



CORONERS COURT OF QUEENSLAND

FINDINGS OF INQUEST

CITATION: **Inquest into the death of Robert Raymond Day**

TITLE OF COURT: Coroners Court

JURISDICTION: BRISBANE

FILE NO(s): 2016/406

DELIVERED ON: 6 February 2018

DELIVERED AT: Brisbane

HEARING DATE: 6 February 2018

FINDINGS OF: Terry Ryan, State Coroner

CATCHWORDS: Coroners: inquest, natural causes, death in custody

REPRESENTATION:

Counsel Assisting: Daniel Bartlett

Queensland Corrective Services: Kendall Dixon, Dept. of Justice and Attorney-General

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Introduction

1. Robert Raymond Day (a.k.a. Gooda) was 62 years of age at the time of his death in early 2016. He had been imprisoned since 1988. Mr Day was transferred from the Wolston Correctional Centre to the South Queensland Correctional Centre (SQCC) for end-stage palliative care on 16 December 2015.
2. After deteriorating significantly, Mr Day was transferred to the Princess Alexandra Hospital (PAH) secure unit on 27 January 2016. He died there surrounded by family members at 7:54pm on 28 January 2016.

The investigation

3. An investigation into the circumstances leading to Mr Day's death was conducted by Detective Sergeant Andy Seery from the Queensland Police Service (QPS) Corrective Services Investigation Unit (CSIU).
4. Upon being notified of Mr Day's death, CSIU officers attended the PAH on 28 January 2016 at 8:56pm. Mr Day's correctional records and his medical files from SQCC and the Princess Alexandra Hospital (PAH) were obtained. An examination of Mr Day's body at the scene revealed no concerning marks or injuries. No concerns were expressed by members of Mr Day's family about the circumstances of his death.
5. The investigation was informed by statements from the relevant custodial correctional officers and from a Resident Medical Officer at the PAH. These statements were tendered at the inquest. Mr Day's brother was asked whether he wished to provide a statement. However, he told investigators that he did not wish to do so.

Autopsy results

6. Dr Bianca Phillips, forensic pathology registrar, conducted an external autopsy, on 2 February 2016. The external examination included a full body CT scan.
7. On 1 March 2016, Dr Phillips issued an autopsy report that noted extensive osteoblastic skeletal metastatic disease, bilateral adrenal masses and retroperitoneal and lateral pelvic nodal metastatic disease. Dr Phillips concluded, on the information available, the cause of Mr Day's death was metastatic prostate cancer.

8. At the request of the Coroners Court, Dr Katherine Robinson, forensic medical officer, Queensland Health Clinical Forensic Medicine Unit (CFMU) examined the autopsy report, as well as the voluminous medical records for Mr Day from Queensland Corrective Services and the PAH covering the last 24 months of his life, and reported on them.

The inquest

9. As he was in custody when he died, an inquest into Mr Day's death was required by the *Coroners Act 2003*. The inquest was held on 6 February 2018. All of the statements, medical records and material gathered during the investigation was tendered. Counsel Assisting proceeded immediately to submissions in lieu of any oral testimony being heard.

Circumstances of the death

10. Mr Robert Day was born on 29 August 1953. At the age of 12, he was found to be in need of "care and control" and placed in the care of the State until he was 18 years of age.
11. In 1971, at the age of 17, Mr Day was sentenced to 15 years imprisonment for rape and other offences, and was released from prison in 1982. Mr Day was at the Security Patients' Hospital at Wacol from July 1973 for a period of three years.
12. In December 1990, Mr Day was sentenced to life imprisonment for the attempted murder in December 1988 of a tourist he had befriended and taken to remote bushland at Redland Bay, as well as armed robbery associated with that offence. In sentencing Mr Day, the Supreme Court recommended that "he should not be released from custody at any time in the future".¹
13. Dr Robinson noted that Mr Day had a medical history of gastrointestinal reflux disease, asthma, and diverticulosis. On 9 July 2013, he was admitted to the PAH with symptoms of subacute bowel obstruction. During this admission an incidental finding of sclerotic bone disease and an elevated prostate specific antigen (PSA) led to a diagnosis of metastatic prostate cancer.
14. At the time of the diagnosis widespread bone, lymph node and liver metastases were noted. After initially being treated with hormonal therapy it became evident that Mr Day's tumour was unresponsive to that treatment. Mr Day was then referred to the Radiation Oncology Service at the PAH for

¹ Exhibit C2.

symptomatic treatment of pain associated with tumour bone deposits. Mr Day received regular radiotherapy until the end of 2015.

15. Mr Day was referred to Palliative Care Services at the PAH in August 2014, which was used to optimise his pain relief throughout his illness. He was also regularly reviewed in Medical Oncology Outpatients at the PAH.
16. Between October 2014 and October 2015, Mr Day was admitted to the PAH on at least seven occasions with symptoms including abdominal pain, nausea and vomiting. His analgesic requirements were reviewed on each occasion.
17. In a helpful opinion dated 4 August 2017, Dr Robinson concluded that the treatment afforded to Mr Day from the time of his diagnosis was of a very high standard. Dr Robinson said that she had no concerns about the quality of care provided at the PAH or the correctional centres where he was incarcerated.²
18. Dr Robinson noted that from the time of his diagnosis with metastatic prostate cancer, Mr Day received input from multiple interrelated disciplines at the PAH designed to optimise his care and comfort. He had access to and received multiple restricted chemotherapeutic agents used in the treatment of prostate cancer.
19. In December 2015, Mr Day was transferred from the Wolston Correctional Centre to the South Queensland Correctional Centre for end-stage palliative care.
20. Mr Day had made an application for exceptional circumstances parole in November 2015. On 5 January 2016 he was advised by the Queensland Parole Board that it had formed the preliminary view that his application should be refused, as his condition could be adequately managed at the SQCC's acute care unit.³
21. By 27 January 2016, Mr Day's condition had deteriorated to the extent that that he was transferred to the Princess Alexandra Hospital because of poorly controlled pain. He was well-known to the Palliative Care Team and Oncology Treating Team at the PAH who noted that Mr Day had symptoms consistent with the terminal phase of the disease. He was given a prognosis of hours to days to live and comfort cares commenced, consistent with Mr Day's advance health directive.⁴ He died on 28 January 2016 at 7:45pm.

² Exhibit B3.

³ Exhibit C3.

⁴ Exhibit B1

Conclusions

22. Mr Day's death was the subject of a police investigation. That investigation has been considered by me and I accept that the death was from natural causes with no suspicious circumstances associated with it.
23. I conclude that Mr Day died from natural causes. I find that none of the correctional officers involved or other prisoners at SQCC caused or contributed to his death. I am satisfied that Mr Day was given appropriate medical care by staff at SQCC and the PAH while he was admitted there. His death could not have reasonably been prevented.
24. It is a recognised principle that the health care provided to prisoners should not be of a lesser standard than that provided to other members of the community. The evidence tendered at the inquest established the adequacy of the medical care provided to Mr Day when measured against this benchmark.

Findings required by s. 45

25. I am required to find, as far as is possible, the medical cause of death, who the deceased person was and when, where and how he came by his death. After considering all the evidence, including the material contained in the exhibits, I am able to make the following findings:

Identity of the deceased – Robert Raymond Day

How he died – Mr Day had been in custody for over 27 years. He died after a long illness from prostate cancer.

Place of death – Princess Alexandra Hospital, 199 Ipswich Road, Woolloongabba in the State of Queensland.

Date of death – 28 January 2016.

Cause of death – Metastatic prostate cancer.

Comments and recommendations

26. The *Coroners Act 2003* enables a coroner to comment on anything connected with a death that relates to public health or safety, the administration of justice or ways to prevent deaths from happening in similar circumstances in the future.

27. In the circumstances, I accept that there are no comments or recommendations to be made that would assist in preventing similar deaths in future, or that otherwise relate to public health or safety or the administration of justice.

28. I close the inquest.

Terry Ryan
State Coroner
Brisbane
6 February 2018