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REPORT TO THE LEGISLATIVE ASSEMBLY

Pursuant to section 46B of the *Coroners Act 1993*

In the matter of the Coroner's Findings and Recommendations regarding the death of
Bernard Hector

Pursuant to section 46B of the *Coroners Act 1993* (the Act), I provide this report on the findings and recommendations of Local Court Judge Elisabeth Armitage, Territory Coroner, dated 24 February 2023, regarding the death of Mr Bernard Hector (the Deceased) (Attachment A refers).

The Report includes the responses to the recommendations of the Territory Coroner, by Ms Gemma Lake, Chief Executive Officer (CEO), Department of the Attorney-General and Justice (AGD), as the agency responsible for Northern Territory Correctional Services (NTCS) (Attachment B refers), and Dr Marco Briceno, CEO, Department of Health (DoH) (Attachment C refers).

The Deceased, a 31 year old Aboriginal man, died between 11.11 pm on 29 August 2021 and 8.15 am on 30 August 2021 at the Darwin Correctional Precinct, Holtz in the Northern Territory. The cause of death was self-inflicted hanging. The Deceased was a prisoner in the custody of the Commissioner of Correctional Services at the time of his death.

Recommendations of the Coroner

At paragraphs 71 to 74 of the Coroner's Findings, the Coroner made the following formal recommendations in regards to the death of the Deceased:

71. I **recommend** that the Chief Judge of the Local Court of the Northern Territory amend Practice Direction 12 to provide that written reasons are to accompany an 'at risk' order.
72. I **recommend** that the Commissioner of the Northern Territory Correctional Services make available Aboriginal Mental Health First Aid Training to all prisoners.
73. I **recommend** that in accordance with [Royal Commission into Aboriginal Deaths in Custody] recommendation 178, that Corrective

Services make efforts to recruit Aboriginal staff not only as correctional officers but to all employment classifications within Corrective Services, and endeavour to ensure that their Aboriginal employees are utilised throughout the prison and are available to all prisoners.

74. I **recommend** the Commissioner of the Northern Territory Correctional Services and the CEO of the Northern Territory Department of Health together ensure that all prison health clients attend scheduled health appointments.'

Responses to coroner's recommendations

A copy of the Coronial Findings was provided to the CEOs of AGD and DoH on 24 February 2023, in accordance with section 46A(1) of the Act. A copy of the Coronial Findings was also provided to the Chief Judge Morris, inviting a response. Although the Local Court is not an 'agency', within the meaning of the Act, and was not required to respond, Her Honour did also provide a response.

A written response was received from Chief Judge Morris, dated 3 May 2023 (Attachment D refers), advising that:

(a) Recommendation 71

In consultation with the Territory Coroner, the Northern Territory Local Court Practice Direction 12 has been amended.

A written response was received from the CEO of AGD, dated 24 May 2023 (Attachment B refers), as required by section 46B(1) of the Act, advising that:

(a) Recommendation 72

The availability of Aboriginal Mental Health First Aid Training to all prisoners was accepted in principle, but is impeded by the operational and staffing challenges that NTCS is currently experiencing. However, the training is being provided to all new Trainee Correctional Officers.

(b) Recommendation 73

NTCS has continued to make efforts to recruit Aboriginal staff to correctional officer roles, and is continuing to pursue a target of 20 per cent of all staff being of Aboriginal and Torres Strait Islander descent.

NTCS notes that 10.64 per cent of all NTCS staff self-identify as Aboriginal and 10.02 per cent of all staff that work in custodial operations self-identify as Aboriginal.

(c) Recommendation 74

Since the Findings were handed down, there has been collaboration between NTCS and the DoH to ensure prisoner attendance at scheduled health appointments. The Standard Operating Procedure is presently being updated to align with Medical Centre attendance procedures for Darwin Correctional Centre staff, to ensure that high priority clients are highlighted and conveyed to the Medical Centre as required.

Changes implemented by NTCS in response to the recommendation also include the establishment of an escalation process to ensure attendance for high priority prisoners.

A written response was received from the CEO of DoH, dated 9 June 2023 (Attachment C refers), as required by section 46B(1) of the Act, advising that:

(a) Recommendation 74

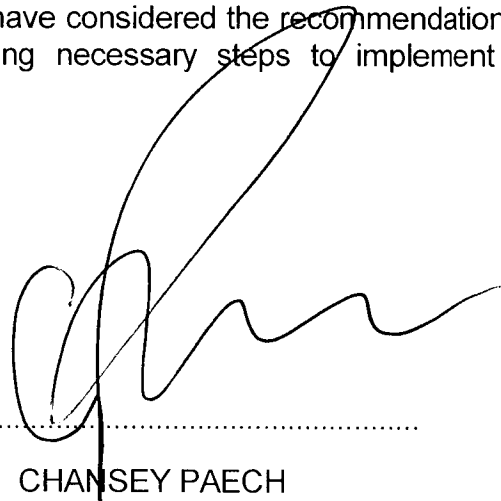
The Top End Region Population and Primary Health Care Prison Health Service has developed the 'Prioritising the PHC Daily Recall List' Work Instruction in response to the recommendation, which is currently in use.

DoH notes that the NTCS is developing an equivalent procedure and acknowledges that this will ensure a shared understanding of the process in relation to the prioritisation and actioning of missed appointments.

Further, Top End Regional Health Service and NTCS are establishing an Assurance Working Group to monitor recommendation implementation, and aim to ensure thorough cross-agency examination of care for future investigations into incidents such as the one at hand.

I am satisfied that the CEOs of AGD and DoH have considered the recommendations of the Territory Coroner and that they are taking necessary steps to implement the recommendations.

DATE: 17/7/23



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CHANSEY PAECH