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## Decision not to lay charges over Indigenous elder's death in custody requires explanation

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The Australian Lawyers Alliance is calling for a clear explanation as to why no criminal charges are being laid against a private detention provider that left a respected Aboriginal elder, Mr Ward to cook to death in the back of a prison van in 2008. The Alliance also noted that Mr Ward's family may be able to sue the Government of Western Australia for the death.

"This explanation from the DPP (Director of Public Prosecutions) needs to be forthcoming so that the family and community can fully understand why this decision has been made today," Alliance director, Greg Barns, said.

Mr Barns went on to say that it would be prudent that for all death-in-custody cases, the reasons behind such determinations were spelt out as a matter of DPP procedure as the Coroner had made plain, in this case, that the Department of Corrective Services, two prison van drivers and their employer, G4S, all contributed to Mr Ward's death.

"In cases like this the DPP needs to say more than simply that he will not pursue charges because he believes there is no prospect of conviction," Mr Barns said.

"This man died a horrible death because those assigned to care for him failed to check the equipment they were using or the man himself during a four-hour ride locked in 50 degree, scorching heat.

Someone needs to be held accountable for such negligence to prevent it happening again."

Mr Barns said in Australia it is clear that prisons and their contractors owe a duty of care to those incarcerated and strong standards of safety need to be maintained.

"This duty arises from the control exercised by prison authorities over prisoners and the vulnerability of such detainees over whom they have control. The prison service providers have a duty of care to ensure that prisoners are not transported in conditions that are dangerous to their health," Mr Barns said.

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