

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 20th day of December 2004 and the 18th day of January 2005, before Wayne Cromwell Chivell, a Coroner for the said State, concerning the death of Anthony Trent Wilson.

I, the said Coroner, find that Anthony Trent Wilson aged 34 years, late of 14 Jaffrey Street, Blair Athol, South Australia died at Blair Athol, South Australia on the 18th day of August 2003 as a result of multiple myeloma. I find that the circumstances of his death were as follows:

1. Reason for inquest

- 1.1. Anthony Trent Wilson died on 18 August 2003. The cause of death was multiple myeloma, a disease involving tumours in the bone marrow.
- 1.2. This disease appears to have been first diagnosed on or about 19 December 2001.
- 1.3. At the time of this diagnosis, Mr Wilson was in custody at the Adelaide Remand Centre. He was awaiting trial on charges of endangering life, unlawfully inflicting grievous bodily harm and two counts of damaging property. The offending arose out of an incident on 3 July 2001 at the Belair Hotel. The facts are summarised in the judgment of the Honourable Justice Gray, a member of the Court of Criminal Appeal which reviewed his sentence:

'The appellant and his friend entered the front bar of the Belair Hotel shortly after 8pm. The appellant was affected by alcohol. He attempted to order a meal but was refused service. The kitchen had closed at 8pm. He saw other patrons subsequently receive their meals. He did not understand that those meals had been ordered prior to 8pm. The appellant believed that he was being discriminated against ... The appellant became verbally aggressive. He went outside to his motor vehicle and assembled a Molotov

cocktail. He also obtained a tomahawk and a hammer from the vehicle. He then moved his vehicle from the carpark to the driveway to facilitate an immediate exit. He entered the front bar and threw the Molotov cocktail in the direction of the patrons who had received their meals after he attempted to order. One woman suffered severe burns ... The Molotov cocktail started a fire that caused danger to other persons and property damage. The appellant used the tomahawk and the hammer to inflict further damage. He attempted to attack another patron who went to assist the victims.'

([2003] SASC18, p4)

- 1.4. Mr Wilson was sentenced to 8 years and 6 months imprisonment with a non-parole period of 5 years and 6 months. On appeal, the non-parole period was reduced to 4 years.
- 1.5. Section 14(1a) of the Coroners Act 1975 obliges me to hold an inquest or direct another coroner to hold an inquest into the cause and circumstances of a death referred to in Section 12(1)(da), namely:

'The death of any person where there is reason to believe that the death occurred, or the cause of death, or a possible cause of death, arose, or may have arisen, while the person was detained in custody within the State pursuant to an Act or law of the State.'
- 1.6. On the evidence before me, I am satisfied that the cause of Mr Wilson's death either arose, or may have arisen, while he was detained in custody at the Adelaide Remand Centre. Accordingly, I am obliged to conduct an inquest into his death.
- 1.7. After Mr Wilson was sentenced and the appeal proceedings were completed, he served his sentence at Yatala Labour Prison. While there, he continued to receive treatment supervised by Dr Chris Holmwood, the Clinical Director of the Prison Health Service in collaboration with Haematologist Dr Hui at the Royal Adelaide Hospital.
- 1.8. By the time Mr Wilson's illness had progressed to the extent that he required palliative care, Dr Holmwood informed the Chief Executive of the Department for Correctional Services, Mr John Paget, who exercised his discretion, pursuant to Section 27(1)(d) of the Correctional Services Act, to authorise unaccompanied leave on compassionate grounds. After considering various options for Mr Wilson's accommodation, Mr Paget granted leave commencing on 27 March 2003. It was initially a condition of the leave that he reside at an address at Reedy Creek, but this was later amended so that he could reside with his mother at Blair Athol. He did so until he died on 18 August 2003.

- 1.9. The periods of unaccompanied leave were reviewed monthly, and the ultimate period of leave was granted on 18 July 2003 to cover the period from 24 July to 20 August 2003.
- 1.10. Dr Damien Mead, a Medical Practitioner, became involved in Mr Wilson's treatment on 22 June 2003, around the time when he began residing at Blair Athol. Dr Mead undertook to provide care to Mr Wilson during the terminal phase of his illness and continued to do so until his death on 18 August 2003.
- 1.11. Dr Mead last saw Mr Wilson alive at about 4pm on 17 August 2003.
- 1.12. On 18 August 2003, at about 8:30am, Mr Wilson was in the company of his wife and four children aged between 3 and 14 years and his sister in the lounge room of the house when he died.
- 1.13. Dr Mead was called and attended at about 1:30pm that day and certified that Mr Wilson's life was extinct. He proffered the opinion that the cause of Mr Wilson's death was multiple myeloma, and I accept his opinion in that regard.

2. Conclusions

- 2.1. I find that Anthony Trent Wilson died on 18 August 2003 as a result of multiple myeloma.
- 2.2. There was no evidence before me to suggest that Mr Wilson received anything other than appropriate care during the progression of his illness.
- 2.3. I make no recommendations pursuant to Section 25(2) of the Coroners Act 1975.

Key Words: Death in Custody; Natural Causes

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

Seal the 18th day of January, 2005.

Coroner