



**CORONERS COURT
OF NEW SOUTH WALES**

Inquest:	Inquest into the death of Bruce Thomas
Hearing dates:	7 September 2017
Date of findings:	7 September 2017
Place of findings:	State Coroners Court, Glebe
Findings of:	Deputy State Coroner Teresa O'Sullivan
Catchwords:	CORONIAL LAW – Cause and manner of death Death in custody Natural causes
File number:	2015/377772
Representation:	Sergeant Peter Bain, Advocate Assisting Ms De Castro Lopo for Corrective Services NSW Ms Li for Justice Health NSW

Findings:	<p>Identity of deceased: The deceased person was Bruce Malcolm Thomas</p> <p>Date of death: Mr Thomas died on 23 December 2015</p> <p>Place of death: Mr Thomas died at Prince of Wales Hospital, Randwick New South Wales</p> <p>Manner of death: Mr Thomas died of natural causes whilst serving a custodial sentence</p> <p>Cause of death: The cause of death was metastatic non small cell lung cancer on a background of dilated cardio myopathy, chronic obstructive pulmonary disease and hypertension</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 Bruce Thomas.

Introduction:

Mr Bruce Thomas was born on 8 September 1946. At the time of his death he was serving a custodial sentence at Long Bay Gaol, however was being treated at Prince of Wales Hospital Randwick.

As Mr Thomas was in lawful custody at the time of his death, an inquest is required to be held pursuant to sections 23 and 27 of the Coroners Act.

The Inquest:

The role of a Coroner, as set out in s 81 of the Coroners Act, is to make findings as to:

- (a) the identity of the deceased;
- (b) the date and place of the person's death;
- (c) the physical or medical cause of death; and
- (d) the manner of death, in other words, the circumstances surrounding the death.

Pursuant to s 82 of the Act a Coroner also has the power to make recommendations concerning any public health or safety issues arising out of the death in question.

The Evidence:

Background:

Mr Thomas was 69 when he died. Born in Gosford to Lesley and Muriel, Mr Thomas was one of 15 children.

In 1959 the Thomas family moved to Pyrmont where Mr Thomas attended Ultimo Public School. Mr Thomas' younger brother Robert describes Mr Thomas as the 'black sheep' of the family and it was as a young man that Mr Thomas began to fall foul of the law. Unfortunately Mr Thomas' life was chequered with incarceration.

Mr Thomas was married to a woman named Lyn and they had a daughter Kylie. The marriage ended with Lyn and Kylie moving away and becoming estranged from Mr Thomas. Kylie was 3 years old at the time.

Throughout his life, Mr Thomas was supported by his family in attempts to guide him on the 'straight and narrow' to use the vernacular. Ultimately these attempts proved unsuccessful, with Mr Thomas spending most of his life incarcerated.

Custodial History:

Mr Thomas first spent time in gaol in 1969 when he was convicted of buggery and sentenced to 7 years in custody. In 1978 Mr Thomas was sentenced to 8 years imprisonment for rape with a non parole period of 3 years. In 1986 he was sentenced to 9 months imprisonment for indecent assault and in 1987 he was imprisoned for an assault occasioning actual bodily harm.

In 1988, Mr Thomas was sentenced to 11 years gaol for an assault upon a fellow prison inmate. This conviction was later quashed. A corrupt Police officer had given false evidence at Mr Thomas's trial. Mr Thomas had served most of his sentence prior to the conviction being quashed.

In 1996, Mr Thomas was sentenced to 12 years gaol for an aggravated sexual assault.

Due to the nature of his crimes, Mr Thomas was placed on an Extended Supervision Order and was monitored by Corrective Services whilst in the community. This involved being fitted with an electronic anklet and living in supported accommodation.

However, Mr Thomas repeatedly breached his conditions upon release, leading to more periods in custody. At the time of his death, he was serving a sentence for failing to comply with conditions of his Extended Supervision Order.

Due to his failing health, Mr Thomas was transferred from gaol to hospital and was being guarded whilst being treated. He had spent about 40 years of his life in gaol.

Medical History:

A review of the medical records that form part of the brief reveal Mr Thomas had a heart condition and had a pacemaker installed. He was also suffering hepatitis C, Asthma, and had a history of kidney and neurological conditions. He had previously been diagnosed with paranoid schizophrenia.

The events of leading to his death:

In May 2015, while in custody, Mr Thomas was admitted to Auburn Hospital with fainting episodes. At this time, two suspicious masses were discovered in his lungs. These turned out to be cancerous.

In September 2015, Mr Thomas was admitted to Prince of Wales Hospital due to deteriorating health. The masses in his lungs were confirmed to be stage 3 cancers. Medical specialists at Prince of Wales Hospital determined this was not treatable due to Mr Thomas's other health conditions. Mr Thomas was given palliative care, stabilised and was transferred back to gaol.

On 12 November 2015, Mr Thomas was again transferred to Prince Of Wales Hospital. His pacemaker had become infected.

While in hospital, Mr Thomas began to suffer seizures. Medical investigations revealed the lung cancer had spread to his brain.

Over the ensuing weeks, Mr Thomas deteriorated. On 21 December, the medical registrar at Prince of Wales Hospital determined a resuscitation plan for Mr Thomas. In essence, Mr Thomas was given comfort care only, with no invasive breathing support given. No CPR was to be administered in the event of cardiopulmonary arrest. This decision complied with the relevant NSW Health Policies regarding end of life care.

At about 6:35am on 23 December 2015, Corrections Officer, Chris Daniels, noticed Mr Thomas had stopped breathing. Nurses were notified who attended to Mr Thomas. Mr Thomas had died.

What caused Mr Thomas death?

Based on the medical records obtained as part of the investigation, it is clear that Mr Thomas died as a consequence of metastatic non small cell lung cancer. This was on a background of dilated cardio myopathy, chronic obstructive pulmonary disease and hypertension.

Care and treatment:

When a person is detained in custody, the responsibility for ensuring that person receives adequate care and treatment rests with the State. Even when a person in custody dies of apparent natural causes an inquest is required to independently assess whether the State has discharged its responsibility.

The Corrective Services and Justice Health records reveal Mr Thomas' care and treatment were appropriate. Mr Thomas was transferred to appropriate facilities as his health deteriorated.

Mr Thomas' family have raised no issues with his care and treatment preceding his death.

Conclusion:

I find that Mr Thomas' death is not suspicious and that he died as a consequence of a natural cause process. I also find that Mr Thomas received health care of an appropriate standard whilst in custody.

There is no evidence to suggest any third party involvement in this incident. There is also no evidence to suggest that any action or inaction by either Corrective Services or Justice Health contributed to Mr Thomas death in any way. Given Mr Thomas' age and health issues and his rapid deterioration whilst in hospital, it does not appear that anything could have reasonably been done to prevent his death.

I would like to thank the officer in charge of the investigation, Detective Sergeant Babb and the Advocate Assisting, Sergeant Peter Bain.

Finally, I would like to offer my condolences to Mr Thomas' family.

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 person who died was Bruce Malcolm Thomas.

Date of death

Mr Thomas died on 23 December 2015

Place of death

Mr Thomas died at Prince of Wales Hospital, Randwick New South Wales

Cause of death

The cause of death was metastatic non small cell lung cancer on a background of dilated cardio myopathy, chronic obstructive pulmonary disease and hypertension.

Manner of death

Mr Thomas died of natural causes whilst serving a custodial sentence.

I close this inquest.

Magistrate Teresa O'Sullivan
Deputy State Coroner

Date 7 September 2017