

SOUTH



AUSTRALIA

FINDING OF INQUEST

An Inquest taken on behalf of our Sovereign Lady the Queen at Adelaide in the State of South Australia, on the 17th and 20th days of September 2002, before Anthony Ernest Schapel, a Coroner for the said State, concerning the death of Kenneth William Glencross.

I, the said Coroner, find that, Kenneth William Glencross aged 80 years, late of Yatala Labour Prison, 1 Peter Brown Drive, Northfield, South Australia died at Mary Potter Hospice, 89 Strangways Terrace, North Adelaide, South Australia on the 8th day of June 2001 as a result of metastatic carcinoma.

1. **Introduction**

- 1.1. The deceased, Kenneth William Glencross was born on 3 October 1920, according to South Australia Police (SAPOL) records. He died on 8 June 2001. He was thus 80 years of age at the time of his death.
- 1.2. On 11 July 2000 the deceased was sentenced in the District Court to a total of 6 years imprisonment with a non-parole period of 2½ years for offences contrary to the Criminal Law Consolidation Act 1935 (SA). A Court Advice Form to that effect was furnished to the Yatala Labour Prison. He was transferred to Yatala Labour Prison that day. He was subsequently transferred to the Mt Gambier Prison. On 15 December 2000, an application for leave to appeal against his sentence was dismissed by the Court of Criminal Appeal.
- 1.3. The deceased was still serving his sentence on the date of his death. He died at the Mary Potter Hospice situated at the Calvary Hospital in North Adelaide.

- 1.4. At the time of his death, he had been granted conditional unaccompanied leave of absence pursuant to Section 27(1)(f) of the Correctional Services Act 1982 (the 'Act'). One of the conditions of his leave was that he was not to leave the grounds of the Mary Potter Hospice. There were other conditions which impinged on the deceased's freedom.
- 1.5. That the deceased was still serving his sentence whilst on leave is illustrated by Section 27(6) of the Act which states that 'a prisoner is not, while still at large after revocation of leave of absence, serving his sentence of imprisonment', the corollary being that the period of leave is part of the sentence.
- 1.6. I find that the deceased's death occurred while he was detained in custody within the State pursuant to an Act or law of that State. Pursuant to Sections 12(1)(da) and 14(1a) of the Coroner's Act 1975, it was mandatory for the State Coroner to hold an inquest or direct another coroner to hold an inquest into the cause and circumstances of the deceased's death.
- 1.7. I have been directed by the State Coroner to hold that inquest. I have held that inquest and these are my findings.

2. Findings

- 2.1. I find that the incarceration of the deceased was at all times lawful. He had been sentenced to the term of imprisonment referred to above and was serving that sentence at the time of his death.
- 2.2. The medical history of the deceased whilst in Mt Gambier and Yatala Prisons was described in the affidavit of Dr Andy Geddes who was a medical practitioner working at Yatala at the time. The deceased was diagnosed in March 2001 with metastatic lung cancer. The illness was diagnosed after the deceased complained of a persistent cough when he was transferred to Mt Gambier Prison in January 2001. He was seen on 7 February 2001 by a doctor and on this occasion a 'puffer' was given to him to assist in his breathing. The cough evidently persisted because in March 2001 an X-Ray and CT scan were administered and the cancer was diagnosed.

- 2.3. On 2 May 2001 the deceased was transferred from Mt Gambier Prison to the Yatala Labour Prison Infirmary where it was noted in the medical records that the deceased had:

'End stage metastatic lung cancer. He states he does not wish to receive active treatment for same.'

Investigations into the source of the cancer, including procedures to obtain a biopsy, and other tissue diagnosis was offered to the deceased, but he refused it. He accepted only palliative care from the time he was informed of his cancer. In accordance with his wishes, he was not provided with full diagnostic or therapeutic care, but was prescribed pain killers and drugs to assist with his breathing and general comfort.

- 2.4. On 3 May 2001 the deceased told Dr Geddes that he did not want any active treatment in the event of a cardio respiratory arrest.
- 2.5. Whilst in the Yatala Infirmary, he was seen frequently by nursing and medical staff.
- 2.6. On 22 May 2001 it was considered that the deceased's health was terminal and so a decision was made to transfer him to the Mary Potter Hospice for palliative care. That transfer took place on 23 May 2001. Leave was granted under Section 27(1)(f) of the Act for the deceased to remain in Mary Potter Hospice for an open-ended period as it was not expected that he would survive.
- 2.7. It was felt by those responsible for his care at the Yatala Infirmary that they could no longer provide the level of care that the deceased required. In addition, the deceased himself intimated that he would like to be where he would receive more care. This in no way reflects adversely on the level of care which had been provided at Yatala. Mary Potter Hospice is a specialised institution dedicated to the care of people with terminal illness and so he was transferred there.
- 2.8. At Mary Potter Hospice the deceased was provided with palliative care including pain relief, and his general comfort was attended to. His treatment there was described in the affidavits of Ms Carmel Sheridan and Dr Michael Briffa. He was examined on a regular basis by both nursing and medical staff. He was situated in his own room, as were all of the other patients. A Correctional Services guard remained at the Hospice for a time but his services were dispensed with some days prior to Mr Glencross' death.

- 2.9. The deceased's condition gradually deteriorated after he was admitted to the Hospice.
- 2.10. On 8 June 2001 Clinical Nurse Carmel Sheridan attended to the deceased at about 7:30am. At that time he was given pain relief and a sedative. Ms Sheridan again checked on the deceased just before 8am when she observed that he was still breathing. By 8:05am the deceased had died and Dr Michael Briffa pronounced life extinct at 10:10am.
- 2.11. I find that the cause of death was metastatic carcinoma.

3. Recommendations

- 3.1. There are no recommendations pursuant to Section 25(2) of the Coroner's Act 1975.

Key Words: Death in Custody;

In witness whereof the said Coroner has hereunto set and subscribed his hand and

Seal the 20th day of September, 2002.

Coroner