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Accountability and Control: The Politics of Privatisation in WA

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Introduction

The virtues of privatizing security in Western Australia have been brought into question by the much publicized death of an Indigenous elder in Kalgoorlie at the beginning of 2008. Since that time, there have been a range of instances in WA (and nationally) where the management of prisoner security has been the subject of intense public debate. In this paper, we examine how a government has difficulty in maintaining control of a private company service when contracting it out, yet retains the ongoing responsibility for its success or failure and the exercise of due diligence. In the area of protecting persons and prisoner security, this includes a duty of care for all those in custody. Much research has attended to the need for private security in various locations, to prescriptions about what they do and to how the practices of security officers or firms should be held accountable. But given that public policies are devised and implemented within a political context where prisoner welfare is not usually afforded a high priority for government, how do we also ensure that looking after individuals in custody and prompting respect for certain standards retains a high place on the political agenda?

Mr Ward and the Hope Report

In Western Australia, outsourcing of prisoner transportation commenced in 2000 and was realized by the passing of the *Court Security and Custodial Act 1999*. On 27 January 2008, 46 year old aboriginal elder Mr Ward collapsed in back of a commercially-operated corrective Mazda vehicle while being transported 352 kilometers from Laverton to Kalgoorlie in outback WA. Mr Ward had been locked in a sealed rear compartment or 'pod' of the transport van without a seatbelt and subjected to searing heat above 56C degrees before its drivers stated that they heard a "thump" in the back of the van. The two drivers, Nina Stokes and Graham Powell, discovered Ward unconscious, with only a faint pulse. He was taken to Kalgoorlie Regional Hospital where he died of heat-stress a short time later (Hope, 2009, 3-5).

In June 2009, the WA Coroner Alistair Hope delivered his detailed findings on the inquest into the death in custody of Mr. Ward. Hope found Mr Ward's treatment, where he spent four hours in the searing heat and suffered third-degree burns, was inhumane. He had died as a result of a "litany of errors" (Hope, 2009, 121). Hope was highly critical of the both the Government's maintenance of the prison transport vehicles as well as the guards who transported Mr Ward, stating that he would forward the case to the Director of Public Prosecutions. It was also suggested that that both the WA Department of Corrective Services (DCS), transport contractor G4S (previously known as Global Solution Limited or GSL) and the officers that transported Mr Ward had breached their care of duty (see Jopson, 2009). GSL had taken over the WA prison management contract in 2007 after a series of incidents involving previous contractor Australian Integrated Management Service (AIMS). Despite promising to improve standards, evidence pointed to GSLs 'reckless' approach to prisoner safety, that included air-conditioning which was not working, all-metal surfaces in transport vehicles and a lack of an effective method of communication between the pod and the drivers (Hope, 2009, 33).

Hope concluded that Mr Ward's death was completely avoidable and constituted a breach of laws to which Australia is a signatory on an international level. The prison van Mr Ward had died in was "not fit for humans" (cited in Harding, 2001, 17). Disturbingly, the DCS later revealed that more than 60 faults with the State government-owned prisoner transport vehicles had been reported in the 16 months prior to the tragedy (Jones and Banks, 2009). Indeed, as early as 2001, the then Inspector of Custodial Services, Richard Harding, had identified a number of safety concerns in respect of the continuing use of the Mazda vehicles of the type used to transport Mr Ward prior to his death (Harding, 2001, 3ff). Harding noted blurred lines of responsibility and questioned the degree to which existing accountability and control arrangements stimulated public and private executives and bodies to focus consistently on achieving desirable social outcomes related to passenger safety and associated dignity issues. As reinforced by Hope (2009, 86), the DCS and the contractor did appear fixated "… on commercial issues and had reached such a stage of mutual disillusionment that service quality is a risk, and neither party has monitored service quality in an appropriate way" (Hope, 2009, 86).

As explored later, it is clear that the previous warning about prisoner safety and discussions about the roadworthiness of prison vehicles do appear to have been ignored or disregarded, or at the very least allocated a low priority, by both relevant governmental departments and the private security contractor. It is also clear that senior figures in the State government at either the departmental or political level had failed to act in the areas of safety and security given the specific warnings they had received.

During the inquiry, Hope also questioned whether Mr Ward's death could have been avoided if prison officers transported prisoners instead of a private company. "We wonder how many more disasters or tragedies will have to befall us with reference to the provision of prisoner transport services before the government steps in to say that this failed experiment of privatisation should be brought to an end" (Hope, 2009, 72). In fact, all of the staff as GSL who had given evidence at the Hope inquiry appeared well aware of ongoing problems with the old, well-worn vehicles that had been supplied to then for prisoner transportation (Hope, 2009, 54). Hope made 14 recommendations to improve the justice system, including that the DCS ensure that there is in place a replacement strategy and budget so that in future vehicles are substituted on a regular basis and there are no old or unsafe vehicles in use. Other recommendations included that the Inspector of Custodial Services issue the DCS with a show-cause notice when there were concerns about human rights and safety of people in custody.

Responding to the findings, Attorney-General Christian Porter said that Mr Ward's death was a miserable and tragic event. Further, Porter promised to replace the deficient, aging fleet of vehicles. Yet despite the range of problems relating to the justice system and private security firm G4S which were exposed during the inquest on Mr Ward's death, in July 2010 the WA Director of Public Prosecutions stated that that no charges would be laid against two security guards or the company. Mr McGrath argued that there was insufficient evidence of criminal negligence (Ackland, 2010). Shadow Attorney-General John Quigley responded by saying that said it was inconceivable no-one would face charges. "If it had been a dog in the back of that van ... and it had died in similar circumstances then there is no doubt that person would have been prosecuted under cruelty to animals" (cited in Jones, 2010). Disturbingly, given the death in custody of Mr Ward case and renewed attention to unacceptable transport practices, a series of similar incidents have subsequently resurfaced. In March 2010, for example, 46-year-old James David Yarren lost consciousness and collapsed while being transported in a Casuarina prison escort van. Mr Yarren was immediately hospitalised. It was later claimed that the back of the prison van did not have working air-conditioning (Rickard, 2010).

Contracting Private Security

The question of monitoring and regulating private security and their activities is a difficult one to address. Important functions to actively maintain security once seen as the exclusive preserve of the state are carried out through the sale and procurement of services and goods in a commercial marketplace. The Ward case raises a number of

important questions about not only control of the means of violence and the proper role of private policing but capacity and willingness of the executive branch to provide effectual oversight of the security sector. The complex nature of the private security sector presents an ongoing challenge to democratic social institutions and raises fundamental issues about transparency, functionality and effectiveness of executive oversight over security policy and its objectives. Federal Attorney-General Robert McClelland (2009) recently argued "…we must do all we can to improve industry standards. This means increasing confidence and trust in the industry… It means increasing the competencies and skills of security staff. And it means increasing the performance standards demanded by customers and delivered to businesses".

A functional definition to ensure a clear demarcation of two modes of 'private' and 'public' security work is not without disagreement. Tasks usually described within the preserve of private security, such as store detectives, bodyguards and event security, are likely to intersect or parallel with the traditional roles that remain associated with traditional publicly-funded duties integral to crime prevention and control. While such a degree of overlap within public and privatized space can act to dilute, or even undermine, the development of coherent and complementary responsibilities, Sarre and Prenzler (2009, 4) do isolate the extended role of private police and security actors as "…those persons who are employed or sponsored by a commercial enterprise on a contract or 'in-house' basis, using public or private funds, to engage in tasks (other than vigilante action) where the principal component is a security or regulatory function". The ambit of private security might therefore include a "…variety of occupations such as locksmiths, building security staff, patrol officers, crowd controllers, bouncers, alarm and security door installers, private detectives, control room operators, transport staff, communications experts and consultants" (Wilson, 1994, 287). In other words, its main elements consist of a specific type of "…suppliers of hardware, guardians and investigators" (Wilson ibid).

Given the transnational sale of private security services, policing to tackle social problems can no longer be interpreted as an exclusive government responsibility. The notion of selling security is not a temporary, one-off phenomenon but reflective, in part, of a strong commercial focus on satisfying customers and getting improved results. It is clear that the growth of private security and political justification for seeking the privatisation track is closely tied, in part, to an ongoing fear of crime and volatile public perceptions about personal safety measures (Wilson, 1994, 281-282). The expansion of private security is also linked to a widespread neo-liberal preference that market-based mechanisms will offer a better delivery of services, particularly where the government (and possibly the wider criminal justice system) is perceived as failing to effectively deal with crime and disorder (see Kerr, 2001). A series of justifications point to a more strategic cost-effective calculus that accompanies the pursuit, design and implementation of private contracts (South, 1988, Hall, 1998). In short, the private sector can be regarded as a method to save taxpayers money. It has been argued that a mixed market economy of policing and law enforcement simply reflects a reprioritization of limited public resources and the actuality of financial constraints on government by permitting non-state agents to

ensure a better, faster and cheaper provision of non-essential services (see Industry Commission, 1996).

On the other hand, critics of the extended presence of private security programs argue that the greater the reliance on the privatization of policing and related services, the more likely the risk of divided responsibilities, arbitrary and unlawful action and the subsequent lowing of standards in accountability, transparency and safety. Jeffery Isima (2007) has repeated the need for limits on government capacity to subcontract the delivery of public priorities in domestic settings due to an erosion of democratic principles. Privatization also raises concerns about quasi-judicial decisions that might impair human rights and have a detrimental impact on the legal status and well-being of the inmates (Robbins, 1986). Shearing and Stenning (1983, 50) add that "…private security defines deviance in instrumental rather than moral terms: protecting corporate interests becomes more important than fighting crime". Richard Harding had even told Corrective Services that the nature and context of the initial plan for GSL to take over the contract itself was ill-advised and needed wider exanimation. Letters obtained under Freedom of Information laws showed that Harding told then Corrective services Minister Margaret Quirk as early as April 2007 "…that the plan for GSL to take over the contract was unwise and risky" (see Laurie, 2008).

At the very least, there is an urgent need to implement performance-based policy decisions that promote respect for human rights, improve competency-based training regimes in the field of security and adopt legislation to clearly establish standards and obligations in the regulation of policing. "The police still like to think that security and law enforcement is the preserve of the police. But we've now got this multi-billion-dollar industry growing up with uncertain powers, uncertain restraints and immunities, uncertain legislation, and a dog's breakfast of…rules and regulations" (Sarre cited in Neighbor, 2009). The management of private security in each state/territory within Australia does continue to remain a highly varied and convoluted enterprise. Indeed, many of the GSL staff who were involved with the Ward case had no prior security or custodial experience. GSL staff who had received training described it as mostly involving reading materials while others stated that they had learned the more practical aspects of the job by simply watching and observing others (Hope, 2009, 53-54).

Insofar as private security services that are being used, it is not only clear that a key element to ensure greater respect for human rights and acceptable codes of conduct and is the adequate training of employees, it is worth emphasizing that private security agent license does not give the agent any power or authority to act in contravention or disregard of any law (Sarre 1996). Additionally, it is patent that contracts with the private sector do not absolve governments from their duties to their citizens and having to account for one's conduct due to a 'duty of care'. In short, "…government liability cannot be eliminated by delegating powers to a private entity" (Robbins, 1986, 326). It is also worth adding that in considering the particular strengths and weaknesses of outsourcing to provide policing activities, it is important to reiterate the argument made by Stenning (2009, 23) that the public and private sectors are not entirely separate and distinct entities which provide starkly different methods of service delivery.

The Problem of Control

A potential problem in contacting out any security service activity, and the other practical issues in relation to terms of conduct to which the contractor must agree, is loss of control and the appropriate measures to ensure due diligence. Contracting out differs from privatization in that the government is still budgeting for the service and allocating funding for it but is not actually delivering it themselves. Government simply does not have the direct operational control over service delivery. Unlike privatisation, the service is not simply provided by the public on a user-payer basis. Because the public is paying for such services, citizens do feel that they should be able to control, via elected representatives, how these services are delivered. Within government, central agencies are generally tasked with ensuring that policies and procedures across the public sector remain consistent and compliment one another (Althaus 2007, 131). The Executive government is accountable to the Parliament and the Parliament is accountable to the people (Foster 2006, 6-7). Ultimately, it is Cabinet itself who is responsible for bringing all the initiatives and activities by private security companies across government to one table.

The Ward case highlights some of the dangers associated with the contracting out of services when the state owes a non-delegable duty of care. A 'patchwork' of accountability and poor control mechanisms combined with anaemic regulatory controls can have deadly consequences. But executive government clearly has a vital role to play. Ministerial responsibility is not diminished by the use of contractors (see Johnston, 1992). The fact that so many of the Inspector's recommendations remained unaddressed for so long was surely an indictment on the effectiveness of elements of the control and oversight process, including the role of Cabinet, for prisoner transport in WA. It remains crucial that the any government that is interested in the purported benefits of privatization of corrections make a through investigation of the real capabilities of the private sector to deliver services in accordance with duty of care. Further, in addressing multi-faceted areas of overlap between state action and the propriety of a delegation of governmental powers, robust regulatory frameworks remain essential in order to withstand the ever-present tendency toward a 'democratic deficit' that can be created by contracting out (see Grande and Pauly, 2005). Oversight procedures and accountability standards, if operating correctly, should offer democratically legitimate representatives of citizens the possibility to steer and control the level of appropriate collaboration - and ensure accountability - between government and private contractors.

One of the well-known principles of government in the modern era is joined-up standards and procedures for regulating contractor behavior with a direct impact. This relates to the aim of ensuring that all policies developed by government, along with the services and facilities that they deliver, will work in concert with one another to respect certain standards and legal frameworks (Althaus 2007, 125ff). Inconsistency is seen as a political weakness, but more importantly a lack of clarity and benchmarks can have an effect on confidence in government policy and its stated intention. Government does find

it difficult though, to ensure that a contracted service is closely coordination with the rest of government (on the importance of coordination, cf Stewart 1999, 233ff). This is because government often has no or diminutive operational control over the fundamental product which it is paying for. Ideally, different layers of control should be coherent and interlock with each other.

The Role of the Minister and the Role of Cabinet

One of the abiding principles of governance in Australia's political system is the concept of Ministerial responsibility (Uhr, 1993). Ultimately a Minister is responsible for poor government performance in his or her portfolio. In this case the Minister for Corrective Services between 2006 and 2008 was Margaret Quirk. Establishing the extent to which she was responsible however, is difficult due to the nature of the privatization process. One of the key problems with 'contracting out' (and the expectation that private industry will exercise some variety of self-regulation) is blurred lines of accountability. Just when is the government responsible for the failure of services contracted out? Was it the government's fault that employees of a private company were not adequately trained, or did not directly follow appropriate procedures? Was it the DCS's responsibility to ensure that G4S had robust procedures in place? (cf. recommendations in Harding 2007, 9). Or was it the government's responsibility to ensure that the aging fleet of vehicles, including the utility used to transport Mr Ward on that fateful day, was immediately replaced? The Executive does clearly have a role to play, especially as the revised terms of the contract agreed to in 2005 specifically handed the government this responsibility (Hope 2009, 90).

As mentioned, the parlous state of vehicles had been highlighted as a serious area for concern by the Inspector of Custodial Services as far back as 2001. In his 2001 report inspector Harding said that "…the vehicles are not fit for humans to be transported in. We are just waiting for a death to happen" (Harding 2001, 17). The Hope report detailed a long history of repeated warnings (Hope 2009, 13-33), yet the government failed to replace the worn-out vehicles. It is also worth highlighting that WA has the highest rate of indigenous imprisonment in Australia, with approximately 3500 Aboriginal prisoners per 100,000 adults (Australian Institutive of Criminology, 2010). While raising legitimate questions about the impact of racism on the criminal justice system, the report highlighted that indigenous people in WA will continue to be disproportionately affected when standards relating to prisoner transportation are allowed to lapse. In fact, in its submissions to the Hope inquiry, the Human Rights and Equal Opportunity Commission focused specifically on improving awareness of indigenous culture amongst both public and private personnel involved in custodial services (HREOC 2009, 42).

In some aspects, the privatization of security services does appear to involve less centralized control and accountability. In considering how issues of control and accountability can be addressed, it was ultimately the responsibility of the Minister to secure the necessary funding for the vehicle replacement from government. Ms Quirk has since argued that her cabinet colleagues were not supportive when she put her funding proposals to avoid undesired external effects (ABC 4 Corners, 15 June 2009). She accused her cabinet colleagues at the time of being "a bit recalcitrant" in committing

themselves to an agenda to help fix problems with prison vans and transport procedures. Quirk claimed that Cabinet had been fully aware that Harding had written to GSL about the poor condition of the vans that were being used in conditions of extreme heat. She claimed that she and other ministers were aware of inadequacies with the vans and other logistical challenges, but that "…things moved at a glacial pace" (cited in Courier Mail, 2009). While she could not disclose what had happened in Cabinet at the time, Quirk expressed a desire to apologize for "...failing to convince her cabinet colleagues about the need to replace the ageing fleet of prisoner transport vehicles" (cited in AAP news, 2009). This has led to contentious discussion within Labor party circles as several of her former cabinet colleagues have privately questioned whether the issues about the maintenance and upkeep of the fleet of vans was actually raised at cabinet level at all.

Those who have worked at high levels of government in Western Australia know that requests for such a significant level of funding would have been principally addressed through budgetary discussions focused around the Expenditure Review Committee (ERC), the most significant sub-committee to cabinet. During the Gallop (2001-2006) and Carpenter (2006-2008) governments the ERC was the primary decision-making body during the budget process and would make recommendations to cabinet which were invariably accepted. As part of a drive to ensure more thorough fiscal oversight of proposals, Ministers and senior departmental staff were encouraged to liaise with treasury officials to fully inform them of the costs and benefits of proposals in advance. Formal ERC membership was restricted to four of the most senior ministers, who were drawn from different factions within the Labor party. Ministers would make presentations to ERC, during which they argued for the importance of their proposals. Every year many of their proposals were turned down because the pool of money available was not unlimited. In public policy terms this dilemma is described as "opportunity cost", the reality that for every proposal accepted another would have to be turned down (Buchanan 1987, 718-21). Due to the limited amount of money which the government was choosing to spend, proposals had not only to be inherently valuable in themselves, but to compete favorably with other proposals.

A common principle frequently applied by ERC (though not *always* applied) was that those proposals considered by Ministers to be their highest priorities would be accepted. Ministers were expected to communicate this to ERC during the presentation process. There were of course caveats to this principle, the most obvious being the relevant cost and the relevant political outcomes. If proposals were extremely expensive there was greater wariness to support them. Likewise, if the proposals had obvious and lasting political benefits, this increased their chances for support. In these respects ERC would function in a similar fashion regardless of which party/parties were in government.

None of this definitely answers the question as to who was ultimately responsible within government for the failure to replace the vehicle. How stridently did then Minister Quirk argue for the funding before ERC? Did she identify it as one of her highest priorities or not? Did the members of ERC consider the funding proposal too expensive or less politically appealing then alternative proposals? The ERC process feeds directly into the cabinet process and therefore is regarded as confidential, making conclusions difficult to

reach. One observation can be made though, that prisoner transfer might not be a matter of the highest priority politically – public confidence is thought to be maintained by endorsing a 'tough on crime' approach which in turn is seen as getting tough on offenders (see Spagnolo, 2007). There is a distinct possibility that Ms Quirk did raise the issue at ERC and failed to garner support because the predominant focus was on combating crime.

Nonetheless, there is still the possibility that the issue of prisoner transfer reached cabinet. There were ongoing funding initiatives raised at cabinet level in between budgetary periods, although the amounts of money requested were much smaller. Even though the condition of the vehicle fleet was further highlighted when the Inspector of Custodial Services tabled his 2007 report entitled "Thematic Review of Custodial Transport Services in Western Australia", it is not clear that the issue was addressed as a matter of urgency at the time. There is no mention of action being taken in Hansard, nor any media statement on the issue. As has been reinforced above, even though the death of Ward occurred under the aegis of a private company, the State retains the fundamental responsibility for a prisoner's duty of care. Certainly current public opinion in WA holds the government at least partly responsible. Who then is to blame? As the incident happened under the watch of the then State Labor Government, the parliamentary leader of the Labor party Eric Ripper apologized to the Ward family in 2009.

Accountability has been described as "the lifeblood of the public interest" (Hodge 2004, 4) and in liberal democracies is generally considered the price which comes with the ability to exercise power and make decisions. The single most damning finding of the Coroner related to the condition of the vehicle transporting Mr Ward. More broadly, the poor condition of the overall prisoner transport fleet had been raised repeatedly by the Inspector of Custodial services, and others. This has been recognized by the WA government's recent decision to award more than $3 million in compensation to Mr Ward. When announcing the compensation WA Attorney General Christian Porter said the payout represented an "unequivocal apology" and was meant to show "deep, deep remorse for what has occurred" (Sonti 2009). Whilst the payment did not constitute an admission of legal liability, it is clear that the government was to all intents and purposes admitting a degree of responsibility.

Finally, government has one additional avenue of action regarding the ongoing administration of prisoner transfer in the future; it can hand the contract for prisoner transfer to another operator. Promoting the application of particular obligations in contract selection criterion is a straightforward tool for regulating contractor behavior. This is only possible of course at the conclusion of the existing contract. The Attorney General Christian Porter has flagged this as a distinct possibility in future negotiations. Whilst he has not specifically ruled out G4S from participating in the next tender process, he has indicated that their poor record may work against them (Guest, 2010).

Conclusion

No political analysis of Mr Ward's death is complete without considering the broader issue of public opinion. There can be no doubt that many people regard the government as responsible for Mr Ward's death, regardless of whether they are in a legal sense or not. It is for this reason that the government in WA should approach the future use of private security contractors, with tasks such as protecting and transporting persons, with extreme caution. Whilst privatization may deliver some gains in efficiency and cost effectiveness, we have already seen in the case of prisoner transfer that the WA government created a contractual arrangement which limited its ability to directly control and coordinate the delivery of core government services and duties in both a broad legal and political sense. This ongoing lack of control did not absolve them of their duty of care, nor insulate them from ultimate accountability to victims and others affected once tragedy occurred.

If the WA government were to expand the privatization of core services in the future, there are distinct political lessons to be learnt from the Ward tragedy. The first is that government must take care to retain sufficient control so as to intervene quickly and effectively when problems arise. Any arguments that responsibility for lapses in public administration lie in the hands of a private contractor are difficult to sustain politically, especially as the public cannot necessarily distinguish between those services delivered directly by government and those contracted out.

Secondly, government must demand greater transparency regarding the internal policies and procedures of private contractors. It is difficult for government to hold contractors to account if they are not always appraised of the internal structures and mechanisms those contractors are utilizing. This transparency should extend to the financial structures which are in place, since many contractors are in effect subsidiaries of other companies. If fiscal shortcuts are implemented regarding crucial issues such as staff training and client welfare, we are likely to see a repeat of these problems in the future.

Lastly, government attitudes in general towards contracted out services should mirror approaches to direct-delivery services. Governments should assume that they will be held liable politically if not legally in all circumstances, and exercise the same level of vigilance accordingly. Comprehensive reports from oversight bodies should be taken seriously, and emerging problems should be addressed by the relevant Minister and his/her cabinet colleagues with the same attention issues such as crime statistics receive. Only then will the long term outcomes for all stakeholders in the private security sector improve.

Bibliography

AAP News, 2009, "Former minister admits death van failure", 16 June.

Ackland, R, 2010, "Rules don't matter in the Wild West - nor does a life" in *SMH*, 2 July.

Althaus, C. Bridgman, P. And Davis, G. (2007) *The Australian Policy Handbook*, Allen and Unwin.

Australian Institutive of Criminology, 2010, *Australian Crime: Facts and Figures: 2009*, Canberra, Australia.

Buchanan, J. M. (1987) *The New Palgrave: A Dictionary of Economics*, v. 3, pp. 718-21.

Courier Mail, 2009, "Former minister admits death van failure", 16 June.

Fenech, K, 2010, "More improvements to be made after Ward death" in *WAToday*, 16 June.

Foster, S, 2006, *The judiciary, civil liberties and human rights*, Edinburgh University Press, Edinburgh.

Grande, E and Pauly (eds.), 2005, *Complex Sovereignty: Reconstituting Political Authority in the Twenty-First Century*, University of Toronto Press.

Guest, D, 2006, "Prison transport contract will remain despite death", in *The Australian*, 6 November.

Hall, J, 1998, "Private Opportunity, Public Benefit", *Fiscal Studies*, 19(20).

Hodge, G, 2004, 'Accountability in the Privatised State: The Changing of the Guardians', *Alternative Law Journal*, 29 (1).

Hope, A, 2009, Record of Investigation into Death, Coroners Report, Ref. No: 9/09.

Human Rights and Equal Opportunity Commission, 2009, Submission to the Inquest into the death of Mr Ward, Perth, 28 May, File No 2008/08.

Industry Commission, 1996, *Competitive Tendering and Contracting by Public Sector Agencies*, AGPS, Melbourne.

Isima, J, 2007, 'Regulating the private security sector: an imperative for security sector governance in Africa', *Journal of Security Sector Management*, 5(1).

Johnson, L, 1992, *The Rebirth of Private Policing*, Routledge.

Jones, C and Banks, A, 2009, "Coroner calls for criminal charges in prisoner death", *The Western Australian*, 15 June.

Jones, L, 2010, "DPP defends prison van death decision" in *Brisbane Times*, 28 June.

Jopson, D, 2009, "Death in police van a disgrace, says Coroner" in *SMH*, 13 June.

Kerr, D, 2001, "Policing in the 21st Century", speech given to the Police Federation of Australia (South Australia), 30 April.

Laurie, T, 2008, "Silence on cause of elder's death in custody van" in *The Western Australian*, 1 February.

McClelland, R, 2009, speech at the Australian Security Industry Association Limited - Security Conference, Canberra, 24 August.

Neighbour, S, "Private Police out of control" in *The Australian*, 5 September.

Rickard, J, 2010, "Faulty air-con blamed as prisoner passes out", in *The West Australian*, 16 March.

Robbins, I, 1985, "Privatization of corrections: defining the issues", *Judicature*, 69(6), April-May.

Sarre, R, 2002, "The legal powers of private security personnel: Some policy considerations and legislative options", *QUT Law and Justice Journal*, 8(2), 301-313, 2008.

Sarre, R and Prenzler, T, 2009, *The Law of Private Security in Australia* (2nd ed), Thomson Reuters, NSW.

Shearing C and Stenning P, 1983, "Private security: implications for social control", *Social Problems*, 30(5).

Sonti, C, 2009, "Multimillion-dollar payout to Mr Ward's family after prison van death", in *WA Today*, 29 July.

South, N, 1988, *Policing for Profit: The Private Security Sector*, Sage, London.

Spagnolo, J, 2007, "Criminals 'being released early'" in *PerthNow*, 3 August.

Stenning, P, 2000, "Powers and Accountability of Private Police", *European Journal of Criminal Policy and Research*, 8(3).

Stewart, R. 1999 *Public Policy: Strategy and Accountability*, MacMillan.

Uhr, J, 1993, Redesigning Accountability, *The Australian Quarterly*, 65, Winter

Wilson, P, Keogh, D and Lincoln, P, 1994, "Private policing: the major issues" in Moyle, P (ed), *Private Prisons and Police: Recent Australian Trends*, Pluto, Leichhardt.