

TRANSCRIPT OF PROCEEDINGS

CORONERS COURT

K O TAYLOR, Coroner

MAG-LFR 43 of 2005
COR-564/05(2)

IN THE MATTER OF AN INQUEST INTO THE
CAUSE AND CIRCUMSTANCES SURROUNDING
THE DEATH OF KYLIE DANIELLE HOOYMANS

MAROOCHYDORE

..DATE 07/07/2006

..DAY 2

FINDINGS

WARNING: The publication of information or details likely to lead to the identification of persons in some proceedings is a criminal offence. This is so particularly in relation to the identification of children who are involved in criminal proceedings or proceedings for their protection under the *Child Protection Act 1999*, and complainants in criminal sexual offences, but is not limited to those categories. You may wish to seek legal advice before giving others access to the details of any person named in these proceedings.

CORONER: These are my findings. I find that the deceased was
Kylie Danielle Hooymans. I find that she died as a result of
being suspended from her neck by a rope attached to an
overhead beam at her residence. I find that she died on the
13th of March 2005. I find that she died at her residence at 7
Oakwood close, Tewantin. I find the cause of death was (a)
asphyxiation due to (b) hanging.

By those findings I have discharged the duty prescribed by
section 45 of the Coroners Act.

I also have duties prescribed by sections 46 and 48 of the
Coroners Act.

Section 48 requires me to determine whether there are grounds
founding a reasonable suspicion that a person has committed an
indictable offence or any other offence and if so, to report
it to the relevant authority or agency. I am satisfied there
are no grounds for such a suspicion and that this section has
no application to the circumstances of this case.

Section 46, although as to its empowering component,
subsection (1), is expressed in discretionary terms, does
require me to consider whether the circumstances justify a
comment of the kind described in that subsection. It is a
comment to be made whenever appropriate. In my view, a
comment, whether a criticism or a suggestion, is only
appropriate if it can be useful to achieve the purposes
intended by section 46. That is not to say that a comment

07072006 D.2 T11-12/LP M/T MARO 03/1011 (K O Taylor, Coroner)
should be made only if there is a likelihood of it being acted
upon but a comment is only justified if, in practical terms,
it can be acted upon.

1

Section 46 refers to things that relate to (a) public health
or safety; or (b) the administration of justice; or (c) ways
to prevent deaths from happening in similar circumstances in
the future. There is nothing in the circumstances of Kylie's
death which in any way relates to the administration of
justice.

10

20

In circumstances such as this it is neither easy nor useful to
attempt to separate the criterion described as that which
relates to public health and safety from that described as
that which relates to ways of preventing deaths from happening
in similar circumstances in the future. Here the very issue of
public health or safety involved is whether or not Kylie's
death might have been prevented by a course of management of
her illness different to that adopted. I shall not embark on
any course of attempted distinction but, rather, adopt a
global approach to those issues which might fall into one or
the other category.

30

40

Professor de Leo expressed concerns he says are common to
health services throughout this State or this nation. They are
concerns which he says arise from shortage of beds and
restricted admission criteria. He also expressed concern that
admission assessments are done by trained nurses rather than
psychiatrists. These are concerns which go to public policy

50

07072006 D.2 T11-12/LP M/T MARO 03/1011 (K O Taylor, Coroner)
which is thoroughly debated in the public forum. They do not
go to systemic failures which might warrant a useful comment
here.

1

Kylie's family are concerned that Dr Ramaswamy increased the
dosage of medication prescribed for Kylie in the course of a
telephone conversation. I have considered whether or not any
comment on that is justified. I am satisfied that it is not.
Professor de Leo drew attention to the difference between an
ideal world and the real world. From my experience, both in
this and other jurisdictions, I am aware that it is quite
common for medical practitioners to consult by telephone and
such consultations often involve a variation of previous
recommendations as to treatment program including medication.

10

20

It appears to me that it is a practice which, in practical
terms, is essential to the service provided by medical
practitioners to their patients. I do not doubt that in some
circumstances such a practice may be unlawful, dangerous or
otherwise inappropriate but I am satisfied that is not the
case here.

30

40

On the evidence here, I am satisfied that each of the health
care providers who attended to Kylie did so in a dedicated and
professional manner and that both the assessment of Kylie's
illness and the treatment program prescribed, including
management at home, conformed with accepted orthodox practice.
I see no point in the private professionals pointing towards
the public professionals, or vice versa. I am a little uneasy

50

about a certain element of haphazardness attached to mutual
consultation. However, after careful consideration, I am
unable to settle upon any useful comment available on the
evidence.

In my view, the main matter of concern arising from the
evidence received at this inquest, is the understandable lack
of awareness on the part of Kylie's family as to the inter-
relationship of the mental health services involved in Kylie's
care. Kylie's family was charged with the heavy responsibility
of attending to Kylie's day to day needs, of supervising her
treatment program and even of assessing the effectiveness of
that program. They had no experience or training. They were in
an environment as foreign to them as it would be to any other
family not experienced or trained in mental health and they
were further burdened by anxiety and stress.

On the evidence, I am satisfied that the decision to allow
Kylie to be cared for at home, rather than admitted to
hospital, was a decision properly available in the exercise of
professional clinical judgment. But I am also satisfied that
essential to the effectiveness of such a management plan, is
an appropriate level of awareness on the part of those who
were to undertake her daily care, Kylie's family.

I am satisfied that the following comment is appropriate. It
is my view that Queensland Health should ensure that in
respect of each health service district, there is a district
specific brochure distributed to all mental health service

providers for redistribution to patients or their families
which clearly outlines the mental health services available,
both private and public, the manner in which they interact or
complement each other and a guide to the criteria which
determines the most appropriate service for their needs.

1

10

I shall finally make a brief comment. In the course of my
investigation and in the course of this inquest, it has become
clear that the contribution of some standard medications to
suicide is a matter of investigation and debate in appropriate
circles. It is for that reason that I referred the circumstances
of this death to Professor de Leo, in his capacity as Director
of the Australian Institute of Suicide Research and
Prevention. I have nothing further to add to that debate.

20

30

And again, finally, with the Court's condolences offered to
the family of Kylie, the inquest is closed.

40

50