Abstract: This paper challenges the notion that the development of systematic and sophisticated HR policies and strategies for the management of labour is solely a phenomenon of late nineteenth and twentieth century management theory. Using industrial relations and human resource management analysis this paper argues there is considerable evidence of the development of elaborate labour management techniques in the employment of convict labour in the colony of New South Wales, Australia. In the early years of settlement colonial authorities developed the use of a system of work allocation which allowed convicts to labour for part of a day for the government and for the private labour market in the remainder of the day. This division became so wide spread and entrenched the government came to regulate convict earnings; ostensibly the beginning of the public regulation of wages in Australia. Other labour management techniques included the systematic improvement in supervision, the narrowing of the span of control, the development of a wide range of positive work incentives, the use of job descriptions and the creation of a bureaucratic system of written work reports for all convict labour gangs. There is also evidence that some administrative initiatives were in response to convict resistance, both covert and overt. It is argued in this paper that innovations in convict labour management flourished until 1822 because the productivity of the convict labour force was critical to economic development. After this date changes in government policies and the growth in free settlement reduced the need for the labour of convicts and ushered in an era of labour management brutality. By using a HR and IR focused analysis this paper rewrites the history of the management of convict labour in Australia; a history which has been ignored by social historians and simplified by economic historians.

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OLD OR NEW HUMAN RESOURCE MANAGEMENT?

THE MANAGEMENT OF CONVICT LABOUR IN NEW SOUTH WALES

1788-1830

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ABSTRACT

Using IR and human resource management analysis this paper argues there is considerable evidence of elaborate labour management techniques in the government's employment of convict labour in colonial New South Wales, Australia. In the early years of settlement colonial authorities required convicts to labour for only part of a day for the government and allowed them to work in the private labour market in the remainder of the day. This division became so wide spread and entrenched the government came to regulate convict earnings. Other labour management techniques included the systematic improvement in supervision, the narrowing of the span of control, the development of a range of work incentives, the use of job descriptions and the creation of a bureaucratic system of written work reports for convict gangs. There is also evidence that some administrative initiatives were in response to convict resistance, both covert and overt. It is argued in this paper that innovations in convict labour management

flourished until 1822 because convict labour was critical to economic development. After this date changes in government policies and the growth in free settlement reduced the need for the labour of convicts and ushered in an era of labour management brutality.

INTRODUCTION

Social and management history in Australia has either ignored the work of convicts or grossly simplified the labour process of the convict system in New South Wales (NSW). Manning Clark (1985 pg 244) thought convicts had to be terrorised into their labour, A.G.L. Shaw (1966 pgs 71-72) felt they were an inherently lazy workforce, David Neal (1991) viewed them as a form of slave labour while Robert Hughes (1988) has likened the convict colony of NSW to a 'gulag'. The reasons these inaccurate and grossly simplified views have come about are that social historians have been overly obsessed with criminality and because neither of these historians has approached the analysis of the convict work experience with any theoretical or analytical tools which might assist in the interpretation of convict labour and its management.

On the other hand most writing on the history of the management of labour in Australia has also neglected the convict period. Christopher Wright (1995) in his history of the management of labour has concentrated on the post colonial period because in his view there was little if any systematic management of workers before 1940 in Australian industry. On the other hand, labour process theorists, while not referring to Australian industrial evolution, have tended to view the 18th and 19th centuries in Britain and America as periods of simple and then technical controls (Thompson 1983). In other words, the colonial management of convict labour, given the pioneer nature of Australian settlement should have produced nothing more than a simple model of control. According to Edwards (1979,

pgs 18-21) simple control was typified by idiosyncratic labour management decisions, a lack of formal policies or procedures and an unsystematic and informal approach to the organisation, utilisation and management of labour. This was not a written or formalised system of management and it lacked consistency and principles or procedures (Braverman 1974; Littler 1981).

Ironically, the use of labour process theory in the analysis of convict labour in NSW yields a surprisingly complex and sophisticated picture of labour control and labour/management interaction. Essentially this paper argues that there is a considerable body of evidence to indicate that between 1788 and 1822 the labour of convicts was managed in ways that were both complex and systematic. This was not a period of a 'simple model of control of labour' but was a period marked by increasingly more and more sophisticated and elaborate mechanisms and strategies for the productive utilisation of convict workers. Indeed, there is also evidence of convict reactions to the systems of their management which they resisted or modified through direct confrontation or, more usually and successfully, through covert resistance.

After 1822, which was the period immediately after the resignation of Governor Macquarie (1810-1821), there was a distinct and sharp change in the manner of convict labour management. This change was initiated by the British government in response to perceptions that the experience of transportation was too lenient and that, as a consequence, there was a crime wave in Britain. The quality of the transportation experience had to be made harsher and so the administrations of Governor Brisbane (1821-1825) and then Governor Darling (1825-1831) deliberately introduced measures which made the convict experience more brutal. These vivid and harsh administrations however, so captured the popular imagination that the experiences of convicts after 1822 have come to dominate

and are often retrospectively applied to 1788. In this way, the whole experience has been simplified.

On the other hand, labour process analysis, using the tools of human resource management, industrial relations and work organisation, indicate that the period before 1822 was completely different and involved, in effect, a much more complicated and even benign system of labour management than that which emerged in the years after 1822. Hints of the appreciation of the over-simplification of convict labour management by social historians generally are apparent in the work of some historians; namely John Hirst (1983) and the contributors to *Convict Workers* (Nicholas 1989). The impact of the analysis of the latter collection however, was reduced by the wide spread criticism of their econometric calculations which argued the rehabilitation of the convicts as workers rather than professional criminals. Australians have been uncomfortably obsessed with the criminality of their founders.

This paper however, argues its position with more detailed evidence of the actual daily management of convicts as workers. Some of this evidence, incidentally, has been widely available for analysis for many years but, lacking theoretical tools, has been ignored by social historians. In this paper evidence is presented of the complex time-work arrangements which immediately typified convict labour in the colony and the subsequent need of the state to regulate convict wages. In addition, the paper explains changes to the regime of convict supervision in order to improve the productive efforts of convict gangs, the development of more positive rewards for convict labour, the development of job descriptions for key positions in the convict hierarchy of work and the widespread use of documented work reports on all government controlled work gangs. All of these developments indicate that the

management of convict labour was considerably more elaborate than has been otherwise imagined.

The labour process in which convicts were employed until 1822 was neither simple nor idiosyncratic. They were also not dominated by harsh physical punishments. The convicts in the first half of transportation to NSW did not labour in a gulag. On the contrary they often worked under conditions and enjoyed benefits and concessions which were sometimes not apparent to free workers in Britain until decades later and then only after extended political and industrial campaigns.

THE WORK-TIME DIVIDE IN CONVICT EMPLOYMENT

Faced with a shortage of labour and food Governor Phillip (1788-1792) was forced to divide the employment of the convicts into two distinct spheres; public and private time. Phillip explained,

> The labour of the convicts shall be, as is directed, for the public stock, but it is necessary to permit a part of the convicts to work for the officers, who, in our present situation, would other wise find it impossible to clear sufficient quantity of ground to raise what is absolutely necessary to support the little stock they have; (*HRA I* vol. I, Phillip to Sydney, 15 May 1788, pgs 22-23)

Public labour engaged convicts in the clearing of land and the cultivation of food for the benefit of the entire colony while private labour arrangements between convicts and officers involved cultivation of the officers' private gardens for a wage or other rewards (*HRA I* vol. I,

Phillip to Sydney, 17 July 1790, pg 194). As the crisis of the food shortage deepened the convicts were also given time off to tend gardens of their own. The division between public and private time was very distinct and by early 1792 it had reduced public labour to a mere five and a half hours per day (*HRA I* vol. I, Phillip to Nepean, 29 March 1792, pg 345). This may have been effectively much less, given that it was common for convict gangs to be mustered then fed breakfast before starting work.

In order to extract a sustainable level of labour effort from convicts in their public employment Phillip had few incentives to offer. However it seems one approach he adopted was the negotiation of levels of output; a form of effort-bargaining. Watkin Tench (1789, pg 34), a Captain in the Marines who accompanied the First Fleet, claimed the Governor met with his agriculture gangs and agreed a level of effort on a per day basis. A similar process of effort consultation took place in 1791 at the first settlement of Norfolk Island (Hunter 1793, pgs 231-232). Although these were simple attempts to extract an acceptable level of output from a recaltriant workforce they helped ensure that the public/private division in labour time became an enduring feature in the management of convict labour until at least the end of 1821. This division in time and the setting of acceptable levels of labour output became known as Task Work and attempts to change the agreed levels of performance were often met with direct and indirect resistance. In 1817 for instance an attempt to increase the lineal feet of timber cut per day by the timber cutters gang in the district of Penrith was met with a three week strike (Druitt 1819).

STATE REGULATION OF CONVICT EARNINGS

The division of convict working time into public and private spheres was well entrenched by the time Governor Hunter (1795-1800) arrived. He reported;

Every labouring person, whether working for the public or for private individuals, is regulated in his hours of labour by the working-hours established by government, and each by this regulation has a certain proportion of time to himself, during which he can let himself out to hire. (*HRA I* vol. I, Hunter to Portland, 20 August 1796, pg 593)

The fundamental problem faced by Hunter when he arrived (and which lingered for some time after) was that public labour was severely restricted. This was caused by the lack of convicts available for public labour, the attractiveness of rewards offered for private labour, convict entrepreneurial ventures and even by convict bargaining. Hunter wrote that assignment of convicts to free settlers and officers 'had reduced our numbers to work for the public so very low that when I arrived we could scarsely [sic] call together twenty [convicts] for any public purpose at Sydney.' (*HRA I* vol. I, Hunter to Portland, 12 Nov 1796, pg 667). When the store ship *Ceres* arrived in Sydney at the beginning of 1796 there were so few government convicts to unload it he ordered 'that three [convict] men from each farm having ten, be immediately sent in for this purpose, who will be returned to their farms as soon as this work is compleated [sic]' (*HRA I* vol. I, Government Order, 12 November 1796, pg 686). The public employment of convicts was also thwarted by the preparedness of at least some free settlers to accommodate the demands or interests of convict labourers in order to entice them into private work. Hunter reported that offering the convicts 'little luxuries…is the manner, my Lord, in which officers and others who could afford to be at an extra expense have got so far forward with their farms and preserved their livestock.' One of the luxuries offered convicts was, of course, rum (*HRA I* vol. I, Hunter to Portland, 20 August 1796, pgs 593-594).

In response Hunter tightened up the regulations for the assignment of convicts by restricting the numbers per settler and specified that food, clothing and shelter had to be provided by the settlers or officers. He explained that the government would only victual convicts employed by the government and threatened anyone who 'diverts the labour of convicts employed at Government work to their own or other person's private advantage, …[with prosecution] for defrauding the public' (*HRA I* vol. II, Government Order, 1 October 1800, pg 622).

But Hunter's problems were also increased by the entrepreneurial initiatives of convict gangs, which the division of working time into public and private spheres encouraged. In 1798 Hunter confronted the saw milling gangs at the Hawkesbury River settlement over their work effort and their entrepreneurial initiatives (Robbins 2003, pgs 360-377). Apparently the sawing gangs applied 'more than half [their work] time to their own purposes' while their 'public work [was] almost totally neglected' (*HRA I* vol. II, Government Order, 30 October 1798, pg 359). The gang performed its public work in the mornings and then hired themselves (and presumably government saws and pits) out to the highest bidder. In this market transaction the government apparently found itself bidding against other free settlers for the labour of their own government convicts. This involved, as Hunter was quick to note, the sale of labour which was already 'the property of the Crown'.

Adding further to Hunter's problems was the custom and practice of these sawing gangs in which inclement weather in the mornings prevented public labour but did not discourage private enterprise activities in the afternoon. Determined to stop 'this shameful practice' Hunter pointed out 'that if no work can be done for Government on account of bad weather, none can be done for private persons' (*HRA I* vol. II, Government Order, 15 May 1798, pg 214). The Governor's further response was to raise the Task Work (the daily work quota) of

this gang and to regulate the hours of work of convicts generally. He and others were convinced that the quantity of labour set for public work (Task Work) was 'not near equal to the expense of maintaining the labour' (*HRA I* vol. II, Government Order, 15 May 1798, pg 218). In 1798 Hunter officially defined public labour as being from 9.00am to sunset, but this regulation does not appear to have worked in practice because most public labour apparently regularly ended at around 1 O'Clock (*HRA I* vol. II, Government Order, 11 June 1799, pg 585). Other initiatives which increased private labour at the expense of public labour involved collusion between convicts and free settlers. The practice of 'secreting or employing any prisoners' during their public labour or even when they were working for their private, assigned master was of sufficient frequency to attract punishment as a breach of Public Orders (*HRA I* vol. II, Government Order, 2 October 1800, pg 624). Hunter also identified 'the practice for prisoners at public labour to hire others to do their work', an exercise facilitated by paying their 'overseers for that abuse' (*HRA I* vol. II, Government Order, 3 October 1800, pg 625).

The restriction or even avoidance of public labour clearly often involved both the free population and convicts, however, the convicts also acted to make their private labour more profitable. When demand for their labour was high, convicts apparently bargained over the rate of their remuneration; rejecting the offer of some employers and imposing their own rate on the market. Hunter had also encountered this first hand with the Hawkesbury saw-millers. Although he euphemistically referred to this practice as 'imposition' it was in fact a form of wage-bargaining. Hunter explained that attempts at 'imposition' were practiced, for example, 'by the reapers at the approaching harvest' (*HRA I* vol. I, Government Orders, 12 November 1796, pg 683). To counter this Hunter imposed what was the first government regulation on wages in Australian history in 1796 and set a rate of 'ten shillings and no more…for reaping an acre of corn' (*HRA I* vol. I, Government Orders, 12 November 1796, pg 683).

The maximum wage for reapers imposed by Hunter did not, it seems, curtail the practice of imposition for 'settlers in every part of the colony' were still complaining of being 'most shamefully imposed on' and of the high cost of labour early in the following year. As a consequence Hunter urged the settlers to 'call a meeting' and submit to him 'the rate of wages for different kinds of labour which their farms might require, and which they were of the opinion they could reasonably afford to pay' (*HRA I* vol. II, Government Order, 10 March 1797, pg 75). The Governor consequently fixed 'a mean rate, which he conceives to be fair and equitable between the farmer and the labourer' for a variety of tasks and published them in a detailed Government Order in 1797. This set out 21 different agricultural tasks, detailed quantities of output (effort) and the determined money rate. It also annualised the private earnings of convicts at £10 and set weekly and daily rates as well (*HRA I* vol. II, Government Order, 10 March 1797, pg 76).

SUPERVISION

Problems associated with the role of supervision were immediately apparent to Arthur Phillip (1788-1792), the first Governor of New South Wales. He knew little about the skills or experience of individual convicts, lamented their quality as workers and was confronted with a lack of experienced supervisors because none had been sent with the Fleet (*HRA I* Vol I. Phillip to Nepean. 9 July 1788. pg 57). To make matters worse, Major Ross, Commander of the Marines who accompanied the First Fleet, refused to allow his troops to supervise convicts (Moore 1987, pg 134). As a consequence, Phillip was forced to recruit from the ranks of the convicts and, although most of these 'were removed as wanting either industry or probity' his reliance on convicts to oversee convicts became a fundamental feature of the management of convict labour (*HRA I* Vol. I. Phillip to Grenville. 17 July 1790 pg 195).

On the other hand, once the problem of supervision was fully recognised in colonial NSW the reforms made to resolve it were considerably more elaborate and sophisticated than has been generally recognised by either social or management historians. The earliest attempts involved the organisation of convict work into collective structures such as a gang. The convict work gang was not specifically associated with punishment until after 1822 but was a rational response to the nature of a pioneer society and to the shortage of both skill and supervision. For example, the gang often organised unskilled labour around a core of more skilled individuals while it concentrated the task of supervision (Nicholas 1989, pgs 152-166).

Over time convicts and free men (although virtually all of the convict gang overseers by 1820 were convicts) were offered a range of incentives to take on the difficult and mostly unthanked task of overseer. These men were generally given a convict 'on-the-stores (fed by the government) to work in their home, farm or business although some were also given a 'man off-the-stores'. For the skilled convict with a private business this could be a very profitable reward. Another common reward included more freedom of movement. It was appreciated that direct money payment would have been a more effective motivator but the British government prevented Governor Macquarie from doing this (Druitt 1819 pg 3).

Another significant development in the organisation and role of supervisors was the creation of three different levels of overseer staff with differing levels of reward and status. A Principal Overseer for example was usually in charge of either one very large gang or a number of different gangs each headed by their own overseer. In this way the duty of the Principal was more involved with co-ordination and planning and certainly the generation of work reports and returns. The Overseer was in charge of only one gang and was usually more concerned with the direct supervision of the daily work activities of the convicts under their control. The

Deputy or Assistant Overseer was someone who assisted the overseer, usually in a large gang or one which was dispersed to a number of different jobs such as the bricklayers gang. The development of this hierarchy of supervisors was not accidental or random but was designed specifically to improve overall control and output of the gangs while at the same time as providing training and development of supervisory staff (Druitt, 1819 ipg 2-3).

Finally, although it is not now possible to measure the total numbers of supervisors in the government's employment of convicts between 1788-1822 there are sufficient figures for most or significant parts of the gang system to establish clear trends. From these figures it is clear that from early settlement until 1820 the total number of gang overseers increased as did the layers or grades of the different types of supervisors (*HRA I.* Vol. VIII. Macquarie to Bathurst, 28 Apr. 1814. pgs. 190-191; Macquarie to Bathurst, 24 June 1815. pgs 597-598; CO 201/118 Reel 106). Having said this, it is also apparent that the span of control exercised by convict supervisory staff did not greatly decline. Span of control is measured by the ratio of workers to a supervisor, a low ratio is considered a narrow span of control and a high ratio is a wide span (Saville & Higgins 1990). In the early years of settlement at Sydney Cove the span of control was 1:51. This rose to 1:90 in 1802 and fell again to 1:44 by 1820. Although this is not a great contraction of the span of control ratio compared with early in settlement it should be noted that the modest fall of 1820 was achieved at a time when, after 1815, the number of convicts transported annually to NSW had risen dramatically.

POSITIVE WORK REWARDS

Macquarie also introduced a much more elaborate system of rewards for productive convict work performance (as opposed to supervisory motivation already discussed). Although monetary rewards were restricted he used pardons, full and conditional, to motivate convict behaviour as well as the Ticket of Leave which offered an attractive level of freedom of

movement (Bigge 1822, pgs 148-151). To encourage the building of the first road over the Blue Mountains, for instance, he offered full pardons to all convicts involved in its construction (*HRA I* Vol. VIII Macquarie to Bathurst, 7 October 1814, pgs 314-315). He also offered skilled convicts who worked effectively grants of land and livestock as part of his reward system (Druitt 1819 pg 25) while he curtailed and restricted the use of flogging as a mechanism for controlling and motivating convict workers. No overseer or employer of convict labour was allowed to hit their convicts but instead was required to take them before the local magistrate(s) where complaints could be formally heard *and* contested. Macquarie also restricted the number of lashes that magistrates could impose in such cases to 25 or 50 (Robbins 2002, pgs 171-172). This was a significant reduction in severity. It should also be noted that most severe flogging in the convict system was imposed during Governor Darling's administration (after 1825) although some historians have made the mistake of taking this incidence rate and retrospectively applying it to the Macquarie period (Neal 1991). Flogging, without doubt, declined as a motivation tool during Macquarie's administration.

JOB DESCRIPTIONS

The first unambiguous and detailed job description in Australian history was contained in the Regulations for the Police of Sydney in 1811. This in-depth and complex document was produced by Macquarie in order to outline the roles of individual police officers, to delineate the levels of responsibilities as well as make clear the structures of command. While these were ostensibly about the reformation and rationalisation of the function of policing in Sydney they were, in practice, also part of an imperative to control and manage the convict labour process. In the reorganisation of policing in Sydney Macquarie divided the town into Five Districts and created a range of new or more clearly delineated police positions; these included the positions of Police Superintendent, Chief Constable, District Constable, Night Constable and Ordinary Constable (c/w Tobias 1972, pgs 268-275). In explaining and detailing the roles and responsibilities of each of these functionary positions Macquarie was in fact writing their job descriptions.

Another job description developed by Macquarie was the duty statement written in June 1813 upon the appointment of George Thomas Palmer, Esquire, to the position of Superintendent of Government Stock (*HRA* I Vol. VII, Enclosure No. 6, 28 June 1813: 742-748). The position of Superintendent of Government Stock involved the management of the care and husbandry of the entire stock of cattle, sheep and horses owned by the government. It was a significant position in that it involved responsibility for 3,799 horned cattle, 1,172 sheep and 76 horses and for the superintendence of 44 convict stockmen (*HRA* I Vol VII, Enclosure No. 6, 28 June 1813: 472-475). The value of the stock and the importance of it in terms of government transport, breeding and food supplies made this a critical position. However, what distinguishes the duty statement for this position as a job description is the detailed way in which the functions, roles, responsibilities and levels of authority are so clearly and formally articulated. The document clearly identified the position in question while its detail established job tasks, roles and functions as well as the relationship between this position and others, both up and down in the hierarchy of convict administration. (*HRA I* Vol VII, Enclosure No. 6, 28 June 1813, pg 745).

While the duties of the convict workers in this gang were not detailed in the Superintendent's job description it is relatively clear that their work was the daily and direct care of livestock. On the other hand, the documentation does specify things the men should not do. For example, the men were not allowed to have visitors at their stockyard, they were not allowed to wander around the countryside nor were they permitted to have significant 'intercourse with the Towns in the Vicinity of their respective Stock-Yards' and they were forbidden to raise any livestock of their own. More significant in terms of labour management, the Superintendent was required to make himself 'acquainted with the Names, Characters and

Capacities of the Overseers and Stockmen' in order to better control the behaviour of the men under him (*HRA I* Vol VII, Enclosure No. 6, 28 June 1813: 746-747).

WORK REPORTS AND THE DOCUMENTATION OF LABOUR

Under Governor Macquarie many supervisors of the convict labour process were required to document the activities and the resources used by the particular labour gang of which they were in charge. At the Lumber Yards (government wood and metal manufacturing enterprises) in Sydney and Parramatta (Robbins 2000) overseers of gangs were required to report weekly on the activities of their gangs by producing a written Work Report. These detailed the number of nails and wood used by a gang of carpenters and a list of the number and type of jobs the gang performed and how long it took to complete them (ML A 2086-A2088 CY Reel 116 Return of Public Labour Lumber Yard Parramatta). These were living documents in that they show the daily additions of tasks, the scribbled calculations and even the absent-minded doodling. This type of document was also widespread through the government gang system.

For example, in order to control the management of the government stock the Superintendent was required to compile 'Monthly Returns' which were to be communicated to the Governor in writing. These Monthly Reports were partly the outcome of the musters of cattle and men conducted by the Superintendent and partly based on the weekly written reports of the Principal Overseers. In this way the Superintendent was required to report both on a weekly and monthly basis and each report was to be 'Carefully entered in a Book' (*HRA I* Vol VII, Enclosure No. 6, 28 June 1813: 747). This is clearly a bureaucratic response; written, formal reports contained within the sacred leaves of a Book. On the other hand, various members of the police hierarchy were also required to produce written work related reports. These were not simply documentation of the crime and arrest rates but were a

detailed record of the activities and roles of the different staff within the police department. Written reports were required to be produced on a weekly or monthly basis by all police staff excepting the ordinary constables. Under Macquarie there was a systematic and elaborate system of bureaucratic documentation regarding the labour process. This type of documentation was used to keep official track of the exertions of individual gangs, to account for the use of government property and, of course to control the labour process. The work reports endeavoured to measure labour effectiveness and to make accountable the convict supervisor and the convict worker.

CONTROL OF CONVICT LABOUR AFTER 1822

Governor Macquarie resigned at the end of 1821 and his successor, Governor Brisbane implemented many of the changes which had been recommended by Commissioner Bigge in his *Report of the state of the colony of New South Wales* (Bigge 1822). This had been highly critical of Macquarie and had recommended that the emphasis of transportation be shifted from the public employment of convicts to the private assignment of them to free settlers with large holdings. Brisbane immediately began this process and he also reduced the number of convicts employed in the road making gangs. In their place he formed 50 Clearing Gangs each of which consisted of an overseer and 22 convicts (*HRA I* Vol X, Brisbane to Buchan, 30 August 1822 pgs 723-724). These gangs were hired out to free settlers to clear land on the basis of a fee per acre of land. The controls over the convicts increased dramatically. Under this regime of supervision, for instance, the span of control was reduced to 1:22. Moreover supervisors were paid for their efforts on a per acre basis so there was a strong financial incentive for the overseer to increase convict worker productivity.

Unfortunately, with this shift in the employment of convicts from public services to private interests the roads in the colony under Brisbane began to fall into disrepair. Consequently, Brisbane's successor, Governor Darling was forced to re-establish the road gangs although he did so under an entirely different regime of controls and imperatives. Road gangs were used to punish convicts who recommitted a crime or who were considered unsuitable by their free settler employer (AO 590 Road Gang Reports 1827-1830). Road Gang work was in this way made into an implicit form of punishment rather than the simply productive and necessary work it had been under Macquarie. More supervisors were appointed to these gangs along with more deputy or assistant supervisors. The overseer was also given the right to flog convicts for misdemeanours without the formality of a hearing before a magistrate. The number of lashes which could be inflicted also greatly increased from Macquarie's maximum of 50. Even the flesh-cutting capabilities of different whips (Cat o' 9 Tails) were researched and improved (AO Reel 2081 4/7640 Analysis of effectiveness of Cat's). The Task Work system was abolished and for virtually the first time in the history of the convict system hours of work were increased to sun up to sun set. The annual convict wage was also severely restricted if not abolished outright.

But the new regime of harshness included other initiatives. In addition to the road working gangs Governor Darling introduced the Iron Gangs; gangs of convicts who worked in chains under the watchful supervision of armed guards. Convicts who had committed an offence while in the road gangs were set to the Iron gangs as an obvious form of punishment. But it got worse. For those whose crimes were even more serious or whose submission was stubbornly withheld Darling built prisons of secondary punishment. These grim prisons were established in wild isolated locations such as Norfolk Island where convicts lived a regime of punishment 'just short of death' (Darling to Colonial Secretary, AONSW 4/3821 pg 94).

With Governor Darling the state's control over convicts became complete and the popular conception of transportation was made real. By 1829 there were over 1,000 men in the road gangs, over 400 in the Iron gangs and over 1,200 men in the penal settlements (*HRA I* Vol XV Darling to Murray 2 April 1830, pg 386). Darling also dramatically increased the level of supervision and its professionalism with four levels of supervisors each with differing roles, levels of responsibility, status and payment. With this new system of supervision the span of control narrowed in many areas of the convict system to 1:13 (*HRA I* Vol XIV Darling to Murray 16 February 1829, Enclosure 1, pg 647). By 1830 the gulag had been created.

CONCLUSION

Social and management historians in Australia have ignored or misunderstood the nature of the organisation and management of convict labour. Before 1822 convict workers were not terrorised into performing their work but were cajoled, encouraged and enticed by a range of strategies and incentives. Increasingly these became more elaborate, more complex and more productively focused under the administration of Governor Macquarie. It needs to be said that this paper is not, however, arguing that the rational labour management controls developed before 1822 were kindly and entirely benign. The 18th and 19th centuries were not, on the whole particularly attractive for working people either in Australia, Britain or elsewhere. However in the scale of things it seems evident that the controls developed by Governors Phillip and Hunter and later Governor Macquarie were based on the need to make a scarce labour force productive. The labour of the convicts was essential for survival in the early years and critical for the infrastructure building ambitions of Macquarie in the 1810s. This need made the administration of labour less severe than in Britain and certainly substantially more positive than were the controls developed after 1822.

Because the colony of NSW was so dependant on the labour of convicts until 1822 the state was required to make concessions to these workers and to develop more sophisticated and effective measures of control and management. For this reason, under Macquarie we see the development not of a simple model of labour control but one that is elaborate and sophisticated. Macquarie used a range of strategies to motive convict workers under his control. As this paper has outlined, these strategies ranged from the development better and more elaborate supervision, the creation of a raft of positive incentives, the construction of job descriptions and by instituting a system of detailed work reports. The controls developed by Macquarie were more bureaucratic in nature than the traditional labour process model of simple control. Measuring the effectiveness of this sophisticated and complex raft of strategies is now very difficult but some positive implications can be drawn from the massive and even enduring public building of Macquarie and from the great esteem he was held in by the convict and ex-convict population of Sydney (Ellis 1958). Indeed, perhaps even from the disdain he was held in by wealthy elitist free settlers like Samuel Marsden and John Macarthur.

However the Macquarie model of control did not endure. It was challenged and then replaced by fiercer and less subtle controls introduced by Governor Brisbane and, in particular, Governor Darling after 1822. This shift, which changed the emphasis of labour controls from productive work to punishing work, was deliberate in its conception and implementation. British government concerns about the cost of transportation, the extravagance of Macquarie and the waning deterrence of transportation on the British working classes demanded change. In addition, after 1822 the need for convict labour declined dramatically. Natural population growth and the encouragement of free settlers reduced colonial dependence on transported convicts. Ironically the bureaucratic controls of Macquarie were not abolished by Darling but were extended. The gulag he helped create

was a model of accountability and transparency; the purpose of his controls however, were to terrorise convicts in Australia and frighten workers and criminals in Britain.

The reason the nature and purpose of the organisation of the management of convict workers and its sharp reformation post 1822 have been overlooked by historians generally is that social history appears unreceptive to the models of analysis offered by specialist disciplines like human resource management and industrial relations. However, as this paper suggests the theoretical frameworks offered by these disciplines allow a whole range of new and exciting areas of significance and insight to be drawn from existing and new historical sources. The use of employment related theory should be extended to enrich other areas of historical analysis. Work and the significance of its performance and management have been overlooked in the story of human endeavour for too long.

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