



CORONERS COURT OF NEW SOUTH WALES

Inquest:	Inquest into the death of Timothy Moffatt
Hearing date:	5 October 2021
Date of findings:	5 October 2021
Place of findings:	NSW Coroners Court - Lidcombe
Findings of:	Magistrate Elizabeth Ryan, Deputy State Coroner
Catchwords:	CORONIAL LAW – natural causes death of a person in lawful custody – was medical care and treatment appropriate.
File number:	2020/ 80909
Representation:	<p>Coronial Advocate assisting the inquest: Senior Constable H Mullen, NSW Police.</p> <p>The Justice Health and Custodial Mental Health Network: H Norris, JH and Forensic Mental Health Network.</p> <p>The Commissioner, Corrective Services NSW: S Pickard, Department of Communities and Justice.</p>

Findings:	<p>Identity The person who died is Timothy Moffatt.</p> <p>Date of death: Timothy Moffatt died on 12 March 2020.</p> <p>Place of death: Timothy Moffatt died at Prince of Wales Hospital, Sydney.</p> <p>Cause of death: Timothy Moffatt died as a result of metastatic prostate carcinoma.</p> <p>Manner of death: Timothy Moffatt died from natural causes, while he was in lawful custody.</p>
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Non-publication orders

The Court has made orders for non-publication of certain evidence, pursuant to section 74 of the Coroners Act 2009.

Details of the orders can be found on the Registry file.

1. Section 81(1) of the Coroners Act 2009 (NSW) [the Act] requires that when an inquest is held, the Coroner must record in writing his or her findings as to various aspects of the death.
2. These are the findings of an inquest into the death of Timothy Moffatt.

Introduction

3. On 12 March 2020 Timothy Moffatt aged 72 years died in Prince of Wales Hospital, in Sydney.
4. Mr Moffatt had been serving a sentence of imprisonment since 2014. He was therefore in lawful detention, and an inquest into the circumstances of his death is mandatory pursuant to sections 23 and 27 of the *Coroner's Act 2009*.

The role of the Coroner

5. The Coroner must make findings as to the date and place of a person's death, and the cause and manner of death.

6. In addition, pursuant to section 82 of the Act the Coroner may make recommendations in relation to matters which have the capacity to improve public health and safety in the future, arising out of the death in question.

Mr Moffatt's life

7. Mr Moffatt was born in Newcastle, England on 14 January 1948. He was adopted and raised by his maternal uncle and aunt. When he was seventeen years old he migrated to Perth, Australia to reside with his mother who had moved there.
8. In 1980 Mr Moffatt moved to Bellingen on NSW's mid north coast. Here he developed an interest in health, body building and injury management. This led him to undertake a massage course at Coffs Harbour's School of Natural Medicine. He then entered a partnership in the Coffs Harbour Remedial Massage Centre.
9. Mr Moffatt was diagnosed with prostate cancer in 2008. He declined his doctor's treatment recommendation of surgery and radiotherapy, preferring to undertake natural therapies.

Mr Moffatt's entry into custody

10. In February 2012 Mr Moffatt was charged with offences of assault with acts of indecency. When further charges were laid in 2014 he was refused bail and he entered custody on 21 February 2014. In 2016 he pleaded guilty to a number of counts of indecent assault, and was sentenced to 13 years 6 months imprisonment with a non parole period of 9 years. He would first be eligible for parole on 19 February 2023.
11. While in custody Mr Moffatt was regularly treated and assessed by medical and nursing staff. At times between 2015 and 2019 he was transferred to the Prince of Wales Hospital for specialist management of acute renal failure and investigation of his existing prostate cancer. He had developed hydronephrosis in both kidneys, which required a stent to be surgically inserted to carry urine from his kidneys to his bladder. This condition was the cause of significant impairment to Mr Moffatt's kidney function. He was regularly assessed by renal physician Dr Jonathon Erlic.
12. From 2014 until 2018 Mr Moffatt continued to decline treatment for his prostate cancer. However in May 2018 a scan revealed that his cancer had metastasised into areas of his bones. He agreed to undergo chemotherapy treatment.
13. Despite treatment, Mr Moffatt's prostate cancer and kidney disease continued to progress. In November 2019 a comfort care plan was developed for an end of life pathway. Mr Moffatt underwent surgery in January 2020 to change his ureteric stents, but when the new stents developed problems it was decided that further surgery would not be in his best interests.

14. On 9 March 2020 Mr Moffatt was transferred back to Prince of Wales Hospital with hyperkalaemia due to his kidney failure. It was decided that he would receive palliative care and monitoring. A nurse who checked him at 5.05am on 12 March 2020 found that he was no longer breathing, and he was pronounced deceased.

15. An autopsy performed by pathologist Dr Lene Berger found that Mr Moffatt had died as a result of metastatic prostate carcinoma.

Conclusion

16. The evidence at inquest established that the medical care and treatment which Mr Moffatt received while he was an inmate was appropriate. With regard to his prostate cancer it is clear that up until May 2018 he declined the medical treatment which he was offered, which was his right.

17. I express to Mr Moffatt's family my sincere sympathy for their loss.

18. I thank Coronial Advocate Senior Constable Howard Mullen for his assistance in the preparation and conduct of this inquest. I thank also the Officer in Charge of the coronial investigation, Senior Constable Petrina Price, for her preparation of the brief of evidence.

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.

Identity

The person who died is Timothy Moffatt.

Date of death:

Timothy Moffatt died on 12 March 2020.

Place of death:

Timothy Moffatt died at Prince of Wales Hospital, Sydney.

Cause of death:

Timothy Moffatt died as a result of metastatic prostate carcinoma.

Manner of death:

Timothy Moffatt died from natural causes, while he was in lawful custody.

I close this inquest.

Magistrate E Ryan
Deputy State Coroner
Lidcombe

7 October 2021