Coroner: Elder’s death a disgrace

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 deaths, 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 42°C 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 awarded 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 Stokes 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” subject to their testimony about whether Mr Ward had removed his shirt before collapsing.

CORONER ALASTAIR HOPE ON THE DEATH OF ABORIGINAL ELDER MR WARD

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Apology, repair job follow miserable, avoidable death

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 beef, which would be completely replaced by the end of 2016, 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.

He said “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 expressed the view it would have been more appropriate to consider this option immediately after the death.

He said the $160,000 penalty which was likely to be involved under the contract for a death in custody was “ridiculously low” and would be reviewed before the service was put tender next year.

He was reluctant to consider giving the $160,000 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 co-funding to investigate ways of reducing the need for transporting prisoners.

The circumstances leading to the tragic death of Mr Ward and the inane suffering this has brought...
Death shows dangers of privatising government services: Coroner

The tragic death of Mr Ward highlighted the dangers associated with privatising government services, State Coroner Allanah 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 to the (failure by the department and company GSL, now G4S, in ensuring the welfare of prisoners while being transported.

Mr Ward died of a heart attack in January 2008 after he was driven 360km in a dusty van owned by the company and used by GSL.

The inquest was told that the air-conditioning in the van's pod had been notted 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 unshielded 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 on detaining welfare, provide enough contract guards to ensure that G4S staff complied with procedures, and improvements to practical training for G4S staff.

Prison Officers Union secretary John Welsh 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 Welsh said.

**Apologies to Corrective Services Commissioner Ian Johnson meets Nancy Ward, widow of elderly Mr Ward, the coroner criticised the department. Picture: Mary Hills**