

PRISON ENVIRONMENTS AND THE NEEDS OF AUSTRALIAN ABORIGINAL PRISONERS: A SOUTH AUSTRALIAN CASE STUDY

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I Introduction

In a report to the Colonial Secretary of Queensland in 1887, the administrator William Edward Parry-Okeden stated:

In the case of Aboriginal offenders ... the problem of their treatment is complicated by their physical nature. Placed in close confinement for any length of time they dwindle and die, and hence, practically, a sentence, which would be light imprisonment to a European, would be certain death to a native black.¹

While those remarks clearly put forward an essentialised view of Aboriginal people, they nevertheless demonstrate an early recognition of the fact that custodial environments may be non-conducive to the needs of Australian Aboriginal² prisoners.³

As the difficulties of providing custodial environments for Aboriginal prisoners were recognised, local initiatives arose across Australia. In Western Australia, the ill-fated Rottneest Island Gaol was established in 1838 as an alternative to incarcerating Aboriginal prisoners in Fremantle Gaol. Exile was seen as a preferable method to facilitate greater personal freedom while reducing the risk of escape.⁴ In addition to separate gaols, such as the Rottneest Island Gaol, being established for Aboriginal prisoners, other Aboriginal-specific incarceration initiatives were adopted by early Australian correctional administrators. These included the use of larger cell openings to reduce the sense of enclosure,⁵ and the accommodation of multiple Aboriginal prisoners in larger cells as against the single accommodation standard for non-Aboriginal prisoners.⁶ Prison conditions for Aboriginal prisoners during the 19th century often were quite different from those provided for non-Aboriginal prisoners;⁷ and

under the generally primitive architectural initiatives, such as larger cells for multiple accommodation, many Aboriginal inmates suffered. Prisoners were often in poor health, and in many instances there were high rates of death due to inappropriate facilities, overcrowding, poor or inappropriate diet, the separation from family and country and the inappropriateness of sites chosen.⁸

In more recent times, the difficulties of providing suitable environments for Aboriginal prisoners have received some attention. The Royal Commission into Aboriginal Deaths in Custody ('RCIADIC'), coronial inquests and other inquiries have periodically identified that Aboriginal prisoners have varying and differing needs. The primary emphasis of the RCIADIC was on the need to reduce the grossly disproportionate numbers of Aboriginal people in the criminal justice system. At the same time, within the Royal Commission's *National Report*, a number of recommendations were made regarding the need for special consideration of the custodial environments for Aboriginal prisoners. These recommendations noted that understandings of the needs of Aboriginal peoples in custodial environments were poor and that guidelines for custodial conditions for Aboriginal prisoners should be formulated and adopted.⁹ Although such guidelines have not been developed in the 18-year period since the release of the RCIADIC's *National Report*, there has been some increased attention given to custodial conditions for Aboriginal prisoners. Some correctional agencies provide prison environments for Aboriginal inmates that vary from those provided for other groups of prisoners. There are examples of prison environments incorporating separate outdoor areas for cultural gatherings,¹⁰ the use of dormitories or 'double bunking'¹¹ for prisoner accommodation,¹² and the establishment of minimum security facilities in rural locations specifically for Aboriginal prisoners.¹³

Other (perhaps more sophisticated) approaches to prison environments for Aboriginal prisoners include purpose-built cultural centres within prisons¹⁴ and the use of mobile work-camps. In the absence of evidence-based research, the development of such initiatives has primarily been based on first-hand observations from correctional officers and stakeholder consultation with outside Aboriginal groups. Approaches between Australian States and Territories are inconsistent, with some agencies placing greater emphasis on the needs of Aboriginal prisoners. The approaches and resultant prison environments vary significantly between jurisdictions.

Prison environments often have profound effects on those within them. People respond to the experience of the loss of liberty, autonomy, goods, services, heterosexual relationships and personal security¹⁵ with a range of emotional and behavioural responses.¹⁶ Emotional and behavioural reactions may manifest as resistance to threatened freedom, and as attempts to regain control and make sense of the losses caused by incarceration.¹⁷ The responses or resistance behaviours may be violent and destructive¹⁸ and have been characterised into five typologies: self-protecting, campaigning, escaping, striking and confronting.¹⁹ Prisoners displaying resistance behaviours are a threat to themselves, those around them and the institution. Resistance behaviours may be displayed as individual or group actions. The intensity of the reaction to the environment can cause immeasurable psychological and physical damage to the individual²⁰ and may result in the loss of life and property.²¹ On the failure of resistance behaviours to achieve their desired ends, the prisoner may succumb to a state of learned helplessness; and after an extended period in a state of learned helplessness, the person may then resort to a state of permanent helplessness.²² People in these states commonly display learned apathy belying acute distress²³ and are relatively easy for traditional prison systems to manage, as these prisoners generally conform to routine and fit within the structure of the prison.²⁴ The paradox is that individuals in states of helplessness and learned helplessness are unlikely to be able to function outside the closed institution.

Prison environments are typically inflexible to the cultural needs of particular groups and, 'in the light of what we know about cultural differences which the normal prison organization does not allow for', this 'causes additional pain to particular groups.'²⁵ Matching the prison environment to the cultural needs of the group through the provision of

congruent, familiar and meaningful environments is one of the most important aspects of reducing the prisoner's stress levels. Aboriginal people often fare very poorly in prison environments: large numbers of Aboriginal prisoners enter the prison system with chronic illnesses, substance abuse problems, learning and cognitive disabilities and mental illness;²⁶ the number of Aboriginal prisoners dying in prison custody continues to be unacceptably high;²⁷ and as a group, Aboriginal prisoners continue to face multiple layers of social disadvantage.²⁸

As well as these impacts, the experiences of incarceration have profound effects on the wider Aboriginal population. As a key element of the criminal justice system, incarceration fosters and compounds Indigenous anger,²⁹ often leading to greater levels of fear, anger and frustration within communities. The significance of the prison environment, its impact on Aboriginal prisoners and the flow-on effects to Aboriginal families, communities and the wider community become more important when the increasing incarceration rate of Aboriginal people in the Australian prison system is considered. It has been suggested that Indigenous imprisonment would be 'near or at the top of any world league table'.³⁰ Between 2000 and 2007, the number of Indigenous prisoners in Australia rose by 9 per cent, with Indigenous prisoners representing 24 per cent of the total Australian male prisoner population in 2007.³¹ Nationally in 2007, an Indigenous person was 13 times more likely to be in prison than a non-Indigenous person.³²

Given these statistical patterns, attention needs to be paid to the type of environments in which Aboriginal people are incarcerated. To enact design change in an environment, a competent knowledge of the relevant cultural properties of people, landscapes, objects, and buildings is needed.³³

II The Study

In doctoral research conducted by the author, male Aboriginal people in South Australian prisons were interviewed to investigate their needs and preferences for prison accommodation.³⁴ The participant group consisted of 55 Aboriginal prisoners from diverse Aboriginal language groups, who were incarcerated in five South Australian prisons.

Female prisoners have complex and diverse needs³⁵ with Aboriginal female prisoners presenting even yet more

complex and diverse issues;³⁶ and it was decided that the inclusion of female Aboriginal prisoners was outside the scope of this research. Juveniles were also not included in the study as they were again seen as a separate user group presenting separate issues and challenges for designers.³⁷ It should be acknowledged that the complex needs of both groups are presently poorly met³⁸ and well worthy of future research.

The participants consisted of men who identified with a number of language groups and Aboriginal cultures. Most common in the participant group were Aboriginal men from South Australian language groups. The participants identified most frequently with Narranga or Ngarrindjeri language groups³⁹ followed by a smaller group who originated predominately from the Western Desert region and identified themselves as Anangu. There were smaller sub-groups of Aboriginal men identifying with other South Australian and interstate language groups. There was a characteristic demographic profile of the participant group and their family circumstances. The majority were young single men,⁴⁰ with large numbers reporting as having children. The participants generally reported living with kin⁴¹ prior to incarceration, with the majority of participants living with close family members. Only 10 per cent of the participants lived with people who were not related to them. Prior to being imprisoned, many of the participants lived with a partner and/or children, and also shared accommodation with family rather than living as a separate family unit. Prisoners who did not reside with their family prior to incarceration often chose to reside in locations close to their families. For example, one participant said:

Mum and some of my sisters live up the road. I've always lived close to my family. I want to be close by, just in case Mum gets sick or something as she has sugar diabetes. We have always lived close, all of us. (Ngarrindjeri man, Mobilong Prison)

Family and kin were a consistent and important factor in the lives of most of the participants. Female family members played a particularly significant role, often being the providers of housing and the major source of family information. At the same time, many of the participants reported living in home environments plagued by economic and social disadvantage and described circumstances where there was intermittent delivery of essential household services and ever-present housing insecurity. A substantial

number of participants spoke of family situations where welfare-dependent families were struggling to survive financially and emotionally.

Participants' needs and preferences were investigated using a three-stage interview process. The methodology included gathering personal and incarceration details, and a directed choice experiment employing photographic sets and drawing techniques to elicit design preferences.

Many of the Aboriginal prisoners in the participant group, regardless of their language group, articulated common needs and preferences that could be translated into a number of themes. These themes included preference for prison environments which allowed the prisoner to stay connected to country, to maintain relationships with family and kin, to live within a specified social group, and to have privacy, safety and health needs met.

III Connections to Country

It has long been recognised that connection to land plays a central role in Aboriginal cultures and communities. As Patrick Dodson states:

Land is the generation point of your existence ... it's the spirit from which Aboriginal existence comes. It's a place; a living thing made up of sky, of clouds, of rivers, of trees, of the wind, of the sand, and of the Spirit that's created all those things; the Spirit that has planted my own spirit there, my own country. It belongs to me; I belong to the land; I rest in it; I come from there.⁴²

This study noted that many Aboriginal prisoners in South Australia were held in prisons considerable distances from their home country. This appears to be consistent with observations from other parts of Australia. In a 2008 report, the Inspector of Custodial Services in Western Australia noted that considerable numbers of Aboriginal prisoners in that State are held 'out of country'.⁴³

Participants spoke of the importance of being housed on or near traditional country. As one man stated:

The location of the prison isn't important. It is whose land you are on. When I was locked up in Alice Springs, I knew I wasn't on my land. The colour of the earth told me that. I needed to be on my land. It would be terrible if

you had a long stint where the earth was the wrong colour.
(Ngarrindjeri man, Mobilong Prison)

Participants noted that being on familiar country while incarcerated increased their feelings of wellbeing and decreased their feelings of disorientation. For example, an Ngarrindjeri man stated:

I don't want to go to Port Augusta Prison when I get moved, that is the last place I want to be. I want to be at Mobilong. I'm from Raukkan; I want to be near the river. If I can't be on the river I want to be near it. You hear the birds, smell the river. I know those smell and sounds. That is the right place for me to be. (Ngarrindjeri man, Yatala Labour Prison)

The research found that connection to country was important for the entire Aboriginal participant group regardless of each participant's language group and whether they were seen as an 'urban' or 'tradition oriented' Aboriginal person by the correctional system.

There may be positive outcomes for offenders if prisons are more sensitively sited. At least one prominent Aboriginal commentator has articulated that, for male offenders, the path away from criminality and towards manhood is by increasing the cultural knowledge of offenders.⁴⁴ Siting prisons on traditional lands is the first step to allow Aboriginal prisoners to increase cultural knowledge, as it allows the practice of spiritual and customary lore in a meaningful environment. Considerations need to take place at every level of planning to provide specific spaces and places to allow the gaining and sharing of cultural knowledge to assist offenders in moving beyond criminality. As one participant stated:

They need to get rid of all this concrete shit and get us out on the land. We don't need to get that from our parents, we need something to connect us with the land. Sending us back to gaol is just getting us to know the screws and the system. Get us back to the land, Aboriginal space that makes people change. (Kokatha man, Adelaide Remand Centre)

The need to be connected to country had an impact on the participants' preferences for prison environments, from the location of the prison to the preferred cell layout. As previously stated, preferred prison locations were on or near traditional country. Participants preferred prison and cell environments where they could have continual visual and physical access to the external environment and feel the wind and the sun.

These findings may suggest a dispersal approach to corrections may be required to meet the needs of Aboriginal prisoners. Under such an approach, housing prisoners in smaller, sensitively and appropriately sited prisons along with the regular use of inter- and intrastate transfers may be preferable. This approach may be diametrically opposed to current correctional planning in some states, where correctional administrations are responding to burgeoning prison populations with the construction of new 'super prison' projects. Along with such approaches, ways to allow all Aboriginal prisoners to have a relationship with the external environment whilst imprisoned need to be further explored.

IV Maintaining Links to Community, Family and Kin

Incarcerating Aboriginal prisoners in prisons long distances from their families and communities has profound effects, not only on the offenders themselves but also on their families and communities, perpetuating Australia's sordid history of intergenerational Indigenous dispossession. Separation may have harmful consequences for Aboriginal communities, and may lead to intense anger,⁴⁵ feelings of powerlessness, a lack of purpose and the continuing distrust and hatred of government, police and the criminal justice system.⁴⁶

Family and kin is the core of Aboriginal life and the only constant in the lives of many Aboriginal people.⁴⁷ 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 (including that offenders be housed near their families and communities). Such strategies would help to reduce incidences of suicide and maintain the wellbeing of Aboriginal prisoners.⁴⁸

This study found that many Aboriginal prisoners in the South Australia were incarcerated considerable distances from home and family. The common response by correctional administrators to RCIADIC and other government and independent inquires⁴⁹ has been to attempt to house Aboriginal prisoners with other family or community members within a prison.⁵⁰ This strategy does not appear to enable Aboriginal prisoners to maintain family networks from outside the prison, and within the study it was found that many Aboriginal prisoners had little or infrequent

contact with family members outside the prison. Only 23 per cent of the participant group received either weekly or fortnightly visits and 46 per cent of the group had received no visits while incarcerated. A lack of affordable or reliable transport, the poor health of family members, and long distances to the prisons deterred many families from visiting prisoners. Aboriginal prisoners also refused visits due to the regimes involved. One participant discussed a failed visit:

I don't care about visit areas anymore, not until they change dramatically. I don't want visits. Here you get all organised for your visit and they search you and you sit down like a zombie in the visit area and they let the visitors in. If your visitors don't turn up you have to sit there. I had to sit there for 40 minutes. It was the biggest shame job. All the other prisoners were looking at me. I don't want any more visits in case they don't turn up. I got back to the unit and rang my woman. It caused a lot of friction at home and I was upset, all because of their stupid rules. The whole visit thing is just to shame us Nungas. Don't they realise that our families might not be able to get here, might not have a car, might not be well? They just shame us again and again, leaving us sit there like we were in a shop window or something. (Arabana man, Yatala Labour Prison)

Men incarcerated a long way from home often received few or no visits, and families often made considerable sacrifices to keep contact with family members in prison. One interstate man described his mother's annual pilgrimage from New South Wales to South Australia to visit her sons housed in various prisons around South Australia:

Mum comes down once a year and brings the little kids. She catches the bus from New South Wales and visits us here. She goes to see [participant's brother] at Port Augusta on one day, and then she goes to see [participant's other brother] at Cadell, and then comes to see me. She catches the bus to see the three of us, she's not so young and it's pretty hard on her, but at least I get to see her once a year. It is good to get news of the family and the brothers. I don't get a lot of other news and I miss family. We are all in gaol, three of us here and two in New South Wales. I can't afford to ring home and am not much of a writer. It is the only time I get news. (Kamilaroi man, Mobilong Prison)

Participants in the study were asked the preferred locations of prison in the context of proximity to the individual's home and community. This aspect was most commonly articulated

in terms of time, with a one-hour driving distance being seen as the maximum distance a prison should be located from the prisoner's home or community. For example:

The most far away I would like the prison to be is an hour from home. That means I might still get a visit from time to time. (Narranga man, Mobilong Prison)

It should also be stated that telephone contact for those within the study became cost-prohibitive when they were imprisoned considerable distances from home communities and family. Twenty-three per cent of the men interviewed had telephone contact with family outside the prison less than once every three months and 16 per cent did not phone home. A participant imprisoned at Port Augusta Prison, 1200 kilometres from his home community, succinctly stated:

I come from Amata, on the lands and all my family is at Amata. I don't use the phones here, cost too much. (Pitjantjatjara man, Port Augusta Prison)

If prisoners did find the funds for telephone contact with their family, they often found the particular telephone service was disconnected, or the number had changed and they had to resort to a series of telephone calls using the 'Aboriginal grapevine' to eventually contact family members. The transient nature and low socio-economic status of many families meant that keeping contact through telephone was both difficult and expensive.

As previously mentioned, when families did manage to visit the prison in person, the participants often thought that the visit experiences were culturally inappropriate, arduous and shameful, both for the prisoner and the family. Greater emphasis could be placed on the design of visit areas and entrances to take into account the potential experiences of both the visitors and prisoners, so as to make visits less traumatic. The experiences of shame felt by visiting family members often flow on to the Aboriginal prisoner, which may result in family conflict, increased stress and reduced contact with family. Many participants felt that the design of entrances and visit centres were important considerations in providing a respectful and non-traumatic experience for the visitor. Generally, participants felt these should be more 'homely', that is, of a human scale and more welcoming. These findings suggest that more attention to the design of these areas is required.

Many participants also felt that visit areas could be revised to incorporate the needs of Aboriginal prisoners. Participants felt these should include children's play areas, external spaces and flexible seating arrangements. Many of the participants indicated the importance of the inclusion of food preparation and dining areas to be able to share a meal with visitors. For example, one man stated:

Cooking food is so important on visits. It is a tradition as soon as someone comes at home. Like you ask – 'You right for a feed' and you sit down and have a yarn. It is hard to just sit there; the kids are bored and hungry. It is so hard. (Kokatha man, Adelaide Remand Centre)

The implementation of a range of strategies to allow Aboriginal prisoners to maintain connections to their families and communities appears to be sadly lacking in many Australian prisons. The pattern of continuing intergenerational institutional separation fails to address the complex issues of improving the socio-economic status of Aboriginal people in Australian society.

V Lifestyles Structured Around the Social Group

The study found that distinct Aboriginal social groups exist among Aboriginal prisoners in South Australia and Aboriginal prisoners generally wished to live as part of a distinct social group within the prison. These social groups provide the Aboriginal prisoner with support and safety in a possibly hostile environment and allow family connections to be maintained. In part, the groups replicate lifestyles structured around a social group outside the prison environment. Many Aboriginal prisoners, regardless of their background, emphasised the value of the social group within the prison. In the study, it was noted that the management at the various prisons partially understood the importance of Aboriginal prisoners remaining in a group and often placed prisoners so that they would be housed with other Aboriginal prisoners.⁵¹

The formation of groups was found to be based on family/kin relationships, language groupings, shared histories of institutional life and mutual activities. At some locations, the forming of groups also appeared to occur as safety and support mechanisms, as a way of gaining further resources or illicit materials, or as a mechanism to exert power over the environment and other prisoners. In some instances, the social groupings allowed prisoners to care for or protect other Aboriginal prisoners according to their cultural obligations.

All of the Aboriginal groups appeared to choose accommodation where they could live as distinct groups when allowed by the architecture, planning and management regimes of the particular prison. In doing this, Aboriginal prisoners often ended up in the lowest quality accommodation at a site. It appeared that such areas did not have to be defended from other groups of prisoners and spaces were better able to be established as 'Aboriginal'. For example, at one prison, Aboriginal prisoners tended to remain housed in a dated cell-block with fewer amenities in order to remain together as a social group, which was preferred over being accommodated in self-contained cottages. At other sites where interaction between prisoners was difficult, Aboriginal prisoners took other (sometimes ingenious) measures to remain as a group.⁵²

All of the participants showed preference for prisons with external areas that allowed them to gather as a group. At the same time, different groups articulated varying requirements for external areas. Prisoners from remote communities generally desired facilities such as fire pits and seating areas situated with trees. Nunga and interstate prisoners noted a preference for outdoor areas with barbeques, and active recreational areas such as basketball courts and gyms. Participants from the various groups noted that they were unlikely to use an external area devised for a different group of Aboriginal prisoners. For example, one man spoke of the Aboriginal area at Port Augusta Prison:

I didn't use the Nunga area in Port Augusta. It was mainly for the traditional people. They don't welcome us there. It is their place. It isn't really set up for us blokes [urban Nunga men]. It is more for the tribals.⁵³ (Narranga man, Yatala Labour Prison)

However, all groups wanted a football field and an exterior area to gather as a group and 'yarn'. Eighty per cent of the participant group also noted that they were in favour of the establishment of a separate purpose-built cultural centre for Aboriginal prisoners. Most participants noted that the establishment of such a centre would enable Aboriginal prisoners to congregate and anticipated such an initiative would have a number of benefits. One man stated:

I would use an Aboriginal cultural centre and it would be good. Often in prison, I don't get see my family, all the boys are in different units. One of the only good things about prison is catching up to the family. An Aboriginal

space would let us catch up. I would use a place like that everyday. Maybe painting, maybe education. I couldn't see any problems and it would benefit all of us. It would be good we could look after the blokes who are doing it tough, learn and be together. (Narranga man, Adelaide Remand Centre).

For some Aboriginal prisoners within the study, dedicated living units for Aboriginal prisoners where the social norms of Aboriginal life could be observed were seen as optimum. Forty-five per cent of participants noted that dedicated units would be preferable to the current arrangements. For example, one man stated:

Having spaces for the brothers would be good especially if the gaol is whites and blacks. I don't want to hang out with the whitefellas. It is not the same. We just try and keep apart, having separate spaces would reduce the tension. (Ngarrindjeri man, Adelaide Remand Centre)

At the same time, many participants suggested that the Aboriginal prisoner should have a choice to be placed in a dedicated Aboriginal living unit, and noted that some Aboriginal prisoners may not wish to be housed there. A number of participants suggested that some interstate Aboriginal prisoners, urban Aboriginal prisoners who had lost connections to family, and certain other Aboriginal prisoners may prefer to be housed in a mainstream prison unit. Most suggested that the placement of prisoners in dedicated Aboriginal units must be based on existing family and kin connections. A number of participants noted that certain language groupings should not be forced to share a dedicated unit.

It is pretty important that they get the mix right and separate us. At Port Augusta there are tribal wars between us [Nunga men] and Anangu. It started when one of the tribals raped an Aunty. They put him in the yard with us and we split his head in half. After that, they split us up. The tribals got the upstairs in Bluebush and we got downstairs. They got the yard in the morning and we got it in the afternoon. If the tribals came in with the Adelaide Nungas there would be a mess, we won't ever forget. (Ngarrindjeri man, Adelaide Remand Centre)

Despite these findings, it was identified that only 15 per cent of the participant group were interested in having prisons completely dedicated to an Aboriginal population. Resistance to this proposal appeared to be based on the perception that

accommodation standards, programs and facilities in an Aboriginal-only prison were likely to be lower than other prisons.

VI The Need for a Single Cell

While the study found that prisons needed to integrate the needs of the social group, simultaneously it was found that 77 per cent of the participant group recorded a preference for single-occupancy accommodation.⁵⁴ Issues around territoriality, personal space, privacy and personal safety arose from the use of 'double-bunking' or other types of shared accommodation for most of the Aboriginal men in the study.

Despite general penal philosophies and practices which favour single-cell accommodation, the practice of accommodating Aboriginal prisoners in dormitories or double-bunked cells is relatively widespread across Australia and is generally seen as a mechanism to provide social support to Aboriginal prisoners. In most parts of Australia the 1980s prison reform period led to many Australian prisons being redeveloped, predominately with single-cell accommodation. Despite the redevelopments, double-bunking has continued as 'best practice' for accommodating Aboriginal prisoners. The use of double-bunking and dormitories was further entrenched when many correctional administrations very literally interpreted the RCIADIC recommendation not to segregate Aboriginal prisoners.⁵⁵ During the period of the study, the use of double-bunking in South Australian prisons was common, and many prisoners were housed in cells designed for single occupancy that had later been fitted with double bunks as the South Australian prison population burgeoned.⁵⁶

It was found that the ability of Aboriginal prisoners to perform certain private routines and activities was compromised by double-bunking. One man stated:

All the cells should be single. Double-bunking is terrible. This place is bad enough let alone having to share a cell. It is hard when you are sharing, you have to adapt with what your cellie wants. Like, I like to have something to eat at night and my latest cellie doesn't eat at night so I don't. It is always hard having to share the tellie and things like that. (Pitjantjatjara man, Yatala Labour Prison)

The practice of double-bunking compromised prisoners' ability to perform certain functions. In many instances this

appeared to increase the stress level of the individual and impinged on their feelings of wellbeing. Participants were very vocal on the issues. A Narranga man stated:

It is better to be by yourself, you can have a bit of privacy. I don't want other people reading my letters and having to listen to other people's troubles. You end up doing your time plus someone else's as well. There are so many reasons why it is better to have your own cell: germs, privacy, and freedom the list goes on and on. (Narranga man, Cadell Training Centre)

There appears to be a need to rethink the use of double-bunking and dormitories as their use conflicts with the needs of Aboriginal prisoners. The privacy, personal security or cultural needs of the users are generally compromised, and the practices may increase the effects of passive smoking, the spread of contagious diseases⁵⁷ and the incidence of rape⁵⁸ among the Aboriginal prisoner population.⁵⁹ While many participants spoke of the importance of maintaining a connection to the social group from cells, many also referred to the need to have security and privacy. Almost all of the participant group preferred single-cell accommodation for safety, privacy and other issues,⁶⁰ but noted the importance of having sleeping environments where communication and visual connection to other Aboriginal prisoners could be maintained. For example, participants preferred cell doors with windows where they could at least see other Aboriginal prisoners in the social group after lockdown.

In very recent times, it appears that the practice of accommodating Aboriginal prisoners in double-bunked and dormitory arrangements is being finally being questioned. The Western Australian Inspector of Custodial Services noted that multiple or dormitory accommodation should only be provided for 'prisoners with appropriate risk and need profiles and who have agreed to such placements'.⁶¹ Prison accommodation that provides Aboriginal prisoners with community support during critical times, while simultaneously allowing privacy and protection in a potentially hostile environment, needs to be further investigated.

VII The Importance of Television

One finding of the study was the importance television played in the lives of Aboriginal prisoners. Eighty-seven per cent of the participant group placed television as one of the

most important factors in a prison environment. The role of and access to television for prisoners in Australian prisons is seldom discussed. Television may increase a prisoner's sense of connection with external society and provide activity, diversion and human contact.⁶² This may in turn decrease the disorientation felt by a prisoner, increase their perceived and actual control of the environment, and contribute to heightened feelings of safety and wellbeing.⁶³ One man explained this concisely:

TV is very important here, in fact it probably one of the most important things in prison. It keeps you in touch with what is happening outside. (Narranga man, Adelaide Remand Centre)

Aboriginal prisoners spoke of the importance of having a television in their cell. The ability to access television in cells was not universal. Only one prison in South Australia provided televisions in cells. Prisoners housed in other prisons had to provide their own portable set and men permitted to have their own televisions often had difficulties getting one. Sometimes Aboriginal prisoners saved for extended periods to obtain a television. One man stated:

I had to save \$12.50 a week for six months for the \$130 for a TV – it is all I've got really. I didn't have any money to buy essentials, everyday things that you need to survive in this place, but I needed to have a TV. You would go mad without it. (Pitjantjatjara man, Yatala Labour Prison)

More often it was the cash-strapped families of participants who had to find a way of providing a television to their relative in prison.

Given the importance Aboriginal prisoners place on television and the potential of the medium to reduce feelings of isolation, one should question why television is not available for prisoners in segregation areas of South Australian prisons and is not provided in most at-risk accommodation across South Australia. It would appear that prison officers are aware of the capacity of television to provide diversion to vulnerable at-risk or isolated prisoners. During the course of an inquest, the Coroner noted that a correctional officer had:

set up a television in the corridor outside of cell 55 on a table, using an upturned metal bin for elevation. This allowed Mr Walker to view it through the trap in his cell door if he was standing up. This gesture demonstrated an awareness by the

correctional service officers of the desirability of providing some stimulation for prisoners who are isolated from the mainstream population.⁶⁴

In light of the significance that television holds for Aboriginal prisoners and the beneficial role it can play – especially given the poor connection many Aboriginal prisoners have with external society⁶⁵ – it is feasible to argue that correctional administrators may consider the routine provision of television to Aboriginal prisoners and investigate the needs of other prisoner groups for access to television.

VIII Prisons to Meet the Health Needs of Aboriginal Prisoners

The Aboriginal men within the study were concerned about the prison environment meeting their health needs. Prisoners as a group generally suffer high rates of serious illness and poor mental health, and simultaneously often engage in behaviours (eg, tattooing, syringe sharing and use of illegal drugs) that put their health at risk. In addition to these general features of prison populations, Aboriginal prisoners may also be affected by certain health conditions, which may heighten the stress felt in the prison environment. It is noted that 'Aboriginal men ... continue to suffer a much greater burden of illness ... than other Australians' with the burden of ill health commencing early and continuing throughout life.⁶⁶ While the health status of the Aboriginal prisoner population has not been profiled in depth in most States,⁶⁷ it is accepted that incarcerated Aboriginal males suffer high rates of diabetes, cardiovascular disease, kidney disease and renal failure, hearing loss and asthma,⁶⁸ and a range of other chronic health conditions which predate incarceration.⁶⁹ These factors have the capacity to impact heavily on the individual's prison experience,⁷⁰ with certain factors influencing the ability of the Aboriginal prisoners to interpret and understand the environment while others affect the prisoner's mobility and tolerance of the environment.

Some participants in the study spoke of the difficulties of maintaining health in the prison environment with little or poor quality sleep, poor temperature control, little ventilation or the failure to address other aspects important to Aboriginal concepts of health.

Some aspects appeared to be quite cosmetic, but had quite severe impacts on the individual. For example, the type of mesh beds used in many of the South Australian prisons

appeared to result in poor quality sleep for many participants. A man at the inner city remand centre commented:

I get a sore back from the beds. The mesh and the thin foam mattress. (Ngarrindjeri man, Adelaide Remand Centre)

The use of bunk beds appeared to be unsuitable for Aboriginal prisoners who were older, larger or had pre-existing health conditions. One participant from a remote community noted:

The fella in with me, he couldn't get up to the top bunk. He has to sleep down the bottom. He has bad legs from sugar diabetes. (Yunkjantjatjara Pitjantjatjara man, Port Augusta Prison)

Participants spoke also about their thermal comfort in the prison environments, and the inability to be healthy when the environment was 'too hot' or 'too cold'. Very little research has been done into the optimum thermal comfort levels of Aboriginal people and even less of the thermal comfort levels of Aboriginal prisoners, though research has shown that people from different cultures prefer different thermal conditions.⁷¹ Observations from interviews with Aboriginal people and fieldwork have noted that Aboriginal people may have differing thermal comfort levels. For example, people who come from desert regions tend to be more tolerant of heat and much less tolerant of cold. It is also known that a person's degree of thermal comfort will vary with a number of factors, including their degree of health.⁷²

I get hot then cold. The air conditioning doesn't change. Always pushing out the same air over and over again. It gets really cold at night and it gets even harder to get some sleep and that is why I am always sick here. (Narranga man, Adelaide Remand Centre)

Other cultural drivers for the maintenance of Aboriginal health in the prison environment were also touched upon. Some Aboriginal prisoners discussed the importance of ventilation for the maintenance of health. One man stated:

Having ventilation is really important to feeling normal, feeling clean. (Narranga man, Cadell Training Centre)

Other men spoke of the necessity of feeling the sun. A Pitjantjatjara man stated:

It's not normal to be inside all day out of the sun. You need natural light to be normal. (Pitjantjatjara man, Yatala Labour Prison)

A number of men also spoke of the social drivers of Aboriginal health and particularly the importance to health of being with other family members. For example, another man said:

It is healthier being with the brothers. (Pitjantjatjara man, Adelaide Remand Centre)

The complexities of Aboriginal health are such that holistic approaches, which incorporate the physical, spiritual, mental, cultural, emotional and social wellbeing of the person, are generally advocated.⁷³ It is apparent from the study that the impact of the prison environment on the health of the Aboriginal prisoner is little understood and there may be some benefit of further research in this area.

IX Prisons to Meet the Safety Needs of Aboriginal Prisoners

While interested in maintaining their health, participants in the study were also desirous of safe accommodation. Safety was seen to have a number of components. Firstly, participants were critically aware of the issues surrounding deaths in custody with hanging as the method. They demonstrated preference for accommodation with no obvious ligature points and with features which enabled staff to intervene if a prisoner used hanging as a method to self-harm. Secondly, participants were mindful of the prison environment in terms of prisoner-to-prisoner conflict.

Hanging points within cell environments were identified as a major safety issue and were seen as a highly undesirable attribute of prison accommodation. Viewing photographs of various prison environments, one man noted:

I think that one would be a better option because there don't seem to be any hanging points. I don't want any opportunities. (Kokatha man, Adelaide Remand Centre)

Many participants also wanted custodial staff to be able to view prisoners in their cells and intervene if a prisoner was self-harming. For example, one participant stated:

They [the prison officers] need to be able to see the crim – what if he has killed himself or done something else stupid?

Those checks have to be done. You need to have a way to be to see into the cells or what would happen? (Narranga man, Cadell Training Centre)

The inclusion of viewing panels on cell doors was seen as way for custodial staff to easily view prisoners. One participant stated:

All prison doors should have windows so the prison officers can see in. (Kokatha man, Adelaide Remand Centre)

In terms of safety, the Aboriginal prisoners were also concerned about fixtures within the prison environment which could be re-fashioned for use as weapons. In particular, the mesh beds and other metal fixtures used in South Australian prisons were seen as potentially dangerous. One participant stated:

The things they put into cells have to be safe. They use that metal mesh stuff for the base of the beds and it causes problems. People break off bits and use them as weapons. (Ngarrindjeri man, Adelaide Remand Centre)

Others saw certain fittings as dangerous. In particular, the presence of exposed bars in cells (eg, detachable shower rails, window bars) was seen as unsafe. Other participants were concerned with the design of accommodation beyond the cell environment. One participant stated:

There needs to be frequent windows. You need to know what is happening outside. You need to be able to see what is happening outside the unit before you walk out there. It is a safety issue. I am not going to go outside the unit if I can see certain things are happening. (Narranga man, Cadell Training Centre)

For the same reasons, dead-end corridors were disliked. These discussions on safety in prison accommodation are very similar to the concerns of prisoners presented in studies of mainstream North American prisoners, where it has been seen that safety in prison environments is invariably linked to being able to predict the environment.⁷⁴

X Conclusion

The needs of Aboriginal prisoners require greater consideration than is given by the current eclectic collection of approaches taken by correctional administrations around

Australia. In some jurisdictions, the particular issues faced by Aboriginal prisoners receive considerable attention, while other jurisdictions appear to absolve themselves of the responsibility to consider the varying and differing needs of the Aboriginal prisoner population. The increasing rates of Indigenous incarceration, continuing deaths in custody and the entrenched disadvantage of Aboriginal prisoners and communities indicate the urgent need for a reassessment of the way Aboriginal people are incarcerated in Australia.

With a history of *ad hoc* approaches to the way Aboriginal people are imprisoned, there is a great need for the implementation of evidence-based measures. The recommendation by the RCIADIC for the formulation and adoption of guidelines for the welfare of Aboriginal prisoners is well-founded, though is still yet to be implemented almost two decades after the RCIADIC's conclusion. Evidence-based research into the needs of Aboriginal prisoners is long overdue. This study presents evidence of the needs of Aboriginal prisoners in the South Australian prison system. Aboriginal peoples are not a homogenous group and it would be foolish to assume that the findings presented here could be applied to every correctional setting around Australia, or indeed to every Aboriginal prisoner in South Australia. There is a clear requirement for comprehensive investigations into the specific needs of all Aboriginal prisoners, not only those from locations outside of South Australia but also Aboriginal women and young people, for instance. Nevertheless, this study does outline a number of central themes that can be built upon through further research. The Aboriginal prisoners in this study articulated the need for prison environments that allowed the prisoner to stay connected to country, to maintain relationships with family and kin, to live within a specified social group, and to have their privacy, health and safety needs met.

Many of these findings go against the current initiatives of Australian correctional agencies, with a substantial number of these agencies placing greater reliance on the warehousing of offenders.⁷⁵ The tendency throughout Australia to build large prisons ignores evidence that smaller, local prisons may work better for Aboriginal prisoners. The nature of current correctional facilities raises serious concerns about the wellbeing and safety of prisoners, and the way large prisons may place relationships between prisoners and their families at risk. One of the main obstacles to implementing differing approaches to the design of prisons is the emphasis placed on secure containment by most correctional agencies,

which makes it increasingly difficult to provide humane prison architecture.

Looking forward it is possible to envisage a time when prisons are different for male Aboriginal prisoners. One can conceive of small-scale prisons sited on or close to prisoners' home country, where the families and kin of prisoners can visit more easily, and where prisoners are accommodated in safe housing with their social group. One can imagine physical environments where Aboriginal needs are included in prison design as a result of meaningful consultation with Aboriginal prisoners.

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1 William Edward Parry-Okeden, *A Report to the Colonial Secretary* (1887).

2 The terms 'Aboriginal' and 'Indigenous' will be used interchangeably in this paper, although there is a preference for the term 'Aboriginal'. Many Aboriginal people see particular problems using the term 'Indigenous' as, in its correct definition, it means 'a person born to the land' and could be equally applied to a non-Aboriginal or non-Torres Strait Islander person. Additionally, due to the native title debate, it has become increasingly important for Aboriginal and Torres Strait Islander peoples to become specific about their relationship with land. See Elizabeth Grant and Suzi Hutchins, 'Language Protocols', in Elizabeth Grant and Sharon Cruse (eds), *Kokotinna Staff*

- Development Program on Aboriginal and Torres Strait Islander Cultures and Health* (2000).
- 3 James Semple Kerr, *Out of Sight, Out of Mind: Australia's Places of Confinement, 1788-1988* (1988) 7.
- 4 Neville Green and Susan Moon, *Dictionary of Western Australians, Volume X, Far from Home: Aboriginal Prisoners of Rottne Island 1838-1931* (1997); 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, 632-3; Karl Eckermann, *Built Environments and the Detention of Aboriginal and Torres Strait Islander People* (B Arch Thesis, University of Queensland, 1997); Richard Midford, 'Imprisonment: The Aboriginal Experience in Western Australia' (1988) 21 *Australia and New Zealand Journal of Criminology* 168.
- 5 See Kerr above n 3, 7.
- 6 Grant and Memmott, above n 4.
- 7 Kerr above n 3, 7.
- 8 See, eg, Green and Moon, above n 4, 12.
- 9 Commonwealth, Royal Commission into Aboriginal Deaths in Custody ('RCIADIC'), *National Report* (1991) vol 5, pt G, 'Recommendations' (recommendation 331).
- 10 Cultural meeting places have been built at a number of prisons including at Port Augusta Prison in South Australia, Alice Springs Prison in the Northern Territory, and Casuarina, Bandyup, Roeborne, Acacia and Eastern Goldfields prisons in Western Australia. The general aim appears to provide a culturally appropriate meeting place for Aboriginal prisoners at the particular site. The WA Inspector of Custodial Services has noted that some cultural meeting places at Western Australian prisons were 'virtually unused' as security controls had effectively 'rendered them out of bounds'. This was described as a 'curious phenomenon' demonstrating insulting, hypocritical and unacceptable tokenism. See WA Office of the Inspector of Custodial Services, *Report of an Announced Inspection of Acacia Prison*, Report No 19 (2003) 55.
- 11 'Double-bunking' is 'the practice whereby two prisoners are accommodated in a cell designed for single occupancy'. See Grant and Memmott, above n 4, 362.
- 12 Dormitories are used for the accommodation of Aboriginal prisoners in a number of prisons around Australia, including Port Lincoln Prison in South Australia, Alice Springs Prison and Darwin Prison in the Northern Territory and the Eastern Goldfields Regional Prison in Western Australia. See Grant and Memmott, above n 4, 364.
- 13 For example, the Brewarrina (Yetta Dhinnakkal) Centre in New South Wales.
- 14 For example, the Girrawaa Creative Works Centre located within Bathurst Prison in New South Wales. See Elizabeth Grant, *Safe, Suitable and Appropriate Environments for Aboriginal Prisoners: A Study of Prisons in South Australia* (D Phil Thesis, University of Adelaide, 2008).
- 15 Gresham Sykes, *The Society of Captives: A Study of a Maximum Security Prison* (1958) 6.
- 16 See Edward Zamble and Frank Porporino, 'Coping, Imprisonment, and Rehabilitation: Some Data and Their Implications' (1990) 17 *Criminal Justice and Behavior* 53; Edward Zamble, 'Behavior and Adaptation in Long-Term Prison Inmates: Descriptive Longitudinal Results' (1992) 19 *Criminal Justice and Behavior* 409.
- 17 Sharon Brehm and Jack Brehm, *Psychological Reactance: A Theory of Freedom and Control* (1981) 32.
- 18 Robert Rosenthal, *On Social Psychology of the Self-Fulfilling Prophecy: Further Evidence for Pygmalion Effects and their Mediating Mechanisms* (1974) 18.
- 19 Stanley Cohen and Laurie Taylor, *Psychological Survival: The Experience of Long-Term Imprisonment* (2nd ed, 1981) 134.
- 20 Hans Toch, *Men in Crisis: Human Breakdowns in Prison* (1975); Nicolette Parisi, 'The Prisoner's Pressures and Responses', in Nicolette Parisi (ed), *Coping with Imprisonment* (1982) 9; Hans Toch, *Mosaic of Despair: Human Breakdowns in Prison* (1992).
- 21 New South Wales, Royal Commission into New South Wales Prisons, *Report of the Royal Commission into New South Wales Prisons* (1978); American Correctional Association, *Causes, Preventive Measures and Methods of Controlling Riots and Disturbances in Correctional Institutions* (1990) 5.
- 22 Robert Gifford, *Environmental Psychology: Principles and Practice* (4th ed, 2007) 10.
- 23 Martin Seligman, 'Fall into Helplessness' (1973) 7(1) *Psychology Today* 43; Martin Seligman, 'Depression and Learned Helplessness', in Raymond Friedman and Martin Katz (eds), *The Psychology of Depression: Contemporary Theory and Research* (1974) 83; Martin Seligman, *Helplessness: On Depression, Development and Death* (1975); Ivan W Miller and William H Norman, 'Learned Helplessness in Humans: A Review and Attribution Theory Model' (1979) 86 *Psychological Bulletin* 93.
- 24 Erving Goffman, *Asylums: Essays on the Social Situation of Mental Patients and Other Inmates* (1961).
- 25 Pat Carlen, 'Risk and Responsibility in Women's Prisons' (2004) 15(3) *Current Issues in Criminal Justice* 258, 263.
- 26 Australian Medical Association, *Undue Punishment? Aboriginal People and Torres Strait Islanders in Prison: An Unacceptable Reality* (2006).
- 27 Jacqueline Joudo and Jane Curnow, *National Deaths in Custody Program Annual Report 2006*, Australian Institute of Criminology (2008) <<http://www.aic.gov.au/publications/rpp/85/>> at 22 January 2009.

- 28 Matthew Willis and John-Patrick Moore, *Reintegration of Indigenous Prisoners*, Research and Public Policy Series No 90, Australian Institute of Criminology (2008) <<http://www.aic.gov.au/publications/rpp/90/rpp90.pdf>> at 22 January 2009.
- 29 See generally Chris Cunneen, 'Indigenous Anger and the Criminogenic Effects of the Criminal Justice System', in Andrew Day et al (eds), *Anger and Indigenous Men* (2008) 37.
- 30 WA Office of the Inspector of Custodial Services, *Report of an Announced Inspection of Acacia Prison*, above n 10, 51.
- 31 Australian Bureau of Statistics, *4517.0 Prisoners in Australia* (2007) 3, 6. Across various jurisdictions, the proportion of Indigenous prisoners is variable, with the Northern Territory having the highest Indigenous prisoner population (84 per cent) and Victoria having the lowest (6 per cent).
- 32 Ibid 6.
- 33 Paul Memmott and Caroll Go-Sam, 'Synthesising Indigenous Housing Paradigms: An Introduction to Take 2', in Paul Memmott (ed), *TAKE 2: Housing Design in Indigenous Australia* (2003) 12.
- 34 See Grant, above n 14. Ethics approvals for this study were obtained from the University of Adelaide Human Research Ethics Committee and the South Australian Department for Correctional Services Research Management Committee.
- 35 See Mitch Byrne and Kevin Howell, 'Key Issues in the Provision of Correctional Services of Women' (Paper presented at 'Women in Corrections' Conference, Adelaide, 31 October–1 November 2000) (copy on file with author).
- 36 Anti-Discrimination Commission Queensland, *Women in Prison* (2006) <http://www.adcq.qld.gov.au/pubs/WIP_report.pdf> at 22 January 2009.
- 37 See Michelle Inderbitzin, 'A Look From the Inside: Balancing Custody and Treatment in a Juvenile Maximum-Security Facility' (2007) 5(3) *International Journal of Offender Therapy and Comparative Criminology* 348, 352.
- 38 See, eg, William Jonas, Aboriginal and Torres Strait Islander Social Justice Commissioner, *Social Justice Report 2002* (2002) ch 5; WA Office of the Inspector of Custodial Services, *Report of an Announced Inspection of Bandyup Women's Prison*, Report No 57 (2008) <<http://www.custodialinspector.wa.gov.au/index.cfm?objectid=4BFC77CF-E7F2-2F96-35718863E46A0B83>> at 22 January 2009; William Jonas, Aboriginal and Torres Strait Islander Social Justice Commissioner, *Submission to the United Nations Committee on the Rights of the Child for their Day of General Discussion on the Rights of Indigenous Children: Issue 3* (2003) <http://www.humanrights.gov.au/social_justice/croc/sub3.htm> at 22 January 2009.
- 39 'Nunga' is a term of self-reference for Aboriginal peoples of South Australia, excluding Aboriginal peoples from the Western Desert region.
- 40 All of the participants were aged between 18 and 49 years of age at the time of interviews. Seventy-seven per cent of the participant group was under the age of 35 years, 30 per cent being under the age of 24 years. Only 21 per cent of the participant group was aged between 36 and 49 years. No participants were over 50 years of age.
- 41 The term 'kin' will be used throughout this paper as a broad-ranging term for the socially recognised relationships between people in a culture who are or are held to be biologically related, or who are given the status of relatives by marriage, adoption or other process. Kinship is the basic organising principle in small-scale societies such as Aboriginal society and provides a model for interpersonal behaviour. See Robert Tonkinson, *The Mardudjara Aborigines; Living the Dream in Australia's Desert* (1st ed, 1978) 54.
- 42 Patrick Dodson, *Report of the Third Annual Queensland Conference of the Aboriginal and Islander Catholic Council* (1976) 16. See also Ronald Berndt and Catherine Berndt, *The World of the First Australians: Aboriginal Traditional Life Past and Present* (5th ed, 1999) 135ff; Galarrwuy Yunupingu (ed), *Our Land is Our Life: Land Rights: Past, Present and Future* (1997).
- 43 WA Office of the Inspector of Custodial Services, *Inspection Standards for Aboriginal Prisoners* (2008) 2 <<http://www.custodialinspector.wa.gov.au/go/publications-and-resources>> at 22 January 2009.
- 44 Bill Jonas, 'Panel Discussion: Indigenous Community Expectations of Best Practice Interventions in Corrections' (Speech delivered at 'Best Practice Interventions in Corrections for Indigenous People' Conference, Adelaide, 14 October 1999) <http://www.humanrights.gov.au/about/Media/speeches/social_justice/panel_discussion.html> at 22 January 2009.
- 45 Andrew Day et al, *Anger and Indigenous Men* (2008).
- 46 Chris Cunneen, *Conflict, Politics and Crime: Aboriginal Communities and the Police* (2001); National Inquiry into the Separation of Aboriginal and Torres Strait Islander Children from their Families, *Bringing Them Home: Report of the National Inquiry into the Separation of Aboriginal and Torres Strait Islander Children from their Families*, Human Rights and Equal Opportunity Commission (1997).
- 47 See Berndt and Berndt, above n 42, 412.
- 48 Commonwealth, RCIADIC, *National Report*, above n 9, vol 3, [25.3].
- 49 See, eg, the Criminal Law and Penal Methods Reform Committee of South Australia, *First Report: Sentencing and Corrections* (1973). The series of reports from this Committee are known as the Mitchell Reports.
- 50 For example, the SA Department of Correctional Services generally attempt to house most Anangu prisoners together

- within certain areas at Port Augusta Prison.
- 51 At the same time, the segregation of Aboriginal prisoners was widespread and commonplace. Despite the RCIADIC recommendation to the contrary, 85 per cent of the participant group indicated they had been housed in segregation accommodation at some point, and as a group reported over 100 separate instances of segregation. See Commonwealth, RCIADIC, *National Report*, above n 9, vol 5, pt G, 'Recommendations' (recommendation 191).
- 52 In some instances, participants indicated they had refused to be housed in cottage-style accommodation with mainstream prisoners and negotiated to stay with other Aboriginal prisoners in cellblocks. Others noted they were involved in drug-taking activities or refused to work in order to stay with other Aboriginal prisoners.
- 53 The terming of the area as the 'Nunga area' appears somewhat ironic as the area was devised for Anangu prisoners rather than Nunga men. This indicates the common confusion demonstrated by correctional agencies identifying Aboriginal prisoners in cultural or linguistic terms. Such confusion appears to be an international problem and Waldram has discussed the issues in the Canadian Aboriginal context. See James Waldram, *The Way of the Pipe: Aboriginal Spirituality and Symbolic Healing in Canadian Prisons* (1997) 32–3. The term 'tribal' is a colloquial term sometimes used by staff and prisoners in the South Australian correctional system to refer to the more 'tradition-oriented' Aboriginal prisoners. The use of this term is not advocated by the author.
- 54 See also Grant and Memmott, above n 4.
- 55 Commonwealth, RCIADIC, *National Report*, above n 9, vol 5, pt G, 'Recommendations' (recommendation 181); Grant and Memmott, above n 4, 645.
- 56 The Coroner of South Australia stated: 'the chronic over-crowding in South Australian prisons requires multiple occupation of cells. One only has to look at photographs ... to realise the miserable and over-crowded conditions in which these prisoners lived. The lack of privacy and hygiene involved in sharing toilet and hand-washing facilities in the cell, and the fact that there is only one small desk and a couple of plastic trays for their private possessions, create a negative impression of conditions endured by these prisoners. [The deceased] so disliked sleeping on the top bunk that he used to take his mattress and put it on the floor and sleep there next to the toilet bowl each night.' *Inquest into the Death M F Carter* (Unreported, SA Coroner's Court, State Coroner Chivell, 16 June 2000) <<http://www.courts.sa.gov.au/courts/coroner/index.html>> at 22 January 2009.
- 57 Ibid.
- 58 For wider discussions of shared accommodation and the issues of sexual assault see David M Heilpern, *Fear or Favour: Sexual Assault of Young Prisoners* (1998). See also *Shaw v Western Australia* [2007] WASCA 201.
- 59 Grant and Memmott, above n 4, 645.
- 60 See further Grant and Memmott, above n 4.
- 61 WA Office of the Inspector of Custodial Services, *Inspection Standards for Aboriginal Prisoners*, above n 43, 5.
- 62 Victoria Knight, 'The Potency of In-Cell Television: The Appropriateness and Usefulness' (2005) 161 *Prison Service Journal*; Victoria Knight, 'An Investigation into the Mass Communication Consumption in a Closed Male Young Offenders Institution' (2005) 2(1) *Particip@tions* <http://www.participations.org/volume%202/issue%201/2_01_knight.htm> at 22 January 2009.
- 63 Knight, 'The Potency of In-Cell Television', above n 62; Knight, 'An Investigation into the Mass Communication Consumption in a Closed Male Young Offenders Institution', above n 62.
- 64 *Inquest into the Death of D K Walker* (Unreported, SA Coroner's Court, Coroner Shephard, 28 April 2006) <http://www.courts.sa.gov.au/courts/coroner/findings/findings_2006/walker.finding.htm> at 22 January 2009.
- 65 It has been previously mentioned that many Aboriginal men in this study received few visits, and many did not keep in contact with families by telephone. Within the study, it was also found that 48 per cent of the participants did not receive or send mail due mainly to literacy issues.
- 66 NSW Department of Health, *Aboriginal Men's Health Implementation Plan* (2003) 7 <http://www.health.nsw.gov.au/pubs/2003/pdf/ab_mens_health.pdf> at 22 January 2009.
- 67 But see Michael Hobbs et al, *Mortality and Morbidity in Prisoners After Release from Prison in Western Australia 1995–2003*, Research and Public Policy Series No 71, Australian Institute of Criminology (2006). Hobbs et al conducted a review of Western Australian prisoner morbidity and mortality. Their study (at 4) noted that Indigenous male ex-prisoners had between three and four times the risk of hospital admissions than the Western Australian general population.
- 68 See Australian Medical Association, above n 26, 1.
- 69 See Hobbs et al, above n 67.
- 70 The extent to which the health status of an individual impacts stress levels also appears to be dependent on institutional factors such as the accessibility and standard of health services, and the availability of pain relief.
- 71 Mary Andamon, 'Chilling Out in Cold Comfort: Thermal Uniformity of Indoor Climates', in Simon Hayman (ed), *Proceedings of the 37th Australia and New Zealand Architectural Science Association Conference* (2003) 46.
- 72 Interview with Professor Paul Memmott (Telephone interview,

22nd August 2008).

- 73 See, eg, National Aboriginal Health Strategy Working Party, *The National Aboriginal Health Strategy* (1989).
- 74 Hans Toch, *Living in Prison: The Ecology of Survival* (1992) 149.
- 75 See Cunneen, 'Indigenous Anger and the Criminogenic Effects of the Criminal Justice System', above n 29, 46.