

# Australia: Coroner attacks as a “disgrace” Aboriginal man’s death in prison van

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Western Australian state coroner Alastair Hope has described as a “disgrace” the death of 46-year-old Aboriginal elder Mr Ward from the remote Warburton Aboriginal Community, located 1,540 kilometres from the state capital Perth.

Mr Ward, whose family requested that his first name not be revealed for cultural reasons, died of heatstroke on January 27 last year after being arrested and transported, for nearly four hours, in sweltering heat in a faulty prison van that had no functioning air conditioning. Investigators found that the air temperature inside the van would have been over 50 degrees Celsius (122 Fahrenheit), with the metal surfaces reaching 56 degrees (132.8 Fahrenheit), causing a large burn on Mr Ward’s stomach.

Coroner Hope’s inquest report, released on June 12, said Mr Ward’s treatment was “inhumane” and added: “A question which is raised by the case is how a society which would like to think of itself as being civilized, could allow a human being to be transported in such circumstances.”

The coroner’s report has revived the public outcry over the appalling death. It was the subject of a “Four Corners” report last week on Australian Broadcasting Corporation television.

Hope concluded that the state Department of Corrective Services, the security firm Global Solutions Limited (GSL), which operated the privatised prison transport service, and the two GSL security officers involved “all contributed to the death”. He reported to the Director of Public Prosecutions (DPP) that an indictable offence had been committed.

An examination of all the circumstances surrounding Mr Ward’s death demonstrates that the state Labor government, which held office in Western Australia from 2001 to 2008, bears real responsibility for this shameful crime, along with, more broadly, the private profit system itself.

Mr Ward’s treatment was a travesty of justice from the time he was first arrested by police on the evening of January 26 in Laverton—a community on the edge of the Great Victoria Desert some 950 kilometres north east of Perth—for driving a vehicle under the influence of alcohol.

While Mr Ward slept in a cell, the police called GSL, which held the

contract for transferring prisoners, to arrange his transfer to Kalgoorlie jail, nearly 400 kilometres away. This was before police had even notified the local justice of the peace, Barrye Thompson, who by law needed to decide whether Mr Ward should be granted bail.

The next morning, Thompson conducted a 10-minute bail hearing at the door of Mr Ward’s cell. Mr Ward, who had just been woken up, was not asked if he wanted legal representation, nor was the Aboriginal Legal Service (ALS) contacted. In a submission to the inquest, counsel for the ALS, Lachlan Carter, described the bail hearing as a “sham”.

Despite the temperature that day being forecast to exceed 40 degrees Celsius (104 Fahrenheit), police gave Mr Ward only a frozen pie and a 600ml bottle of water for the four-hour trip to the Kalgoorlie prison.

The almost eight-year-old prison van was, like the rest of the fleet used by GSL, in a dilapidated state and poorly maintained. There had been ongoing problems with the air conditioning unit for the prisoner compartments and the closed circuit television monitor used to check on prisoners’ welfare was not working properly. There was no temperature monitor or alarm, and Mr Ward was not shown the distress button, which was barely functional.

After hearing a thud from the rear of the van as they approached Kalgoorlie, the two guards stopped, but did not open the rear door to check on Mr Ward’s condition. Instead, they flicked water on the dying man in an unsuccessful bid to rouse him, then drove to Kalgoorlie Hospital.

ALS representative Dennis Eggington told “Four Corners”: “We don’t treat animals like that. We don’t treat our pets like that.... People get put in jail for treating another ... creature the same as Mr Ward was treated.”

At the hospital, despite the efforts of medical staff to cool Mr Ward’s body, including the use of an ice bath, attempts to resuscitate him failed. He died the same day.

Mr Ward left a wife and four sons. The coroner described him as a “highly regarded man”—a central figure in his own family and in his Warburton community in forging relationships with non-Aboriginal communities. He was a renowned artist, with a unique knowledge of culture, land and art, and represented Warburton in China in 2000 at a Landcare conference.

This was no isolated incident. Aboriginal people have suffered similar treatment for decades under successive state and federal Liberal and Labor governments. Specific concerns about the prison vans being death traps were raised, for example, with the state Labor government in 2001 and 2007 by Professor Richard Harding, the Western Australian inspector of custodial services from 2000 to 2008. In his 2001 report, Harding referred to a prison administrator's report that "the vehicles are not fit for humans to be transported in. We are just waiting for a death to happen."

On one known occasion, in October 2006, guards from GSL's predecessor, the AIMS Corporation, left 14 Aboriginal prisoners, including two women, locked in small confinement cells for eight hours in the back of a broken-down van with no air conditioning and only a potty-style toilet.

Since Mr Ward's death nearly 18 months ago, nothing has changed. According to the ALS, there is no plan to replace the prison vans before the end of next year, even though more than 60 faults have been reported during the past 16 months. The current Liberal government has maintained GSL's contract and is pushing ahead with plans to extend its privatisation agenda to prisons.

In this, the Liberals are following in Labor's footsteps. The state Labor government allocated not one cent to replace the fleet, despite all the warnings. Throughout its time in office, the Labor government's big business friends benefited from the resources boom to the tune of billions of dollars per year. Far from utilising this revenue bonanza to improve social services such as health and education, or address the plight of Aboriginal people, it was directed into business tax cuts and targeted infrastructure for the mining companies.

Following public anger over the 2006 incident, Labor's corrective services minister Margaret Quirk told parliament it was "intolerable that in this day and age people should be treated to such inhumane conditions" and said she had asked her department to "ensure that similar incidents do not occur in the future".

A week after Quirk's statement, John Hughes, who was the AIMS general manager and is now employed by GSL, sent a "Strategic Risk Register" to the Department of Corrective Services. It stated that a death was "quite possible" and the risk was present "every time a vehicle is in use".

Still the Labor government did nothing; Quirk told "Four Corners" she could not get the necessary support in cabinet. Neither Quirk nor any other member of the Labor government was asked to testify at the coronial inquest into Mr Ward's death.

Australia's aboriginal population has suffered more than two centuries of killings, dispossession and poverty, yet in all this time, not a single official investigation into an Aboriginal death has held anyone criminally or politically liable. After 16-year-old John Pat was bashed by police and left in a cell to die in the West Australian town of Roebourne in 1983, the federal Hawke Labor government convened a royal commission into 99 such deaths in custody. The result was not one homicide charge, effectively giving the green light for the killings

to continue.

More than a year after current Labor prime minister Kevin Rudd issued his highly publicised "apology" to the Aboriginal people, particularly to the "Stolen Generations", children who were forcibly removed from their parents, Mr Ward's death demonstrates that the historic injustices against Australia's indigenous population are continuing—under Labor and Liberal governments alike.

More than 1,000 people participated in a rally held in Perth's Forrest Place Plaza last weekend to protest Mr Ward's death, and the conditions that gave rise to it. A WSWs reporting team spoke to several in attendance.

Lee, a nurse commented: "The conditions are appalling - the justice system should not be privatized, which was one of the things that contributed to this death. We need more awareness of the big gap between health in the general community and indigenous health."

"There are waiting lists for things like radiotherapy and other medical services but it doesn't compare with the lack of basic health care for indigenous people."

Milton Chapman, an Aboriginal elder from the Punmu community located in the Pilbara region of North Western Australia told the WSWs that he knew Mr Ward.

"The death of Mr Ward shows that we have to fight for people to be treated as human beings. I want an inquiry to take place into his death. The man was 46 years old and this man, as a bloke and Aboriginal person, he was special and he fought to represent his people.

"Aboriginal people need to protect themselves, and the police have no right to hurt people. We are all human, and we should not be hurting one another.

"The laws in this country need to be looked at. Justice should work both ways, not just for the police. We just want the same rights as every Australian. Where are the resources in a place like my community?"



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