

APPROACHES TO THE DESIGN AND PROVISION OF PRISON ACCOMMODATION AND FACILITIES FOR AUSTRALIAN INDIGENOUS PRISONERS AFTER THE ROYAL COMMISSION INTO ABORIGINAL DEATHS IN CUSTODY

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I Introduction

The Royal Commission into Aboriginal Deaths in Custody ('RCIADIC') investigated the deaths of 99 Aboriginal people in police and prison custody. Each of the individual reports poignantly outlines someone's life and the circumstances of their death in prison or police custody. Many of the custodial environments where the people were detained were unpleasant, inappropriate, unsafe or even inhumane.

The RCIADIC observed that there 'are important cultural differences between Aboriginal and non-Aboriginal detainees for which accommodation can, and should, be made in the context of custodial procedures and cell design.'¹ Research initiated in the RCIADIC addressed some of the behavioural design considerations and laid the ground-work for the future development of prison environments for Australian Indigenous people.²

Immediately after the RCIADIC, a number of jurisdictions attempted to create prison environments to better meet the diverse environmental and criminological needs of Indigenous prisoners. The approaches varied significantly but fell within the paradigm that there is capacity to use architecture and design to improve the outcomes for Indigenous people living in correctional environments.

The approaches can be broadly grouped into categories. The reduction of risk in the physical environment became an area of great importance and there have been major advances in reducing the number of ligature points and the development of 'safe cell' technology. Correctional agencies also placed emphasis on the development of therapeutic environments, work camps and places for the delivery of cultural and therapeutic programs. Other jurisdictions developed

Indigenous cultural centres and areas within prisons, while some correctional agencies considered the design of accommodation and spaces to better meet the domiciliary, socio-spatial and cultural needs of Aboriginal prisoners.

The 339 recommendations of the RCIADIC focused on improving the socio-economic position of Aboriginal people in Australian society and it was generally assumed that this would assist in decreasing the number of Indigenous people in Australia's prisons. To the contrary, in the 23 years since the release of the final report of the Royal Commission, Indigenous imprisonment rates have soared. While it is preferable that fewer Indigenous people be incarcerated, it is imperative that those who are sentenced to imprisonment are placed in prison environments that inflict the least damage possible.

Recent research in behavioural design, drawing from architectural, anthropological and psychological considerations of the cultural context of Australian Indigenous people, empirical studies into the specific needs of Indigenous prisoners, coronial inquiries and other factors have fed into the approaches to design of custodial environments for Indigenous prisoners and it appears timely and prudent to review the developments to date. This paper will discuss each of the approaches and present precedents of prison environments developed specifically for Australian Indigenous prisoners and consider areas where further advancements could be made.

II The Reduction of Risk

The RCIADIC identified hanging as the primary method of suicide in prison environments. The response of correctional agencies to the *Interim Report* of the RCIADIC was the

development and adoption of 'Muirhead' or observation cells.³ By the time of the release of the RCIADIC *National Report*, there was condemnation of the use of observation cells⁴ and the emphasis moved to the screening and removal of ligature points in cells.⁵

There are practical differences between the practices of 'screening', 'removal' and 'reduction' versus the 'elimination' of ligature points. 'Screening' refers to the covering of existing possible ligature points with materials such as acrylic sheeting or mesh. 'Removal' refers to more thorough work such as recessing plumbing fixtures into walls. The 'reduction' or 'elimination' of obvious ligature points refers to the process where the design includes no or few obvious 'anchor' points.

Immediately after the RCIADIC, Queensland Corrective Services examined methods of preventing suicides by hanging. A number of physical changes were made to Queensland correctional centres which included the removal of bars on cell windows, identified as commonly used ligature points during RCIADIC. Non-opening windows were installed in all Queensland prisons.⁶ Other ligature points present in cells were not removed.

The removal or screening of ligature points has become a contentious issue during coronial investigations into deaths in custody since the RCIADIC. In South Australia, the Coroner recommended the removal or screening of ligature points in prison environments in eight inquests held between 1995 and 2000.⁷ In 2013, the South Australian Coroner again repeated requests for hanging points to be removed.⁸

Across Australia, various debates have continued about the costs associated with the screening or removal of ligature points and the overall effectiveness of the reduction or elimination of ligature points in reducing deaths in custody. In 1999, the issue of removal of ligature points moved beyond the RCIADIC recommendations after a coronial inquiry investigating five deaths at Port Phillip Prison.⁹ In response to the recommendations of the coronial inquest, the Department of Justice embarked on an ambitious review of all Victorian prison environments and developed a set of guidelines encompassing cell design and other prisoner safety issues.¹⁰

The resulting guidelines focused on building safe, practical and liveable cell environments. The cell environments built

to the *Guidelines* contain no obvious ligature points, forced air circulation and exhaust boosting for increased fire safety.¹¹ The Department of Justice upgraded all cells across Victoria to conform to the *Guidelines*. Subsequently, the *Guidelines* were used by many correctional jurisdictions in the design or retrofitting of cells and a number of jurisdictions developed similar design guidelines to fit their requirements.¹² Ligature points in cell environments in many older prisons across Australia continue to be an issue.

III The Development of Therapeutic Environments

Following the RCIADIC recommendation that incarceration should only be used as a sanction of last resort¹³ variations to traditional prison environments were developed.

After the RCIADIC, Queensland was one of the first Australian jurisdictions to propose environments that presented a viable alternative to traditional custody for Aboriginal prisoners. Such environments were established in or adjacent to Aboriginal communities as a means of containing Aboriginal prisoners outside traditional correctional facilities. The first centre, 'Wathamin', opened in 1991 at Aurukun. Two years later, another establishment was opened at Baa's Yard near Pormpuraaw on Western Cape York. In 1997, the Queensland Corrective Services opened a third establishment at Kitchener Bligh at Palm Island. A fourth centre, Kalkadoon Aboriginal Sobriety House ('KASH'), was opened at Mount Isa.¹⁴ The philosophy of assisting Aboriginal people in healing, recovery and rehabilitation and supporting individuals to become independent and responsible underpinned the design and development of each centre.

Initially, the Queensland centres were termed 'outstations' and operated under the direction of Queensland Corrective Services. The term 'outstation' is typically used to refer to land located on Aboriginal-owned lands or excisions within pastoral leases or national parks populated by Aboriginal kin or family groups who have commonality and where the residents have decided to actively engage with their land. The centres were subsequently renamed 'community corrections centres' with management and operations moved to other agencies. The centres are now operated by private agencies and some have suffered funding issues. For example, KASH was closed for several months in 2012 until the Salvation Army stepped in to operate the facility.

IV Work Camps

The RCIADIC described work camps as 'innovative'¹⁵ and advocated the investigation of establishing such initiatives.¹⁶ Since 1991, three categories of work camps have operated across Australia. These are: 'mobile' work camps (where the prisoner returns to a conventional prison each evening), 'temporary' work camps (where transportable accommodation is provided for prisoners) and 'permanent' work camps.

Work camps have been shown to have the capacity to provide prisoners with meaningful work experience in a comparatively normalised environment. It has been suggested that work camps may aid in prisoners' preparation for release. They are generally cost effective and well suited to Aboriginal offenders who may struggle to cope with imprisonment in standard custodial environments. Prisoners and officers often enjoy egalitarian relationships and in the wake of the rural economic decline, work camps may provide a much-needed boost to local economies.

Correctional agencies with larger Indigenous prison populations have established permanent work camps in regional locations. Western Australia, which has the second highest rate of Indigenous imprisonment in any Australian state or territory,¹⁷ operates four work camps (Wyndham, Warburton, Dowerin and Walpole). The Northern Territory, which has the highest rate of Indigenous imprisonment,¹⁸ established a regional work camp, Barkly Work Camp, to house 50 prisoners in 2011 near Tenant Creek. Queensland Corrective Services operates 13 work camps, including camps for both men and women.

Work camps offer the opportunity to imprison Indigenous people close to community and country, an important factor in maintaining the wellbeing of Indigenous offenders. The Office of the Inspector of Custodial Services in Western Australia stated that 'relocating Aboriginal prisoners outside their "country" imposes emotional and spiritual distress beyond that imposed upon non-Aboriginal prisoners.'¹⁹ This in turn is dependent on the appropriate placement of prisoners, the management practices of the correctional agency and the master-planning in locating the work camp.

There are constraints to the work camp model for Indigenous prisoners. At this point, the facilities have only been used to house minimum security prisoners. Unfortunately, many

Indigenous prisoners find it difficult to obtain a low security rating and those who may benefit from being housed in a work camp are often unable to, because of their security rating.

V Other Non-conventional Correctional Environments

In response to the RCIADIC, some jurisdictions looked beyond imprisoning Aboriginal people in traditional prison environments. Developments have included correctional environments that emphasise the acquisition of work skills and cultural education. These developments have been designed to cater for specific target groups such as people under community service orders, youthful and minimum security prisoners.

In 2000, the New South Wales Department of Corrective Services (now Corrective Services NSW) opened a separate minimum security facility for young Aboriginal offenders. The establishment was named Yetta Dhinnakkal and 70 young offenders are housed on a 10,000 acre working cattle station.²⁰ The relative remoteness of the site requires fewer security elements, but due to the minimum security rating, only certain categories of prisoners can be placed at the facility.

In 2008, Corrective Services NSW opened a second facility in rural New South Wales. The Bugilmah Burube Wullinje Balund-a Correctional Centre is located on a 600 hectare cattle station and houses up to 70 first-time youthful Indigenous offenders serving community based court orders. The establishment of Bugilmah Burube Wullinje Balund-a addressed a particular issue faced by many Aboriginal offenders, being the lack of a suitable address to reside whilst undertaking a community based court order. The centre has no secure perimeter, is staffed by non-uniformed staff and offers a range of educational and cultural programs in an attempt to reduce the number of Indigenous men in prison custody.²¹

The Victorian Department of Justice similarly developed the Wulgunggo Ngalu Learning Place in East Gippsland in 2005. The purpose built centre provides a residential program for up to 20 Aboriginal men undertaking community based orders. Unlike the New South Wales centres, it was architecturally designed (by Yugembir architect, Dillon Kombumerri, and others) as a contemporary Aboriginal environment and consists of three self-contained residential

units, an administration building, communal facilities including a kitchen and amenities building, a learning building, and accommodation for managers, Aboriginal Elders and visitors.

These initiatives are to be commended and fill a critical gap in the criminal justice system allowing offenders to serve community based orders and similar sentences in relatively normalised environments. It is paradoxical, however, that Aboriginal prisoners are removed from their own country to attend a culturally based program, given the close connection between country and cultural learning. Aboriginal cultures are not homogenous and there is a distinct possibility that programs developed for Aboriginal prisoners from one place will not necessarily be culturally appropriate for Aboriginal prisoners from other areas.

Family and kin is the core of Aboriginal life and often the only constant in the lives of Aboriginal people.²² The RCIADIC emphasised the importance of family and strongly recommended that various strategies be implemented to maintain the connections between Aboriginal prisoners and their families and kin in order to maintain the wellbeing of Aboriginal prisoners.²³ In most instances, offenders housed at such facilities originate from urban areas and for the period of their sentence they are effectively separated from family and community. While such facilities and intervention programs may be seen to be more effectively delivered in remote locations, there is a dichotomy in moving young offenders away from family and kin, existing support mechanisms and 'off country'.

VI Cultural Centres and Spaces

After the RCIADIC, the benefit of Indigenous prisoners having areas for cultural practices was established. A number of prisons set up areas for group gatherings, including building fire pits for the preparation and cooking of traditional foods and shelters for various purposes.

One of the major issues facing Aboriginal prisoners is the inability to fulfil cultural obligations by attending family and community funerals. In response, a number of correctional agencies have constructed small shelters to allow prisoners to gather and grieve. For example, Darwin Correctional Centre organised the construction of a bough shelter for prisoners to participate in sorry camps. Port Augusta Prison erected a prefabricated gazebo with a concrete floor, bench

seating and small fire pit in an area not utilised for regular use by prisoners.²⁴

While such developments acknowledge the cultural needs of Aboriginal prisoners, one is left to contemplate whether the construction of a gazebo or bough shelter will allow Aboriginal prisoners to fulfil their cultural obligations in the event of the death of a family or community member. The significance of 'paying one's respects' has become paramount and the number of Indigenous people attending funerals has rapidly increased over the last decade. Services held within the constraints of a prison are a poor substitute for participation. In addition, some prisoners report of repercussions occurring upon their release, due to funeral non-attendance, even if they were not permitted or unable to attend.

The design, type and accessibility of other cultural areas is also worthy of consideration. The construction of Acacia Prison in Western Australia (commissioned in 2001) included a purpose designed cultural area. It is important to note that there were communication issues regarding the art pieces for the area during the design and construction phase. The architects (Guymer Bailey in collaboration with Peter Hunt Architects) had intended that a series of blank poles be installed to be decorated by prisoners. Unfortunately the art pieces arrived fully decorated and due to various constraints, the pieces were installed. Two years later, Richard Harding then the Inspector of Custodial Services in Western Australia, expressed the view that there was 'a gap between theory and practice with the prisons' [cultural area]. Investigations revealed some prisoners were negative about the design of the area, one man describing it 'like a Māori totem pole.' It was found that due to security constraints the area was effectively 'out of bounds' for most prisoners. So while the aim had been to create a culturally appropriate meeting place, in practice the area was virtually unused.²⁵ There are a number of important lessons to be learnt from this experience. There needs to be consultation in the planning and design and the access to proposed cultural areas. In terms of design, key principles must be applied in attempts to incorporate Aboriginality into the design of custodial environments. Indigenous spirituality and culture should be embraced as design generators and symbolism should arise from an informed process directed by Aboriginal stakeholders,²⁶ and it is not enough to randomly incorporate token symbolism.²⁷

The New South Wales Department of Corrective Services moved beyond developing a simple meeting place or cultural

area, to establishing the learning and cultural centre outside the forbidding walls of the Bathurst Gaol. The consultation process for the Girrawaa Creative Works Centre led to the adoption of a design concept where the form of the building is based on the shape of a lace monitor goanna (a totem of the Wiradjuri people, designed by the Merrima Indigenous Design Unit within the NSW Department of Public Works). The built form and landscape design draws meanings from the landscape, cultural and oral traditions. For example, two Bora Rings are incorporated into the design. Thus, the design encourages the Aboriginal oral tradition of explaining places of cultural significance. The building connects indoor and outdoor spaces and there is an impression of minimal confinement and represents Indigenous cultures in a positive and progressive manner.

The development of Girrawaa Creative Works Centre broke new ground. Generally, cultural areas had been constructed in prisons where greater numbers of 'traditionally oriented' Indigenous prisoners are incarcerated. This trend appears to be a continuation of an informal practice in court sentencing, as noted by McCorquodale,²⁸ where Indigenous people were distinguished according to their various stages of 'sophistication' with certain dispensations given to more 'traditionally oriented' people.

It is unusual for the cultural needs and beliefs of urban Indigenous people to be taken into account, yet it appears important that every Indigenous prisoner have their cultural needs met. Indigenous communities and organisations have clearly stated that prisons need to move from being punitive to focusing on the restoration and healing of Indigenous people.²⁹ Dodson (2003) plainly stated 'people [need to be] coming out of those places with talent so they can contribute to the society and play a useful and meaningful role in the Aboriginal world but also in the world of Australia.'³⁰

As well as opportunities to participate in cultural activities, cultural centres and areas are particularly valuable in other ways. With the loss of association areas in prisons, cultural areas and centres provide opportunities for communal activity which provide a source of camaraderie and mutual support, to meet with family and kin and to catch up on news of family and events, providing respite from the 'pains of imprisonment.'³¹ Unfortunately like many other initiatives for Indigenous prisoners, they are often only available for use by prisoners with minimum security ratings.

VII Accommodation to Meet Aboriginal Domiciliary and Socio-Spatial Needs

After the RCIADIC, a number of prison developments focused on meeting the diverse domiciliary and socio-spatial needs of Aboriginal prisoners. It is important to understand that environments can act as stress-modulating devices and that poorly designed environments may lead the users to experience high degrees of stress. To successfully design environments for Indigenous peoples, designers must understand the background and lifestyles, cultural practices, needs and other characteristics of the users. By developing clear understandings of the characteristics of the users, it is possible to translate the salient aspects of the culturally specific responses of Indigenous people to the design of correctional settings. This approach can potentially result in environments that are designed to better meet the needs of groups and minimise the adverse effects commonly caused by poorly designed settings.

The first project of the era to consider incorporating the socio-spatial and domiciliary needs of Aboriginal prisoners was the Alice Springs Correctional Centre (commissioned in 1996). The prison was constructed on a site approximately 20 kilometres south of Alice Springs. The prison was constructed using the principles of campus planning with standalone units and facilities. Each housing unit was designed with a central courtyard and an attached kitchen/dining area flanked by a combination of single cells and dormitories.

There are potential issues with the prison's design for Aboriginal users. The unit courtyard areas (in which prisoners spend a great deal of time) have little visual connection to the surrounding landscape, lack natural ventilation and are stifling during summer. The dormitory accommodation is very basic and conditions would not be acceptable in many Australian prisons. The location of the prison, over 20 kilometres from Alice Springs, means many Aboriginal families are unable to visit. Few considerations were given to specific environmental considerations for Indigenous users in the design of the maximum security or segregation units. There are some positive aspects. The design allows the housing of family and kin together in dormitories and the individual exercise yards in the segregation units provide long-range views to the external environment.

The second development of the era was the construction of the Reg Willard Medium Security Centre (commissioned in

1997) within the Darwin Correctional Centre.³² The centre attempted to take into account the domiciliary needs of Aboriginal prisoners in its design. The Northern Territory Department of Justice argued that 'Aboriginal offenders have been found to be less able to tolerate isolation in custody than a person of non-Aboriginal descent [and that] single cells are avoided where possible, unless there are persuasive reasons to the contrary.'³³ Under this assumption, the complex was designed to accommodate 100 prisoners with 10, eight person dormitories and two dormitories to house 10 men. Each dormitory incorporates a toilet and shower facilities, tea making facilities, a television, bunk beds and personal lockers. The dormitories are located in three wings with a central hub containing the control room, which provides visual access to the corridors and access doors to each dormitory.³⁴ A prisoner communal area and two outdoor covered secure yards are provided for recreational purposes. The architects made an interesting decision to include few solid walls in the complex. Most internal walls are constructed of mesh, allowing views through the complex. The external areas are also fitted with mesh fences to allow prisoner views to the areas beyond the prison.

Both projects were forays into uncharted waters and demonstrate a lack of understanding about the domiciliary and socio-spatial characteristics of Indigenous prisoners and groups. The correctional agency and design team did not use consultation or evidence-based research to inform the designs. Designers made assumptions about high tolerances for crowding and sharing of space and did not understand the need for different language groups to have their own spaces. The lack of physical, acoustic and visual separation between different groups presupposes prisoners will be compliant and different groups will live within close proximity of each other. All of these assumptions have since been proved incorrect.³⁵ With a lack of empirical studies or other research to draw on, correctional agencies realised that understandings needed to be further developed and ideas exchanged and a preliminary seminar was organised and discussions commenced.³⁶

In 2000, the Western Australian Office of the Inspector of Custodial Services commenced operations. The ability of the Inspector to bring independent scrutiny to custodial services in Western Australia and thus to bring attention to the poor quality of prison environments for many Aboriginal prisoners in Western Australia was invaluable. At the same time, the first empirical study into Aboriginal prisoner

needs and preferences was being conducted,³⁷ resulting in evidence based research regarding the environmental needs of Aboriginal prisoners coming into the public domain.

Evidence based research showed that Aboriginal prisoners required accommodation that allowed them to stay connected to country, to maintain relationships with family and kin, to live within a specified social group and to meet their privacy, health and safety needs. It was found that while Indigenous prisoners may prefer to have communal living spaces, it is vitally important that individuals have private space.³⁸ It was very heartening that from the mid-2000s onwards, conferences and new prison projects included presentations, investigations, stakeholder consultation and expert advice on the needs of various groups of Indigenous prisoners. Along with an increasing body of research, the Inspector of Custodial Services published 'Inspection Standards for Aboriginal Prisoners' in 2008.

VIII Regional Prison Approaches

Regional prison approaches are very worthy of consideration when considering contemporary approaches to the design of prisons for Aboriginal people. In Western Australia, after some consideration, the Department of Corrective Services instituted a regional prison policy and held that wherever possible Aboriginal prisoners serve their sentence near their home country, family and kin to reduce the 'anguish in Aboriginal prisoners' concerns at being held "out of their country" or under the threat of being sent "out of country".³⁹

The West Kimberley Regional Prison (commissioned in 2012) was designed under a community consultation model that recognised Indigenous inmates' cultural, kinship, family and community responsibilities and spiritual connections to land. The prison accommodates 120 male and 30 female prisoners of varying security classifications, in separate areas for men and women.

Accommodation comprises of self-care housing units, arranged so that prisoners can be housed according to family ties or language groupings and security ratings. Aboriginal families in the Kimberley region tend to locate their homes or camps in a radial manner aligning with the direction of their 'country'. These arrangements are mirrored in the housing clusters and prisoners can live with countrymen in housing aligning with their traditional lands. Providing 'normalised' self-care cottage accommodation at West Kimberley Regional

Prison was a cost-effective measure to enhance prisoners' capacity to develop living, communication and negotiation skills required on release.⁴⁰ Each housing unit sleeps six to eight inmates and is designed around a communal style of living concept with individual cells, ablutions, kitchen and dining and living areas which reflect similar house plans in Kimberley Aboriginal communities. Sleeping arrangements in minimum security housing units are flexible. Each housing unit contains shared and single rooms and outdoor sleep-outs are provided to allow prisoners to sleep outside.

The master planning for the project took into account prisoners' cultural connections to the surroundings. Buildings were sited to minimise the removal of trees and to provide views of the landscape within and beyond the perimeter. The colours of the landscape formed the buildings' exterior colour palette, reflecting the seasonal changes of the sub-tropics to increase prisoners' sense of connection to 'country'. The housing clusters are located around an AFL football oval. Football is a potent political tool in reclaiming Aboriginal identity; having the oval located in the neutral space provides a focus for recreational activities and opportunities for family and community to participate in the life within the prison.⁴¹

The West Kimberley Regional Prison is one of the first of a number of projects being developed in areas with high numbers of Indigenous prisoners. The designs of Darwin Correctional Complex (planned to open in June 2014) and the Eastern Goldfields Regional Prison have yet to be publicly released.

IX Conclusion

The RCIADIC provided observations on work that needed to be done into the future. In a personal discussion, former Royal Commissioner Elliott Johnston lamented about the lack of detail the RCIADIC stipulated regarding custodial conditions, stating 'we could have done much more.'⁴² Perhaps this is the case, but the RCIADIC played a pivotal role in promoting further work into understanding that different users may have diverse needs.

The subsequent research has shown that prison environments are typically inflexible to the cultural needs of particular groups, invariably causing greater suffering and stresses to certain prisoners. Matching the prison environment to the cultural needs of the group through the provision

of congruent, familiar and meaningful environments is important in reducing prisoners' stress levels.

Research has identified the capacity to use architecture and design to improve the outcomes for Indigenous people living in correctional environments and has revealed that prison accommodation needs to be flexible, culturally appropriate, promote human interaction and enable Indigenous prisoners to remain connected to their kin, land and community. At this point however, these factors are being mainly considered where the Indigenous prison population is comprised of people living 'traditionally oriented' lifestyles prior to their incarceration. The focus appears to be on developing minimum security developments, thus excluding many Indigenous prisoners who are unable to access them due to their security rating.

There are many areas where advancements are still to be made. The rate at which women are being incarcerated in Australia has increased dramatically in the last two decades,⁴³ with the number of female prisoners increasing 21 times the rate of male prisoners during the 2010 to 2011 period.⁴⁴ Women prisoners are a neglected and vulnerable group and while some exemplar environments have been built to replicate healthy 'normalised' living environments,⁴⁵ more needs to be done to consider the specific needs of women. Family-friendly design, ensuring the prison and cell/room design is responsive to the cultural needs of Indigenous women, promoting independence and self-care and incorporating elements known to promote wellness should be key focus areas. Paget argues that the architecture for women in prisons needs to respond to the realities that women are 'different from men; they play a different role in society; the social control of women in general is qualitatively different to the social control of men, and women present more indicators of disability, disadvantage and exclusion than do men.'⁴⁶

Juvenile detention is an area also needing the attention of correctional agencies, researchers and designers. It is in everyone's best interests to provide environments where young people have opportunities to develop skills to become healthy, resilient adults. Holding young people in custody presents practical dilemmas. Balancing the need for rehabilitative and culturally sensitive environments to fit the diverse characteristics, needs and life experiences of young people against assessed risks and the need for community safety is a complex task. The purpose-built Banksia Hill

Juvenile Detention Centre in Western Australia is a testament to the difficulties. Banksia Hill Juvenile Detention Centre was built in 1997, with design features to 'develop a sense of pride and build self esteem among young people'.⁴⁷ The 2013 riot at the Centre caused extensive property damage and staff and detainee trauma. While the Western Australian Inspector of Custodial Services stated that 'staff shortages, excessive lockdowns of detainees in their cells, poor responses to detainee misbehaviour, and an increasing disconnect between management and staff regarding amalgamation'⁴⁸ were factors contributing to the riot, it is evident that the intricacies of designing custodial environments for young offenders are not fully understood.

It would be far preferable that fewer Indigenous people ended up in prison or that less damaging alternatives were implemented; however, while Australian society continues to operate in the current manner, there is a responsibility to find ways to minimise the damage prisons do to those incarcerated within them. The plight of Indigenous people in the prison system is particularly troubling. Growing numbers of Indigenous prisoners enter the prison system with chronic illnesses, substance abuse problems, learning and cognitive disabilities and mental illness. The number of deaths in custody continues to be unacceptably high and as a group, Indigenous prisoners continue to face multiple layers of social disadvantage. As well as these impacts, the experiences of incarceration have profound effects on the wider Australian Indigenous population. The significance of the prison environment, its impact on Indigenous inmates and the flow-on effects to Indigenous families, communities and the wider community has become increasingly important. Success is dependent on the ability of correctional authorities to embrace and respect Indigenous cultural knowledge, cultural practices, healing and learning systems within their philosophies.

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- 1 Commonwealth, Royal Commission into Aboriginal Deaths in Custody, *National Report* (1991) vol 3, 235 [24.3.130] ('RCIADIC *National Report*').
- 2 See, eg, Joseph Reser, 'Research Paper No 9: The Design of Safe and Humane Police Cells: A Discussion of Some Issues Relating to Aboriginal People in Police Custody' in David Biles and David McDonald (eds), *Deaths in Custody, Australia, 1980–1989: The Research Papers of the Criminology Unit of the Royal Commission into Aboriginal Deaths in Custody* (Australian Institute of Criminology, 1992) 160; Paul Memmott, *Report to the Royal Commission into Aboriginal Deaths in Custody on the Architectural Design of Holding Cells with Special Reference to Wujal Wujal* (Royal Commission into Aboriginal Deaths in Custody, 1989).
- 3 Commonwealth, Royal Commission into Aboriginal Deaths in Custody, *Interim Report* (1988) ('RCIADIC *Interim Report*').
- 4 Despite the later condemnation of observation cells (and that the RCIADIC *Interim Report* only recommended their use for police custody), the use of observation cells in prisons proliferated and they continue to be used in Australian prisons.
- 5 RCIADIC *Interim Report*, above n 3, 291 ff.
- 6 Department of Community Safety (Qld), *History of Corrective Services in Queensland* (15 December 2009) <http://www.correctiveservices.qld.gov.au/About_Us/History/history.shtml>. In doing this, natural ventilation was no longer available to prisoners. It has since been shown that natural ventilation is one of the factors contributing to feelings of wellness while imprisoned by Indigenous prisoners.
- 7 See the following Findings of Inquest of the Coroners Court of South Australia: Damien Troy Wakely (1995); Kamahl James Goldsmith (1996); Christopher Mark Bonney (1997); Simon John Baillie (1998); Daniel Mark McGuire (1998); Wayne Gregory Muller (2000); Craig Mark Allen (2003); Laurens Adrian Keith Nobels (2000).
- 8 Coroners Court of South Australia, *Findings of Inquest: Christopher Aaron Smith* (2013).
- 9 Coroners Court of Victoria, Coronial Inquiry, *Death in Custody at Port Phillip Prison 1999: Record of Investigation into the Deaths of George Andrew Drinken, Adam Courtney Irwin, Vieh Chi Tu, Michael Filips and Rodney David Koers* (1999).
- 10 Department of Justice (Vic), *Cell and Fire Safety Guidelines* (2004).
- 11 Ibid 5.
- 12 John Paget, *Human Rights and Prison Architecture: The Alexander Maconochie Centre from Conception to Construction* (PhD Thesis, Charles Sturt University, 2008) 104.
- 13 RCIADIC *National Report*, above n 1, vol 3, 64 (Recommendation 92).
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- 26 Paul Memmott and Elizabeth Grant, 'Design Processes for Aboriginal Architecture in Prisons' (Paper presented at the 2nd Prison Planning, Design and Construction Forum: Innovative Procurement Solutions, Melbourne, 6–7 November 2008).
- 27 Paul Memmott and Joseph Reser, 'Design Concepts and Processes for Public Aboriginal Architecture' (2000) 55(6) *People and Physical Environment Research* 69.
- 28 John McCorquodale, 'Judicial Racism in Australia? Aboriginals in Civil and Criminal Cases' in Kayleen M Hazlehurst (ed), *Ivory Scales: Black Australians and the Law* (New South Wales University Press, 1987) 43 ff.
- 29 See, eg, Elizabeth Grant, 'Prison Environments for Australian Aboriginal Prisoners: A South Australian Case Study' (2009) 12(2) *Australian Indigenous Law Review* 66.
- 30 ABC Local Radio, 'Patrick Dodson book launch: *Paddy's Road*', *The World Today*, 29 August 2003 (Patrick Dodson) <<http://www.abc.net.au/worldtoday/content/2003/s935123.htm>>.
- 31 Elizabeth Grant and Yvonne Jewkes, 'More Important than Guns or Grog: The Role of Television on the Health and Wellbeing of Australian Aboriginal Prisoners' (2013) 25(2) *Current Issues in Criminal Justice* 667.
- 32 Darwin Correctional Centre is scheduled to be decommissioned on the commissioning of the Darwin Correctional Precinct (due to be open in June 2014). The new Darwin Correctional Precinct is located on a green-field site approximately 30 kilometres from Darwin. The complex includes a 1,000-bed correctional centre, a 30-bed secure mental health and behavioural management facility and a 48-bed pre-release work village.
- 33 Philip Brown and Stewart LaBrooy, 'Design Initiatives in the Northern Territory for Indigenous Inmates' (Paper presented at the Best Practice Interventions in Corrections for Indigenous People Conference, Adelaide, 13–15 October 1999) 2.
- 34 Australian Institute of Architects, Medium Security Block, Darwin Correctional Centre: In the Architects Words (1998) <http://dynamic.architecture.com.au/awards_search?option=showaward&entryno=19980009>.
- 35 See Grant, above n 31; Elizabeth Grant and Paul Memmott, 'The Case for Single Cells and Alternative Ways of Viewing Custodial Accommodation for Australian Aboriginal Peoples' (2007–08) 10 *Flinders Journal of Law Reform* 631.
- 36 See, eg, Paul Memmott, Karl Eckermann and Graham Brawn, *Indigenous Cultures and the Design of Custodial Environments: A National Workshop Held in Alice Springs, Northern Territory, November 9–11, 1998* (Aboriginal Environments Research Centre, Department of Architecture, University of Queensland, 1999).
- 37 See Elizabeth Grant, *Towards Safer and More Congruent Prison Environments for Male Aboriginal Prisoners: A South Australian Study* (PhD Thesis, The University of Adelaide, 2008).
- 38 Ibid.
- 39 Office of the Inspector of Custodial Services (WA), above n 21, 4 ff.
- 40 Elizabeth Grant, 'West Kimberley Regional Prison' (2013) 4 *Architecture Australia* 102.
- 41 Elizabeth Grant, 'Innovation in Meeting the Needs of Indigenous Inmates in Australia: West Kimberley Regional Prison' (2013) 75 (4) *Corrections Today*.
- 42 Personal communications with Elliott Johnston QC (22 September 2009).
- 43 Lorana Bartels and Antonette Gaffney, 'Good Practice in Women's Prisons: A Literature Review' (Technical and Background Paper no. 41, Australian Institute of Criminology, 2011).
- 44 Australian Bureau of Statistics, *4517.0 – Prisoners in Australia, 2012* (28 June 2013) <<http://www.abs.gov.au/ausstats/abs@.nsf/mf/4517.0>>.
- 45 For example, Boronia Pre-release Centre for Women in Western Australia.
- 46 Paget, above n 13, 193.
- 47 Percent for Art Projects, Government of Western Australia, 'Banksia Hill Juvenile Detention Centre Information Sheet' (1998).
- 48 Office of the Inspector of Custodial Services (WA), 'Directed Review into an Incident at Banksia Hill Detention Centre on 20 January 2013' (Report No 85, July 2013).