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WEEKEND EDITION

Coroner: Elder's death a disgrace

CHRISTIANA JONES

The treatment of an Aboriginal elder who died of heatstroke in the back of a State Government-owned prison van was so shocking and disgraceful that the Director of Public Prosecutions should consider laying criminal charges over the death, the State Coroner said yesterday.

Delivering his findings into the death of 46-year-old elder and cultural leader Mr Ward last year, Coroner Alastair Hope said the father-of-five had been "degraded" and transported in conditions "not fit for humans". He said the treatment was "inhumane" and a breach of Australia's obligations under international law.

"A question which is raised by the case is how a society which would like to think of itself as being civilised, could allow a human being to be transported in such circumstances," the coroner said.

Mr Ward suffered fatal heatstroke on January 27 last year while he was transported from Laverton to Kalgoorlie over a traffic offence. The inquest was told he had been trapped in 42C heat after the air-conditioning for the van's metal "pod" failed to work.

The coroner was scathing of the Department of Corrective Services, which owned the van, GSL, which is contracted to transport prisoners, and the two security officers involved, saying each party had breached their duty of care and contributed to a

"wholly unnecessary and avoidable" death.

Mr Hope said the DCS and GSL, now known as G4S, had been "well aware" of deficiencies in the ageing fleet and had been warned repeatedly about using the vehicles.

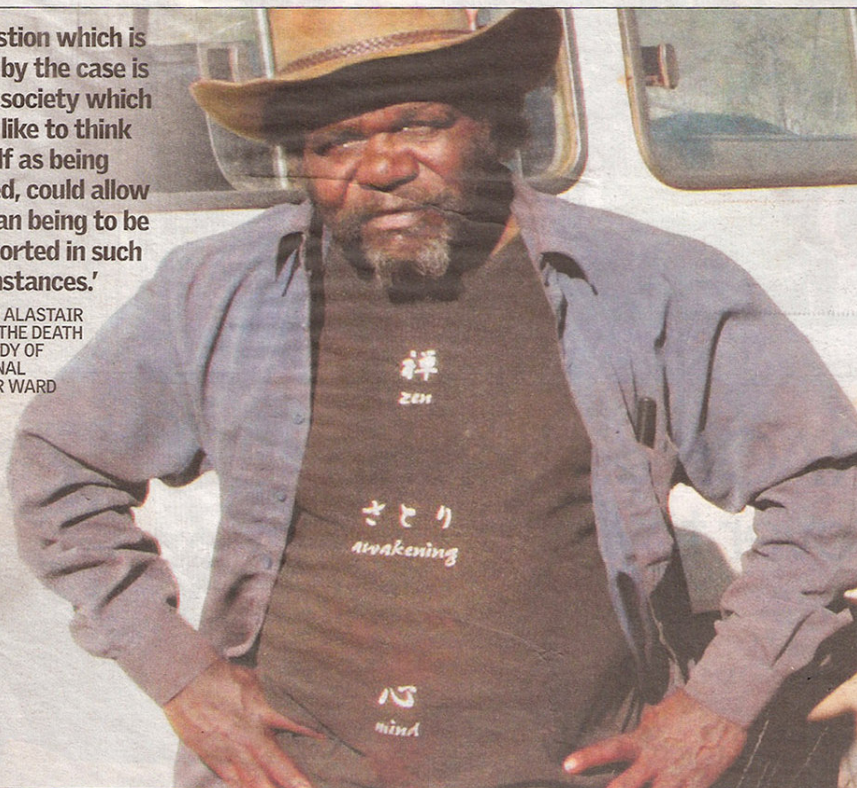
He criticised GSL guards Graham Powell and Nina Stokoe for failing to check the van's air-conditioning and failing to stop and check on Mr Ward's welfare.

The coroner also questioned whether the pair had "colluded" in their evidence, saying there was a "potentially sinister" aspect to their testimony about whether Mr Ward had removed his shirt before collapsing.

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'A question which is raised by the case is how a society which would like to think of itself as being civilised, could allow a human being to be transported in such circumstances.'

CORONER ALASTAIR HOPE ON THE DEATH IN CUSTODY OF ABORIGINAL ELDER MR WARD



Apology, repair job follow miserable, avoidable death



Delegate: Mr Ward presents a carved emu egg to hosts of an international conference in China in 2000.

AMANDA BANKS
and ADRIAN WATSON

Attorney-General Christian Porter said Mr Ward's death was a miserable and tragically avoidable event in WA's criminal justice system.

He said it was difficult to guarantee that a similar event would never happen again, but that significant improvements to the transport fleet, which would be completely replaced by the end of 2010, and procedural changes implemented in the wake of the death would be ongoing.

"I don't look at it as a matter of embarrassment or otherwise, it is a matter that is tragic, that was avoidable, that shouldn't happen and if we properly scrutinise the way in which we go about our business, we would hope to minimise any type of similar events occurring in the future," Mr Porter said. "Really it is a job of repair for me and that is the way I am approaching it."

Mr Porter said legal advice was being sought on provisions relating to the termination of the contract but he

expected that it would have been more appropriate to consider this option immediately after the death.

He said the \$100,000 penalty which was likely to be invoked under the contract for a death in custody was "ridiculously low" and would be reviewed before the service was put out to tender next year.

He was reluctant to consider giving the \$100,000 to Mr Ward's family, saying he did not think it should be used in any way to limit a possible ex-gratia payment.

"It seems to me that if ever there were a case where an ex-gratia payment may well be appropriate, this is one," he said.

Mr Porter said that in no circumstances would a Justice of the Peace again be appointed without completing their training, as had been revealed to have happened in the Goldfields under the previous government.

He said the two officers involved in the incident were no longer involved in prisoner transport.

He said GSL (now known as G4S), the company with the prisoner transport contract, would be required to report to the Government on disciplinary action against the officers and he would not hesitate to recommend that licences of the employees be revoked if the action was inadequate.

Corrective Services Commissioner Ian Johnson said the department, which would respond to Mr Hope's findings after examining his report, was continuing to investigate ways of reducing the need for transporting prisoners.

"The circumstances leading to the tragic death of Mr Ward and the immense suffering this has brought



Dancer: Mr Ward performs a solo emu dance in China.



Scene: The back of the prison van.

upon his family and community will never be forgotten by me or this department," Mr Johnson said.

"As commissioner, I will do everything I can to ensure that what happened on that January day is never repeated."

Labor MP Margaret Quirk, who was corrective services minister at the time of the death, said she believed Mr Hope's recommendations would improve WA's justice system.

Ms Quirk said there had been a litany of errors which had led to the tragic outcome of Mr Ward's death, but there had also been complacency by many of those involved in the incident.

G4S offered an unqualified apology yesterday.

Managing director Mike McCarthy said: "Mr Ward's death while in the custody of G4S is a tragedy for his family and the Ngaanyatjarra community. I deeply regret that it occurred and on behalf of our company, I offer them my unqualified apology. The highest priority is to ensure that no such incident can occur again."

The grieving family of Mr Ward will pursue civil legal action against G4S. Mr Ward's cousin, Daisy Ward, described the coronial court proceedings as being painful for the family, but she said the end result had provided some comfort.

Mr Ward's wife, who remained in Warburton yesterday, heard the coroner's findings via a video link to the Perth Central Law Courts.

She declined to accept an apology from G4S, according to Daisy Ward.

"The family and myself, we all said it was too late," she said. "They could have come and addressed us earlier."



Time for change: Protesters yesterday demanding justice ahead of the Coroner's findings.

Picture Greg Burke

Death shows dangers of privatising government services: Coroner



Apology: Corrective Services Commissioner Ian Johnson meets Nancy Ward, widow of elder Mr Ward. The coroner criticised the department. Picture: Mary Mills

CHRISTIANA JONES and GABRIELLE KNOWLES

The tragic death of Mr Ward highlighted the dangers associated with privatising government services, State Coroner Alastair Hope said yesterday as he recommended that the Corrective Services Department review all procedures of the company with the multimillion contract to transport prisoners.

Mr Hope delivered 14 recommendations, six of them on the failures by the department and company GSL, now G4S, in ensuring the welfare of prisoners while being transported.

Mr Ward died from heatstroke in January 2008 after he was driven 360km in a faulty van owned by the department and used by GSL.

The inquest was told that the air-

conditioning in the van's pod had been noted as not working almost a month before Mr Ward's death and, despite a mechanic's check of the vehicle being billed at just \$23.38, no one had checked whether the system had been fixed.

It also was told that the two security officers who transported Mr Ward had not ensured that it functioned before the fatal trip because it was not part of their "checklist", that an unmarked duress button had never been pointed out to Mr Ward and that it was up to guards to buy water for prisoners in the back of vans but that many did not bother.

Mr Hope said yesterday the prison fleet had known chronic problems. Witnesses had said that many vehicles were beyond repair. One even had parts held together with duct tape.

He recommended that the whole fleet be replaced with "safe and humane" vehicles and that the department ensure a replacement strategy and budget to ensure that the same chronic deficiencies did not occur in the future. He also recommended that the department review all G4S policies and procedures touching on detainees' welfare, provide enough contract monitors to ensure that G4S staff complied with procedures, and improvements to practical training for G4S staff.

Prison Officers Union secretary John Welch said he hoped the State Government would now take the contract from G4S and bring prisoner transport operations back in-house.

"We need proper accountability and publicly employed staff will give you that," Mr Welch said.