objections of some colonists who saw this as associating 'free-settler' of Melbourne with the so-called 'convict taint' (NTAV 2023a; O'Toole 2006). Its first cell block opened in 1845 and it was decommissioned in 1929, although it ceased operating as a gaol in 1924 (NTAV 2023a). Today, only some of the gaol's bluestone buildings remain, and rather than constituting an imposing structure over the city, the Old Melbourne Gaol (as it is now known) is dwarfed by high rise buildings; its very location can be difficult to discern until you are nearly upon it. Nevertheless, it remains an important heritage site not only for the role that it played in the

history of the city but as a space for reckoning with the impact of incarceration and the violence of criminal justice.

Heritage sites often consider their representation of the past with a consumer in mind (Williams 2007). There is a pragmatic logic to this – creating a space with which people want to engage encourages visitors. Yet, especially in places like the Old Melbourne Gaol, where there is a responsibility to grapple with difficult histories, there are important debates about the relative priorities of historical advocacy work and consumer appeal within the space. Audiences do not always respond warmly when they are presented with unfamiliar renderings of history, but when visitor expectations and historical advocacy work are correctly balanced, the impact can be very powerful (Cramer and Witcomb 2019). In the second section of this article, we make a case for the Old Melbourne Gaol site as one of the importance for Care-leavers and suggest an adaptation that might better recognise this without major reinvestment in the curation of the site; but first we offer a reading of the ways in which visitors are encouraged to engage with the site and its history. We argue that despite an evident empathy for the people formerly incarcerated in the gaol, the site's narrative tends to tell a story of a tormented past from which we have emerged, rather than encouraging visitors to connect the social justice issues it raises – such as how we should understand the purpose and appropriateness of punishment, and the criminalisation of poverty – with the present day.

Situated in a former site of incarceration, corporal punishment and execution, the gaol explores the implementation of a historically punitive judicial system with an eye to both education and entertainment. There is a clear effort to educate visitors about the relationship between the gaol and colonial Melbourne. In various cells spread across the ground and first floors, there are displays which show the gaol's complicity in enacting state violence against Aboriginal people, society's xenophobia about non-'white'<sup>2</sup> migrant populations, the criminalisation of poverty, and the limitations placed on women which could lead them to desperate acts. The exhibition mostly humanises inmates and contextualises their crimes, but it also litters vivid depictions of corporal and capital punishment throughout. There is an implicit critique of these kinds of punishments, but there is also a clear play to a dark tourism audience.

The Old Melbourne Gaol can be classified as a dark tourism site in the specific category of 'dark dungeons' (Stone 2006, 154). While our analysis in this article is focused on the permanent, self-guided exhibition, there are also interactive experiences which market the gaol as a 'grim place with a dark history': the site offers two regular ghost tours, including the 'Hangman's Night Tour' that invites visitors to consider 'stories from the dark side' told by the 'master of the rope' (NTAV 2023b). The performativity of these tours speaks to the 'touristification' present in dark tourism sites, in which commemoration and commercial interests frequently sit in tension with one another (Stone and Grebenar 2022, 458). The site's permanent exhibition includes case studies which humanise former inmates of the gaol and explain causal and systemic relationships between sex, poverty, and incarceration (Katz 2017, 342), but the strategies deployed to draw visitors in tend much more to displays of the macabre. Wise and McLean's (2020, 559) description of the visual representations of death and punishment that greet visitors as they enter the permanent exhibition illustrates this point: 'death masks line the corridor and a lashing triangle and hanging scaffold are clearly visible', while amongst the original documents on display are 'accounts of offenses and details of prisoner punishment including numbers of lashes, as well as newspaper clippings about those who were executed'. The gaol is not unique in offering stories of human suffering for vicarious consumption. This is, in fact, a defining and troubling characteristic of dark tourism (Wilson 2011).

Wise and McLean (2020, 561) point to the site's display of death masks (plaster casts of executed prisoners' heads following their deaths) as being one of the hallmarks of 'darker' tourist sites. Death masks allow us to look into the faces of the dead, but these physical representations are uncanny because they are almost entirely removed from the person from whom the likeness was cast. The death masks render the victims of execution as tangible objects, continuing the spectacle of their suffering beyond the moment of death and turning corpses into objects to be displayed for public

consumption. Once items of pseudoscientific study that were created with a desire to pathologise criminality (Welch 2015), the death mask becomes an object of morbid fascination for tourists once it is placed in the context of the museum space. They are representative of two practices that are no longer in use in Australia: execution and phrenology, the long-discredited science that informed their initial creation (Wise and McLean 2020). This curiosity is partly borne of a human fascination with death and dying (Powell and Iankova 2016), but also speaks to an equally human desire to understand and connect with the past and its people via its tangible material artefacts (de Groot 2016, 208). However, in emphasising the strangeness and cruelty of the past, the death masks serve to accentuate a chasm between past and present.

Following a typical pattern of 'dark dungeon' sites, the gaol presents closed narratives – finished or completed histories of systems and practices 'safely secured in days gone by' (Stone 2006, 154). Historical representations necessarily distinguish between the past and the present, but they do not inevitably place an impermeable barrier between the two. As White (1987, 89) has argued, where past and present are represented as continuous, the past becomes 'familiar, recognizable, and potentially fully knowable'; in contrast, where the past is clearly distinct from the present, it becomes 'alien, exotic, or strange'. The site's approach is consistent with the latter, emphasising the distance between the history of the gaol and the present day. This is conveyed and reinforced in innumerable ways, including in the site's representation of capital punishment – enacted for the last time in Australia in 1967 and abolished across the nation gradually with New South Wales being the last jurisdiction to do so in 1985 (Lennan and Williams 2012). For the most part, the Old Melbourne Gaol's representation of execution is neither indulgent nor insensitive, and while the exhibition does not overtly proselytise, its pro-abolition sentiment is clear. However, the narrative that is presented is a closed one which tells people that capital punishment is a thing of the past in Australia: these are not practices that *we* engage in *now*.

As a former site of execution, it is entirely appropriate for the gaol's exploration of the death penalty be contextual: '*this* building was used for *this* purpose; *these* people were killed *here*' (Williams 2007, 80, emphasis in original), yet the exhibition goes beyond the 133 people hanged at the gaol, opening the door for a discussion which extends past the specific location. The examination of the death penalty concludes with the death of Ronald Ryan, who became the last person executed in Victoria (and the last in Australia) in 1967—more than 40 years after the last prisoners had vacated the Melbourne Gaol. Ryan was hanged at Pentridge Prison in Coburg, not at Melbourne, but he is included in the exhibition to conclude a story of execution in Victoria, which 'began' at the Melbourne Gaol in 1842 and 'ended' in 1967. As a case study in this specific context, Ryan's hanging provides narrative closure and reinforces the underlying positivist message of the site – these things were terrible, but we don't do them anymore. This encourages visitors to see the death penalty as essentially a non-issue today rather than highlighting the importance of constant vigilance against its reintroduction or Australia's responsibility to address capital punishment in our region (LCA 2021), but perhaps more importantly, the implied sense of resolution provides an escape rather than pushing people to reflect on the actual justice of criminal justice systems in the present day.

The presentation of Ronald Ryan's story also highlights the challenges of a case study-based approach such as that taken by large parts of the Old Melbourne Gaol's exhibition. Each case study is selected because it represents a larger point the exhibition seeks to make, and this certainly helps to humanise these issues, potentially encouraging an empathetic engagement. However, it also elicits a form of narration which (probably unintentionally) posits each person's time within the walls of the gaol as the most important part of their story. The sense of this is magnified in the case of those executed. Ryan, like the other condemned men and women who feature at the Old Melbourne Gaol, is imagined only via the prism of his violent death. Considering the condemned only in terms of their conviction and execution renders invisible both the lived experiences of that person prior to their interactions with the criminal justice system and, often, the social or systemic failures to which they were subjected. For instance, Ryan was made a ward of the state at 11 years of

age and sent to Rupertswood in Sunbury, then a school for so-called ‘wayward and neglected’ boys (Richards 2002). This part of Ryan’s life is not addressed at the Old Melbourne Gaol, yet, given what we know today about the ‘care’-to-prison pipeline (Dvorchak 2022), this seems a significant omission. Of course, one should rightly be cautious of suggesting a deficit narrative that frames young people in ‘care’ as likely future ‘criminals’, but handled appropriately, including this aspect of Ryan’s life might allow visitors to regard him with a more nuanced and understanding eye than the current representation allows. Positioned in a narrative that incorporates his time at Rupertswood, we might contextualise and understand Ryan’s history in a way that acknowledges the over-representation of Care-leavers in Australian prisons. Both now and historically, this is a much under-studied trend, but emerging research suggests that it is as much of a problem here as it has been shown to be in places such as the United Kingdom (Wilson and Carlton 2022).

Another visitor engagement strategy used at the Old Melbourne Gaol site is the construction of a sense of historical authenticity – attempting to convey a *sense* of what the past was like as opposed to a focus on the ‘accuracy’ of historical ‘facts’ (Saxton 2020). Authenticity is both subjective and affective, and an authentic representation is one in which ‘the snap and tang of the past’ are perceived to be present (de Groot 2016, 14). Sometimes, historical authenticity and historical accuracy intersect, but this is not always the case (Mochocki 2021; Rickly-Boyd 2012). As an example, a significant focus of the exhibition is the isolation that defined the prison’s implementation of the Pentonville system of reform, which enforced a regime of silence and separation insofar as overcrowding permitted. The layout of the exhibition itself reinforces this theme, with the cells used as defined steps in the narrative; visitors are encouraged to make their way into each cell, which invites them to think about what it must have been like to be imprisoned there as they read the history and view the artefacts displayed (Welch 2015). Simultaneously, the space is sanitised to make it palatable to twenty-first century visitors, presenting ‘pristine’ spaces free of the horrors of close and punitive confinement (Wilson 2011, 566). Successfully conveying a sense of historical authenticity to visitors relies on meeting some of their pre-existing expectations about the historical topic or period on display (Saxton 2020). For example, the exhibition’s use of low lighting to build a ‘gloomy atmosphere’ that feels appropriate to the tales of ‘horror, desperation, despair and poverty’ is more about meeting visitor expectations of how a disused prison should *feel* than about accurately reproducing the lighting as it would have been when the site was a functioning gaol (Smith 2017, 769).

Activating emotive responses from visitors can play an important role in guiding people to make meaning of the sites they visit (Stone and Grebenar 2022). The Old Melbourne Gaol’s depictions of crimes and punishments are an example of a dark tourism strategy which invokes a ‘pleasurable kind of terror’ through which visitors can indulge in horrors of the past (Cullen 2017, 7), but at the same time the exhibition also deploys emotion to entice visitors to feel empathy with people from the past. Yet despite its ostensible appeal to visitor emotion, Smith (2017, 778) has shown that the dominant emotional response elicited by the gaol’s exhibition was indifference. In her analysis of visitor interviews, two important themes can be observed: few visitors identified a connection with the site or its inmates, and many offered platitudes regarding societal progress. For those who stated that they did not share a historical link with the prison or its inmates, many called upon notions of morality and criminality, emphasising that they were ‘good people’ who had ‘never been in trouble with the police at all’. When asked about the gaol’s meaning for contemporary Australia, one respondent suggested that it could ‘Encourage people to [...] never fall foul of the law’, reflecting that ‘I’m so glad we’re good people and not stuck somewhere like this!’ (777). For others, the gaol’s twenty-first-century significance was purely reflective and hinged on a notion of progress; visitors noted, ‘It’s just a way to look back at where we’ve come from’ (777).

Both trends suggest that the site’s presentation of closed narratives encourages visitors to regard it from a distance. While respondents reported that the exhibition confirmed their opposition to execution as a mode of punishment, Smith identified limited consideration of prisons or links between poverty, crime or judicial punishment today. With its eye firmly on a past rendered as

dangerous and exotic, the Old Melbourne Gaol encourages visitors to consider the terrors of a resolved era. However, as Smith's research demonstrates, the exhibition also fails to excite or shock its visitors. We may permit ourselves to be entertained by the violence of Melbourne's past only because it is distant, yet that distance also obscures other historic individuals, obscuring the very real connections between the often-shocking histories of historical criminal justice systems and the equally troubling realities of present-day ones. In this article, we are not necessarily advocating for changes to the gaol's current representation of execution. The patterns of representation that are apparent in the site's exploration of corporal and capital punishment are replicated in its discussion of vulnerable Victorians, as we analyse in the following section.

### **Positioning the old Melbourne Gaol as a Care-leaver heritage site**

The Melbourne Gaol operated as a prison from 1845 to 1924, although not formally decommissioned until 1929 (NTAV 2023a). Its prisoners ranged from those on relatively short sentences for petty charges, often related to the criminalisation of poverty, to more serious offenders, including 133 people executed by hanging (NTAV 2023a; O'Toole 2006). Until 1894 it was the primary female prison for the Colony of Victoria, and as the major reception and remand facility for the city of Melbourne until the gaol's closure, many male prisoners passed through its walls as well, even if some ultimately served the majority of their sentences elsewhere. Thus, there are innumerable people and groups with significant historical identity narratives attached to the Old Melbourne Gaol, and it would be unreasonable to expect the site to highlight them all. Why, then, is there a case for making Care-leavers one of the groups made visible within the site's walls?

First, the gaol's current exhibition actively invites consideration of the historical nexus between the gaol and colonial welfare. We are, quite reasonably, asked to consider with horror the prospect of Michael Crimmins who was, in 1854, incarcerated at 3-years-old for being 'idle'. The National Trust website that accompanies the site's exhibition acknowledges that the trauma of such state failures often impacted people into adulthood, but it also places such use of the judicial system as a relic of the distant past: 'it is now extremely hard to believe . . . that children were incarcerated for homelessness because society lacked the mechanisms or goodwill to offer them welfare or care for them' (NTAV 2023c). The exhibit presents a narrative in which young children are 'saved' from the horrors of the gaol by the establishment of a government-run custodial child welfare system in 1864, and also suggests that welfare organisations more broadly 'solved' the problem of imprisoning marginalised and disadvantaged groups. As the 'Women and Children of the Gaol' section of the website tells potential visitors: 'the narrative starts with the story of execution and female imprisonment and ends with the social welfare work of Dr John Singleton and the Salvation Army' (NTAV 2023c). The use of an organisation such as the Salvation Army, in particular, as a resolution to this history is fraught. It suggests that the problems faced by poverty-stricken and vulnerable Victorians who were reliant on an inadequate or non-existent state welfare system were addressed by organisations such as the Salvation Army; in contrast, the 2016 Australian Royal Commission into Institutional Responses to Child Sexual Abuse found that these 'saviours' were often abusers who profoundly failed the people in their 'care'. As such, the complexities and failures of Victoria's 'care' systems, including the well-documented 'care'-to-prison pipeline, are overlooked at the gaol in service of a closed narrative that firmly situates issues such as the criminalisation of poverty in the past.

Second, as this section will illustrate, there is a good case for considering the site one of significance to Care-leavers even though the institution which stood (and in part still stands) there was never run as an institution specifically intended to contain children and youth, particularly regarding the gaol's female population. Women who had previously spent time under the control of Victoria's child welfare department (historical antecedents of the community who today describe themselves as Care-leavers) were over-represented in the female prison population, and this was no co-incidence.<sup>3</sup>

Colonial authorities in both child welfare and penal systems understood that their work had intersections. Prior to the *Neglected and Criminal Children Act 1864* children were often incarcerated in gaols, including the Melbourne Gaol, when there were no parents, family or friends able to provide for them. The 1864 Act founded the colony's child welfare system with a network of industrial and reformatory schools and effectively stopped very young children from being sent to the Melbourne Gaol, although some magistrates continued to send young children to gaol with their parents (usually, but not always, mothers). Two decades later George Guillaume, head of the Victorian child welfare department 1881–1891, argued that too many young people convicted of crimes were being placed in gaols and prisons instead of the reformatory schools overseen by his department. He advocated for a children's court which would help divert young people at the point of sentencing, although this vision would not be realised until 1906 (Musgrove 2013). In 1884, to more immediately address the issue, Guillaume launched a programme aimed at transferring 'suitable' youths into his department's custody, and this lasted for most of the rest of the century (CWDV 1866–1900).

This movement of children out of penal institutions and into child welfare ones is recognised as part of the Old Melbourne Gaol's history at the site, although relatively uncritically (NTAV, n.d.). To be fair to the site's exhibition, there is good reason to see removing children from adult prisons as a positive thing. However, noting that progress without acknowledging that child welfare institutions were often very cruel and prison-like, could ring as tone deaf to a Care-leaver-informed audience (Golding and Wilson 2019; Steele et al. 2020; Wilson and Carlton 2022). As we argue in the first section of this article, these kinds of closed historical narratives (i.e. nineteenth-century society locked children up in gaols, but we don't do that anymore) encourage visitors to position the gaol as a relic of the past rather than reflect on its connections to ongoing systems of injustice.

More central to our case for considering the Old Melbourne Gaol as a site of significance for Care-leavers, however, are the much less studied movements of people out of Victoria's child welfare system and into its penal institutions. The 'care'-to-prison pipeline is a known phenomenon in the present day, and while the precise factors which lead to the over-representation of Care-leavers in penal systems across the globe remain difficult to quantify, it is clear that child welfare systems routinely fail to make the kinds of positive interventions which might divert young people from interactions with criminal justice systems (Dvorchak 2022; Malvaso, Delfabbro, and Day 2016; Mendes and Snow 2016). Historically, the phenomenon has been difficult to study in a systematic way, but recent digitisation of key sources has made big data-driven and longitudinal studies possible (Godfrey et al. 2017). Here, we present some findings from the first study mapping the movement of girls and women in Victoria from the colony's child welfare department into its penal system, in order to demonstrate the association between this group of women and the Old Melbourne Gaol.

The nineteenth-century admission registers of the Victorian child welfare department are available online, and they represent a fairly comprehensive list of children admitted to the department from 1864 to 1893, although there are at least some names missing from this period, including some of the girls (typically fewer than 30 at any one time) held at the Sunbury Reformatory in the 1860s, and some of the volumes covering the period 1893–1899 are not yet available (PROV 1864–1899). From these records, it was possible to generate a list of 23,000 entries, with corresponding names of children, admitted to the department between 1864 and 1899. Almost 8,000 of those entries are of girls, representing about 7,000 distinct individuals.

The Central Register of Female Prisoners is a set of administrative volumes which was used by colonial authorities to track women being held by the Victorian Penal and Gaols Branch, particularly those located in and around the city of Melbourne. This set of records was used to generate a list of 6,173 admission entries for women with first penal admission dates after the founding of the child welfare department in mid-1864 (PROV 1855–1934).<sup>4</sup> In most cases there was one admission record for each woman as the same entry was used to track subsequent custodial sentences, and



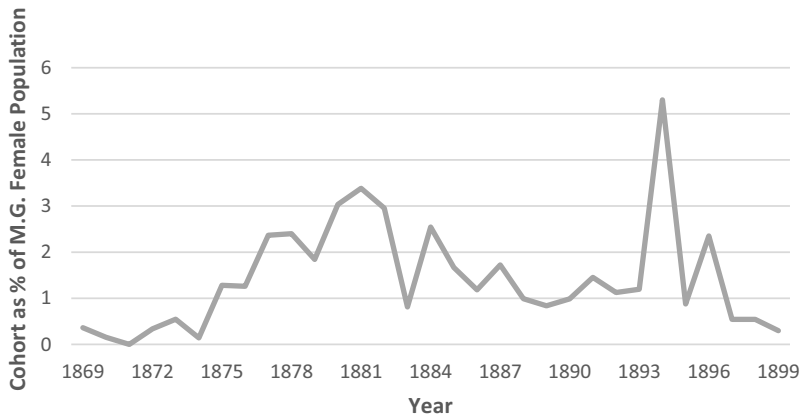
although women were frequently convicted under pseudonyms, colonial authorities were quite efficient in identifying this and consolidating records (Nagy 2020). Some of the women in the penal register were tried and convicted and others were summarily convicted, but all received sentences of at least three months. They therefore constitute a group of women having more serious entanglements with the criminal justice system. Until 1894, when the female prison was moved to Pentridge, the vast majority served their sentences at the Melbourne Gaol, and even in the Melbourne Gaol's final year of operation it was still the second largest adult female carceral institution in Victoria, with accommodation for 70 women as compared to 156 at the Pentridge female prison (GSV 1864–1934).

Cross-matching the names of girls and women appearing in the two sets of registers, which accounted for common diminutives as well as fluid ordering of first and middle names, produced a list of 95 matches. In 48 cases, the register entries directly reference each other, confirming that the two records related to the same woman in those instances and that this was known to colonial authorities. Further research, including using birth, death and marriage records, newspapers, Police Gazettes and asylum records, ruled out 19 of the initial 95 as not the same woman. The reliability of the match for the remaining 28 women was assessed using a points system based on information available in the registers and other sources. The points system considered identifying information which should (but does not always) appear in both registers – date of birth, place of birth, religion and literacy – as well as any other distinctive identifying information which might tend to suggest either for or against the likelihood of a match. The result was 19 scoring 75 out of 100 or more, a further 6 scoring 51–74, and a further 3 scoring under 50. Those scoring under 50 had some distinctive markers which matched, such as unusual names or distinctive birth places, and so the research considered them a likely match although all statistical analysis tracked findings for each confidence group: whole cohort (76 women), 50+% confidence (73 women), 75+% confidence (67 women) and 100% confidence (48 women). This group of 76 is almost certainly incomplete, although it is difficult to estimate how many have eluded identification. For example, although colonial authorities were quite efficient in tracking name changes through marriage when marriages occurred after a woman's first conviction, it was impossible to track girls from the children's registers who may have married and changed their names prior to any criminal convictions. Some may never have been charged under their childhood name for other reasons, including intentional adoption of aliases to dodge the law, but also reasons specific to Care-leavers such as adopting the surname of a longtime foster family – a practice visible in nineteenth-century Victoria, although usually without a legally-registered name change (Musgrove and Michell 2018).

Of the 76 women in the overall cohort, 61 served sentences in the Melbourne Gaol (50+% confidence, 58 women; 75+% confidence, 52 women; 100% confidence, 35 women). The first entered the Melbourne Gaol in August 1869 and the last exited in July 1922, but only three individual women from the cohort entered the Melbourne Gaol from 1900 onward. There were six women who served sentences in the Melbourne Gaol prior to 1875, but the clear peak was 1875–1899. From 22 February 1875 through 18 August 1883, there was not a single day when the gaol was not holding one of the 61 women and often 5–7 were there at a time. Between 1875 and mid-1894 when the female prison moved to Pentridge, there were only four periods when there were none of the 61 women at the gaol (43 days in 1883, 15 days in 1886, 1 day in 1890 and 44 days in 1893). More than half of the 61 women identified (34) had only one stay in the Melbourne gaol, and as Table 1 shows, others were held there multiple times (sometimes during the same sentence but usually following subsequent convictions).

**Table 1.** Women within the study's cohort according to number of periods of detention in the old Melbourne Gaol.

# Of Stays In Melb. Gaol	1	2	3	4	5	6	7	8	9	Total
# Of Women from Cohort	34	12	3	6	3	1	1	0	1	61



**Figure 1.** Study's cohort as % of women in the gaol 1869–1899.

These figures give a sense of the cohort of 61 women traced from the children's registers and into the Melbourne Gaol, but to appreciate the significance of these numbers, they need some further context. Nineteenth-century gaol populations were fluid, and even colonial administrators had trouble reporting changes in population across the year, but a figure for mapping the size of the Melbourne Gaol's female population is the number held at the end of each year (GSV 1864–1934; IGPEV 1872–1900). Similarly, the presence of women from the cohort of 61 was fluid, but a useful measure of the cohort's size in the Melbourne Gaol across time is tracking the maximum number of them held at a single time for each month, and then averaging this number for each year to provide a measure of the average number from the cohort there at any one time during that year. Figure 1 shows this average number from the cohort as a percentage of the number of women held at the Melbourne Gaol at the end of that year for the period 1869–1899.

The peak over 5% in 1894 appears to be the result of a high number of women from the cohort in the gaol during the first half of 1894 as compared to the small overall size of the gaol's female population by the end of that year due to the movement of the female prison, but for more than 20 years, beginning in 1875, the portion of the gaol's female population who can be identified as Care-leavers sat at roughly 1–3%. The percentage of girls within the colony of Victoria admitted each year to the Victorian child welfare department hovered 0.1% for most the second half of the nineteenth century (PROV 1855–1934; PROV 1864–1899), yet women in the Old Melbourne Gaol who had also been through the child welfare department sat at almost ten times that rate. These figures (which certainly underrepresent the phenomenon for the reasons outlined above) position female Care-leavers as a significant group within the gaol over a sustained period of time, and, given that the gaol was the largest site of female incarceration for many years, their stories are worthy of inclusion in the memory work presented at the site.

It is true that the women identified in this study never constituted the majority of prisoners at the Melbourne Gaol, but the site's exhibition does not represent only the majority experience. Tens of thousands of men and women moved through the Melbourne Gaol each decade during its operation. Thus, the 133 people executed there represent a very small portion of inmates, yet the exhibition devotes more than half a floor of the site to this topic. There is good reason for this – the death penalty remains a topic of weighty social and moral debate in the twenty-first century. Similarly, the long history of Care-leavers having disproportionately high engagements with criminal justice systems has important consequences for responding to the restorative justice calls from survivor-activists, and the young people in out-of-home 'care' today who continue to face a heightened risk of incarceration in their adult lives (Mendes and Snow 2016).

## Conclusion—possibilities for a Care-leaver-informed site

In this article, we have argued against the social value of closed historical narratives so common in dark tourism sites, including the Old Melbourne Gaol. If the gaol is to operate as a Site of Conscience and not an amusement park for the spectacle of horror that was the nineteenth-century criminal justice, then the site should tend to remind visitors that Victoria's history of execution, incarceration, and poverty did not end when this prison closed its doors. As illustrated in the first section of this article, in order to achieve historical closure about the history of execution, the exhibit follows capital punishment beyond its practice on the grounds of the gaol to an apparent end point – the last person put to death by law in Australia in 1967. A similar closed narrative is suggested about the relationship between the gaol and the various welfare systems and institutions that worked alongside it.

Rather than arguing for a new closed narrative – a 'true' or definitive story about Care-leavers and the gaol – we suggest the potential of contrapuntal histories to destabilise the narrative of progress implicit in the site's permanent exhibition. For example, there are a number of empty cells near the ones which celebrate the removal of young children from the gaol and the work of Singleton and the Salvation Army. One of these could, for a relatively small cost, be turned into a display presenting the voices of people who grew up in those 'new and improved' systems to which children and young people were sent instead of the gaol. As the second section of this article demonstrates, many of those who were incarcerated at Melbourne were Care-leavers and the connections between 'care' institutions and the prison are not insignificant. There are many publicly-available testimonies available to draw upon, and a vibrant survivor-activist community keenly interested in this kind of historical representation work. Such an approach would allow space for recognising that the gaol was not a good place for children and young people, and that nineteenth-century society recognised this. At the same time, it would remind visitors that incarcerating children in other types of institutions hardly solved the problem – indeed it propelled many of them into the criminal justice system as adults. Such contrapuntal histories might open visitors up to a different kind of engagement with the site—one that invites questions about connections with the present and might encourage visitors to ask similar questions about other issues taken up at the Old Melbourne Gaol.

## Notes

1. The term Care-leavers, referring to people who as children experienced out-of-home 'care' (usually but not always under the authority of the State), is capitalised here to recognise this group as a community with ongoing claims to restorative justice and a meaningful group identity. This is the preferred terminology for some members of this group, but others prefer different terms. In this article, we also use the notation 'care' to emphasise that despite the language of care being widely used to describe placing children under government guardianship, there was often very little that was experienced as *caring* by the children themselves.
2. For detail on how the notion of whiteness was understood in colonial Victoria see (Musgrove 2023).
3. The department through which the Victorian government took guardianship of children had several name changes: Department of Industrial and Reformatory Schools (1864–1887); Department for Neglected Children (1887–1924); Children's Welfare Department (1924–1960). From 1887–1954 the Department of Reformatory Schools was formally separate but always operated jointly, and in 1954 the reformatory work was officially re-absorbed by the Children's Welfare Department. This article uses the title Victorian child welfare department to capture all of this work with its shifting names and formal structures.
4. The records are on open access up to 1947, but only fully digitised through 1934.

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## References

- Child Welfare Department Victoria (CWDV). 1866–1900. Annual Reports. Melbourne: Government Printer.
- Cramer, L., and A. Witcomb. 2019. “Hidden from view? An Analysis of the Integration of Women’s History and Women’s Voices into Australia’s Social History Exhibitions.” *International Journal of Heritage Studies* 25 (2): 128–142. <https://doi.org/10.1080/13527258.2018.1475409>.
- Cullen, R. 2017. “The Success of the Success: Negotiating Dark Tourism on an Exhibition ‘Convict Ship.’” *Journal of Tourism History* 9 (1): 4–26. <https://doi.org/10.1080/1755182X.2017.1307461>.
- de Groot, J. 2016. *Remaking History: The Past in Contemporary Historical Fictions*. London and New York: Routledge.
- Dvorchak, K. 2022. “Closing the Justice Gap for Youth in the Foster Care to Prison Pipeline.” *Juvenile Justice Update* 27 (4): 3–17.
- Godfrey, B. S., P. Cox, H. Shore, and Z. Alker. 2017. *Young Criminal Lives: Life Courses and Life Chances from 1850*. Oxford: Oxford University Press.
- Golding, F., S. McKemish, and B. Reed. 2021. “Towards Transformative Practice in Out of Home Care: Chartering Rights in Recordkeeping.” *Archives and Manuscripts* 49 (3): 186–207. <https://doi.org/10.1080/01576895.2021.1954041>.
- Golding, F., and J. Z. Wilson. 2019. “Lost and Found: Counter-Narratives of Dis/Located Children.” In *Children’s Voices from the Past: New Historical and Interdisciplinary Perspectives*, edited by K. Moruzi, N. Musgrove, and C. P. Leahy, 305–330. London: Palgrave Macmillan.
- GSV (Government Statist of Victoria). 1864–1934. *Victorian Year Book*. Melbourne: Government Printer.
- IGPEV (Inspector General of Penal Establishments Victoria). 1872–1900. Penal Establishments and Gaols Annual Report. Melbourne: Government Printer.
- ICSC (International Coalition of Sites of Conscience). 2024. “About Us.” <https://www.sitesofconscience.org/about-us/about-us-2/>.
- Katz, M. 2017. “City of Women: The Old Melbourne Gaol and a Gender-Specific Interpretation of Urban Life.” In *The Palgrave Handbook of Prison Tourism*, edited by J. Z. Wilson, S. Hodgkinson, J. Piché, and K. Walby Palgrave Studies in Prisons and Penology, 341–364. London: Palgrave Macmillan.
- LCA (Law Council of Australia). 2021. “Death Penalty.” *Law Council of Australia: Media*. 21 June, 2021. <https://lawcouncil.au/media/news/death-penalty->
- Lennan, J., and G. Williams. 2012. “The Death Penalty in Australian Law.” *Sydney Law Review* 34 (4): 659–694.
- Malvaso, C. G., P. H. Delfabbro, and A. Day. 2016. “Risk Factors That Influence the Maltreatment-Offending Association: A Systematic Review of Prospective and Longitudinal Studies.” *Aggression & Violent Behavior* 31:1–15. <https://doi.org/10.1016/j.avb.2016.06.006>.
- Mendes, P., and P. Snow, eds. 2016. *Young People Transitioning from Out-Of-Home Care International Research, Policy and Practice*. London: Palgrave Macmillan.
- Mochocki, M. 2021. “Heritage Sites and Video Games: Questions of Authenticity and Immersion.” *Games and Culture* 16 (8): 951–977. <https://doi.org/10.1177/15554120211005369>.
- Musgrove, N. 2013. *The Scars Remain: A Long History of Forgotten Australians and Children’s Institutions*. North Melbourne: Australian Scholarly Publishing.
- Musgrove, N. 2015. “The Role and Importance of History.” In *Apologies and the Legacy of Abuse of Children in ‘Care’: International Perspectives*, edited by J. Sköld and S. Swain, 147–158. London: Palgrave Macmillan.
- Musgrove, N. 2023. “Settler Colonial Expansion and the Institutionalisation of Children in Victoria, Australia.” *Settler Colonial Studies* 13 (4): 539–554. <https://doi.org/10.1080/2201473X.2023.2265096>.

- Musgrove, N., and D. Michell. 2018. *The Slow Evolution of Foster Care in Australia - Just Like a Family?*. London: Palgrave Macmillan.
- Nagy, V. 2020. "Homicide in Victoria: Female Perpetrators of Murder and Manslaughter, 1860 to 1920." *The Journal of Interdisciplinary History* 51 (3): 405–428. [https://doi.org/10.1162/jinh\\_a\\_01592](https://doi.org/10.1162/jinh_a_01592).
- NTAV (National Trust of Australia—Victoria). 2023a. "Old Melbourne Gaol: History." <https://www.oldmelbournegaol.com.au/history/>.
- NTAV (National Trust of Australia—Victoria). 2023b. "Old Melbourne Gaol: What's On?" <https://www.oldmelbournegaol.com.au/whats-on/>.
- NTAV (National Trust of Australia—Victoria). 2023c. "Women and Children of the Gaol." <https://www.oldmelbournegaol.com.au/event/women-children/>.
- NTAV (National Trust of Australia—Victoria). n.d. *Old Melbourne Gaol Permanent Exhibit*. Accessed 14 April, 2023.
- O'Toole, S. 2006. *The History of Australian Corrections*. Sydney: UNSW Press.
- Powell, R., and K. Iankova. 2016. "Dark London: Dimensions and Characteristics of Dark Tourism Supply in the UK Capital." *Anatolia: An International Journal of Tourism & Hospitality Research* 27 (3): 339–351. <https://doi.org/10.1080/13032917.2016.1191764>.
- PROV (Public Record Office Victoria). 1855–1934. VA 475 *Chief Secretary's Department, VPRS 516*. Register of Female Prisoners.
- PROV (Public Record Office Victoria). 1864–1899. VA 475 *Chief Secretary's Department, VPRS 4527 Ward Registers*.
- Reeves, A., I. McCalman, and A. Cook. 2001. *Gold: Forgotten Histories and Lost Objects of Australia*. Cambridge: Cambridge University Press.
- Richards, M. 2002. *The Hanged Man: The Life and Death of Ronald Ryan*. Carlton North, Vic: Scribe.
- Rickly-Boyd, J. M. 2012. "Authenticity and Aura: A Benjaminian Approach to Tourism." *Annals of Tourism Research* 39 (1): 269–289. <https://doi.org/10.1016/j.annals.2011.05.003>.
- Saxton, L. 2020. "A True Story: Defining Accuracy and Authenticity in Historical Fiction." *Rethinking History* 24 (2): 127–144. <https://doi.org/10.1080/13642529.2020.1727189>.
- Sköld, J. 2023. "On the Challenge of Historicizing Violence: Conflicts in State Redress for Historical Abuse of Children in Out-Of-Home Care." *Totalitarismus und Demokratie* 20 (1): 75–92. <https://doi.org/10.13109/tode.2023.20.1.75>.
- Smith, L. 2017. "Explorations in Banality: Prison Tourism at the Old Melbourne Gaol." In *The Palgrave Handbook of Prison Tourism*, edited by J. Z. Wilson, S. Hodgkinson, J. Piché, K. Walby, and S. Hodgkinson, 763–786. London: Palgrave Macmillan.
- Steele, L., B. Djuric, L. Hibberd, and F. Yeh. 2020. "Parramatta Female Factory Precinct As a Site of Conscience: Using Institutional Pasts to Shape Just Legal Futures." *The University of New South Wales Law Journal* 43 (2): 521–551. <https://doi.org/10.53637/GCAR4734>.
- Stone, P. R. 2006. "A Dark Tourism Spectrum: Towards a Typology of Death and Macabre Related Tourist Sites, Attractions and Exhibitions." *Tourism* 54 (2): 145–160.
- Stone, P. R., and A. Grebenar. 2022. "Making Tragic Places': Dark Tourism, Kitsch and the Commodification of Atrocity." *Journal of Tourism and Cultural Change* 20 (4): 457–474. <https://doi.org/10.1080/14766825.2021.1960852>.
- Swain, S., K. Wright, and J. Sköld. 2018. "Conceptualising and Categorising Child Abuse Inquiries: From Damage Control to Foregrounding Survivor Testimony." *Journal of Historical Sociology* 31 (3): 282–296. <https://doi.org/10.1111/johs.12176>.
- VALC (Victorian Aboriginal Language Corporation). 2014. *Nyernila—Listen Continuously: Aboriginal Creation Stories of Victoria*. Melbourne: Creative Victoria.
- Welch, M. 2015. *Escape to Prison: Penal Tourism and the Pull of Punishment*. Oakland, California: University of California Press.
- White, H. 1987. *The Content of the Form: Narrative Discourse and Historical Representation*. Baltimore: John Hopkins University Press.
- Williams, P. H. 2007. *Memorial Museums: The Global Rush to Commemorate Atrocities*. Oxford and New York: Berg.
- Wilson, J. Z. 2011. "Australian Prison Tourism: A Question of Narrative Integrity." *History Compass* 9 (8): 562–571. <https://doi.org/10.1111/j.1478-0542.2011.00789.x>.
- Wilson, J. Z., and B. Carlton. 2022. "Delinquent Girls As Activists: Insider Activism and Carceral Welfare." *Space & Culture* 25 (2): 245–254. <https://doi.org/10.1177/12063312211066542>.
- Wise, J., and L. McLean. 2020. "'Pack of Thieves?': The Visual Representation of Prisoners and Convicts in Dark Tourist Sites." In *The Palgrave Handbook of Incarceration in Popular Culture*, edited by M. Harmes, M. Harmes, and B. Harmes, 555–573. London: Palgrave Macmillan.
- Witcomb, A. 2021. "Port Arthur and the Spectre of 'Unnatural Acts' in Australia." *Landscape Research* 46 (3): 309–323. <https://doi.org/10.1080/01426397.2020.1740665>.