



**CORONERS COURT
OF NEW SOUTH WALES**

Inquest:	Inquest into the death of Michael Clark
Hearing dates:	31 January 2018
Date of findings:	31 January 2018
Place of findings:	State Coroners Court, Glebe
Findings of:	Acting State Coroner, Teresa O'Sullivan
Catchwords:	CORONIAL LAW – Cause and manner of death Death in custody Natural causes
File number:	2017/0039999
Representation:	Advocate Assisting – Sgt Ben Hart Corrective Services NSW – Mr Alexander Jobe Mr Clark's family – Mr Siafakas

Orders:

Under section 74(1)(b) Coroners Act 2009 (the Act) there is to be no publication of the following:

1. The names, addresses, email addresses and phone numbers of Mr Clark's family members and/or visitors (other than legal representatives or visitors acting in a professional capacity) found within the brief of evidence, including at items 12 and 14 of the brief and items 2 and 3 of the external brief items,
2. The names and Master Index Numbers (MIN) of any other inmates other than Mr Clark found within the brief of evidence, including at items 2 and 3 of the external brief items,
3. The direct and personal contact details, including email addresses, direct phone numbers and mobile numbers of Department of Justice employees which are not publicly available and are found within the brief of evidence, including at item 14 of the brief and items 2 and 3 of the external brief items,
4. The CCTV footage located at tab 1 of the external brief items,
5. Documents relating to Michael Clark MIN 463717, not the deceased, which have been placed into external brief item 3,
6. Exhibit 2, the documents relating to the applications made by Mr Clark for compassionate release.

I further order that any person who applies under section 65(2) of the Act for the provision of Corrective Services NSW documents that have been placed on the court file but have not been included in the tendered brief of evidence, shall not be provided that material until Corrective Services NSW has had an opportunity to make submissions in respect of the application.

Findings:	<p>Identity of deceased: The deceased person was Michael Rex Clark</p> <p>Date of death: Mr Michael Rex Clark died on 7 February 2017</p> <p>Place of death: He died at Long Bay Hospital in NSW</p> <p>Manner of death: The death was through natural causes whilst serving a term of imprisonment.</p> <p>Cause of death: The medical cause of the death was HEPATOCELLULAR CARCINOMA with significant contribution from HEPATITIS C AND CIRRHOSIS OF THE LIVER.</p>
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The Coroners Act 2009 (NSW) in s81 (1) requires that when an inquest is held, the coroner must record in writing his or her findings as to various aspects of the death.

These are the findings of an inquest into the death of Michael Rex Clark

Introduction:

Michael Rex Clark died on 7 February 2017, aged 53 years. As he was serving a custodial sentence at the time of his death, an inquest is required to be held pursuant to sections 23 and 27 of the *Coroners Act 2009 (NSW)*.

The inquest:

The Coroner must make findings as to the date and place of a person's death, and the cause and manner of death: Section 81 of the Act

In addition, the Coroner may make recommendations in relation to matters that may improve public health and safety in the future arising out of the death in question: Section 82 of the Act.

As Mr Clark was in custody at the time of his death, the responsibility for ensuring he received adequate care and treatment rests with the State. For this reason, whenever a person dies in custody, an inquest is required to be held to assess whether the State has discharged its responsibilities.

The Evidence:

Background:

Mr Michael Rex Clark grew up in Stockton NSW. He worked as a landscape gardener and handyman and settled with his wife [REDACTED] in Faulconbridge NSW.

He has an extensive family including 6 children and 10 Grandchildren who cared for him greatly during his life. He'd been married twice.

At 18 years of age he was involved in a motor vehicle accident and suffered a head injury. He had a colourful criminal history which included a conviction for armed robbery and the discharge of a firearm.

He was convicted and sentenced on 11 August 2008 to a period of 30 years imprisonment for being complicit in the murder of his father, who was shot and killed by Michael Clark's son, [REDACTED], in April 2005.

His sentence commenced on 21 July 2005.

During his time in prison Mr Clark assisted troubled younger inmates come to terms with being incarcerated and took many of them under his wing. He was well respected by both Corrective Services NSW and Justice Health NSW staff.

During his time in custody Mr Clark was granted compassionate release to attend his mother in law's funeral on 24 August 2016, though applications for a further compassionate release reliant on his dire medical circumstances in November and December 2016 were rejected by the State Parole Authority.

Medical History:

Whilst in custody Mr Clark was treated for Hepatitis C. On 25 May 2012 Mr Clark began a Pegatron and Ribavirin treatment.

On 17 October 2013, a triple therapy to combat Hepatitis C was used and the drug Boceprevir was added. Nearly 12 months later, on 14 October 2014 Mr Clark's treatment notes state his body was no longer responding to the therapies.

Between 3 July 2015 and 2 February 2016, Mr Clark received the ABBVIE treatment.

By 15 May 2016 the Hepatitis C had been cleared from his body; however several lesions were discovered on his liver which were later confirmed to be carcinomas. He was referred to the Oncology department and was informed on 1 September 2016 that without treatment he would have a life expectancy of 6 months, though, his life expectancy could be extended if he was suitable for chemotherapy.

On 8 September 2016, he was deemed unsuitable for chemotherapy and was recommended for palliative care.

Mr Clark's treating doctor, Professor Lloyd wrote on 24 November 2016, 'Clark has incurable hepatocellular carcinoma on a background of cirrhosis, liver failure and hepato-pulmonary syndrome'. His life expectancy was several weeks at most.

On 4 February 2017 Mr Clark's condition was deteriorating however he refused a transfer to the Prince of Wales secure annex and was instead transferred to the Medical Surgical Unit at the Long Bay hospital.

A no resuscitation order was in place and he was pronounced life extinct on 7 February 2017.

Custodial History:

Mr Clark received a A2 maximum security classification and began serving his sentence at Lithgow Correctional Facility. He remained at the centre until May 2012 and was transferred to the Prince of Wales secure Annex after an unsuccessful attempt at suicide.

In May 2012, he commenced a program to treat his Hepatitis C and was transferred to the Long Bay Hospital and the Metropolitan Special Programs Centres, Long Bay Correctional Complex due to its proximity to health treatment facilities.

He remained at that location until he died.

Care and Treatment:

The treatments and therapies in the above medical history occurred within Long Bay Hospital and the Metropolitan Special Programs Centres, Long Bay Correctional Complex.

In 2012 when Corrective Services NSW became aware of his deteriorating mental health, he was transferred to this facility for his own safety and because of its proximity to health services.

There were no issues raised during the investigation of Mr Clark's death as to the adequacy of the medical treatment provided to him whilst in custody.

Similarly, no issues were raised at inquest.

Autopsy Report:

The autopsy report confirmed the diagnosis of his treating Doctors and listed Mr Clark's cause of death as Complications of Hepatocellular Carcinoma.

It found therapeutic levels of pain relief medication in keeping with palliative care treatment and there were no signs of recent trauma which could explain his rapid deterioration.

Findings required by s81(1)

As a result of considering all of the documentary evidence and the oral evidence heard at the inquest, I am able to confirm that the death occurred and make the following findings in relation to it.

The identity of the deceased

The deceased person was Michael Rex Clark

Date of death 7 February 2017

Place of death Long Bay Hospital NSW

Cause of death

The death was caused by COMPLICATIONS OF HEPATOCELLULAR CARCINOMA with significant contributing pathology of CIRRHOSIS OF THE LIVER AND HEPATITIS C

Manner of death

The manner of death was of natural causes whilst serving a sentence in custody.

I would like to thank the officer in charge of the investigation, Detective Sergeant Joshua Palmer. I would also like to thank Sergeant Ben Hart for assisting me.

Finally, I offer my condolences to Mr Clark's family who loved him and cared for him very much.

I close this inquest.

Magistrate Teresa O'Sullivan
Acting State Coroner

Date 31/01/2018