

Inquest into the death of Jay Maree Harmer

Ms Harmer died between 1 July and 2 July 2016 while in custody at the Brisbane Women's Correctional Centre. Ms Harmer had a complex medical history and her health deteriorated significantly in the years leading up to her death.

State Coroner Terry Ryan delivered his findings on 10 August 2018.

The Queensland Government responds to recommendations directed to government agencies at inquests by informing the community if a recommendation will be implemented or the reason why a recommendation is not supported.

The departments named in this response will provide implementation updates until the recommendation is delivered. Further information relating to the implementation of recommendations can be obtained from the responsible minister named in the response.

Recommendation 1

The Queensland Government comprehensively review the current model for the provision of palliative care to prisoners with a view to improving how and where palliative care is delivered, including the provision of a range of post-release supported accommodation options for infirm prisoners eligible for parole, including exceptional circumstances parole.

Response and action: the recommendation is agreed to in part and implementation is complete.

Responsible agency: Queensland Health.

On 2 June 2019 the Minister for Health and Minister for Ambulance Services responded:

The Department of Health commissioned an independent review of offender health services in Queensland with the aim of improving the governance of publicly provided offender health services, including the development and coordination of strategies, policies and the planning of prison health services. The policy and planning elements include the full range of health services required by prisoners, including palliative care. An outcome of this review has been the establishment in early 2019 of the Office for Prisoner Health and Wellbeing within the Department of Health. The office will have oversight of statewide health service delivery for prisoners, ensuring that these services are equivalent to those that are available in wider community. Hospital and health services will however remain responsible for the day to day delivery of prisoner health services for correctional facilities within the hospital and health service catchment.

Queensland Health established the Statewide strategy for end-of-life care 2015. This strategy promotes palliative care services across all healthcare settings and includes correctional centres. The strategy recognises the importance of individuals being empowered to make informed decisions about their healthcare, including the setting in which that healthcare is provided and the level of care that can be provided in that setting as they approach the end of their life. It is noted that Ms Harmer's wish to spend her final days at Brisbane Women's Correctional Centre, which she saw as her home, was respected.

Once established, the Office of Prisoner Health and Wellbeing will collaborate with prisoner health services in relevant hospital and health services to raise awareness of the Statewide strategy of end-of-life care 2015 and to address any practical issues arising from the implementation of the strategy within Queensland's publicly operated correctional centres.

The Queensland Government will examine long-term accommodation options for parolees and prisoners including those that require ongoing personal support and health care services. This work aligns with the response to recommendation 34 as detailed in the Queensland Government's [Response to the Queensland Parole System Review recommendations](#).

On 11 December 2019 the Minister for Health and Minister for Ambulance Services and the Minister for Police and Minister for Corrective Services responded:

The Department of Health established the Office for Prisoner Health and Wellbeing to develop and coordinate statewide policies, plans and strategies for prisoner health services. The Department of Health is working with Queensland Corrective Services and other agencies to identify options for parolees and prisoners who require ongoing personal support following release.

The Office for Prisoner Health and Wellbeing will establish a clinical network to ensure that health staff have access to information regarding contemporary clinical practice, including the provision of palliative care. The office will raise awareness of the *Statewide strategy for end-of life care 2015* to the clinical network. This strategy recognises the importance of individuals being empowered to make informed decisions about their healthcare, including the setting in which that healthcare is provided and the level of care that can be provided in that setting as they approach the end of their life.

On 30 April 2020 the Deputy Premier and Minister for Health and Minister for Ambulance Services, and the Minister for Police and Minister for Corrective Services responded:

Queensland Health formed the Prisoner Health and Wellbeing Community of Practice, a network of clinicians working in correctional centres. Options for the provision of personal care, including for people in prison who are ageing and/or approaching the end of their life have been explored jointly by staff in the Office for Prisoner Health and Wellbeing and Queensland Corrective Services.

The Office for Prisoner Health and Wellbeing will distribute the [Statewide strategy for end-of-life care 2015](#) and host a discussion regarding this strategy with the network of clinicians.

On 24 September 2020 the Deputy Premier and Minister for Health and Minister for Ambulance Services, and the Minister for Police and Minister for Corrective Services responded:

The Prisoner Health Wellbeing Leadership Group, chaired by the Deputy Director-General, Clinical Excellence Queensland and attended by senior executives from Queensland Health and Queensland Corrective Services, meets quarterly and considers strategic issues, including issues related to personal care for prisoners.

Information on the statewide strategy for end of life care has also been distributed through the Prisoner Health and Wellbeing Community of Practice.

Queensland Health is providing in-kind support to a University of Technology Sydney (UTS) national research project - Strengthening access to best evidence based care for people with palliative care needs in Australian prisons. The three-year research project will provide valuable information in this area and inform Queensland Health's approach to prisoner health and wellbeing.

Work is continuing to be undertaken between Queensland Health and Parole Board Queensland to establish clearer processes and resolve issues related to appropriate sharing of health information to facilitate exceptional circumstances and other parole applications.

Queensland Health continues to explore options, in partnership with Queensland Corrective Services, for the provision of personal care, including for people in prison who are ageing and/or approaching the end of their life.

On 8 July 2021 the Minister for Health and Ambulance Services, and the Minister for Police and Corrective Services and Minister for Fire and Emergency Services responded:

All proposed actions in response to this recommendation have been implemented.

In responding to this recommendation Queensland Health has:

- established an Office for Prisoner Health and Wellbeing to provide statewide leadership regarding the health and wellbeing of prisoners with the support of Queensland Corrective Services
- established a clinical network to improve the delivery of health services for people in prison
- reinforced the Queensland Health End of Life Care Strategy 2015 and its application to all people in Queensland, including people in prison
- established a memorandum of understanding with Queensland Corrective Services to clarify each agency's roles and responsibilities regarding the provision of health care for prisoners
- established a memorandum of understanding with the Parole Board Queensland to support the sharing of confidential information to assist the Parole Board Queensland to make parole decisions including those that are approaching the end of life
- worked in partnership with Queensland Corrective Services to develop the Reducing barriers to health and wellbeing: The Queensland Prisoner Health and Wellbeing Strategy 2020-2025, released in September 2020. This strategy commits Queensland Health and Queensland Corrective Services to work in partnership to provide timely resolution to complex cross agency issues, such as personal care for prisoners with high care needs.

Queensland Corrective Services continues to work with Queensland Health to deliver health services to prisoners with high care needs, including prisoners requiring palliative care.

Recommendation 2

Queensland Corrective Services develop a formal policy in relation to the selection, training and management of prisoner carers, including a requirement that prisoner carers be trained in the provision of basic first aid.

Response and action: the recommendation is agreed in part and implementation is complete.

Responsible agency: Queensland Corrective Services.

On 7 May 2019 the Minister for Police and Minister for Corrective Services responded:

Queensland Corrective Services and relevant stakeholders gathered information from correctional centres across the state regarding the current prisoner carer practices, risks, issues, and possible mitigations in relation to this matter.

Queensland Corrective Services intends to undertake consultation with relevant stakeholders and correctional centres with a view to assessing the issues, implications, obstacles and the options to address the care of prisoners and explore options for a protective prisoner care model. Queensland Corrective Services will identify how sustainable, safe and protective such a model would be.

On 12 December 2019 the Minister for Police and Minister for Corrective Services responded:

Following review and consultation with stakeholders, Queensland Corrective Services developed a prisoner carer model which involves prisoners providing basic assistance to other prisoners.

The provision of health care to prisoners remains the responsibility of Queensland Health. In cases where prisoners have been clinically assessed as requiring more significant care (e.g. personal care), limitations and

gaps impacting upon this level of clinical care need yet to be resolved. As such, consultation between Queensland Corrective Services and Queensland Health continues to occur.

It has been determined that prisoners should not be involved in assisting other prisoners with personal care, (e.g. undressing, showering etc.). Prisoners when assisting another prisoner who needs care will be limited to three basic areas of responsibility for which no first-aid or other training will be necessary. These are:

- cleaning the ill/infirm prisoner's cell
- getting that prisoner's meal and other basic needs (reading material etc.)
- transporting the prisoner by wheelchair to the health centre or other location within the centre as needed.

The policy for this 'prisoner carer' model including the aspects of selection and management has yet to be finalised to ensure consistent practice is achieved and maintained.

On 30 April 2020 the Minister for Police and Minister for Corrective Services responded:

Having considered the potential risk to prisoners as well as human rights factors, Queensland Corrective Services issued as policy at the deputy commissioner's instruction, published on 6 December 2019, outlining the necessary requirements as indicated.

Recommendation 3

The Queensland Government ensure Parole Board Queensland has access to any medical, psychiatric and psychological reports that are tendered during sentencing proceedings. This may be facilitated by requiring that such reports are the subject of a court order that a copy of relevant reports be provided to Queensland Corrective Services, as well as enhanced information sharing between Queensland Corrective Services and Queensland Health at the time the parole application is being prepared.

Response and action: the recommendation is implemented.

Responsible agency: Queensland Corrective Services (lead) supported by Queensland Health and Parole Board Queensland.

On 7 May 2019 the Minister for Police and Minister for Corrective Services and the Minister for Health and Minister for Ambulance Services responded:

Queensland Corrective Services is considering if amendments are required to legislation outside the service's administrative responsibility to support the implementation of this recommendation. In addition, Parole Board Queensland and Queensland Health are currently considering a memorandum of understanding to support implementation of this recommendation.

Queensland Corrective Services and Parole Board Queensland will continue to liaise with relevant stakeholders to consider options for the effective implementation of this recommendation.

On 11 December 2019 the Minister for Health and Minister for Ambulance Services and the Minister for Police and Minister for Corrective Services responded:

A dedicated health officer position will be established by Queensland Health to ensure the Parole Board Queensland is provided with all relevant health information that is required for the Parole Board Queensland to fulfil its responsibilities when considering parole applications.

On 30 April 2020 the Deputy Premier and Minister for Health and Minister for Ambulance Services, and the Minister for Police and Minister for Corrective Services responded:

On 27 November 2019, the Queensland Government introduced the Criminal Code (Child Sexual Offences Reform) and Other Legislation Amendment Bill 2019. The Bill proposes to amend the *Penalties and Sentences Act 1992* to insert a new s195E which provides that a court may order a copy of a medical or other report tendered during the sentencing proceeding be given to the corrective services department.

A memorandum of understanding to facilitate information sharing by Queensland Health to the Parole Board Queensland is being developed.

A dedicated health officer, funded by Queensland Health, commenced in March 2020 to facilitate information sharing with the Parole Board Queensland in relation to relevant health information (general and mental health) for the Board's consideration of parole applications. The health officer will initially facilitate information sharing with patient consent, pending finalisation of an information sharing memorandum of understanding and practice guideline.

On 24 September 2020 the Deputy Premier and Minister for Health and Minister for Ambulance Services, and the Minister for Police and Minister for Corrective Services responded:

The president of the Parole Board Queensland and the chief executive of Queensland Health signed an agreement which will inform and assist with facilitating confidential information disclosure between Queensland Health and the Parole Board Queensland.

This agreement took effect on 11 September 2020 when it was prescribed under section 151(1)(a)(i) of the *Hospital and Health Boards Act 2011*. The agreement provides the Parole Board Queensland with timely access to relevant medical information in the absence of a prisoner's consent and compliments consent-based information sharing arrangements already in place between the Parole Board Queensland and the Prison Mental Health Service. Operating guidelines are being developed to support officers of Queensland Health and the Parole Board Queensland in applying the agreement and are expected to be finalised by the end of 2020.

The Parole Board Queensland engaged with the legal profession to encourage lawyers to ask sentencing courts to make orders to provide medical, psychiatric and psychological reports to Queensland Corrective Services. If an order has not been made for a report to be given to Queensland Corrective Services, the Parole Board Queensland will request a copy of the report from the Office of the Director of Public Prosecutions and/or from the prisoner's solicitors.

Prior to the impact of COVID-19 most of the information sought by the Parole Board Queensland through the dedicated health officer position was mental health information. Due to COVID-19 requests for physical health related reports have increased in connection with applications for exceptional circumstances parole.

The dedicated health officer position has been funded by Queensland Health to facilitate information sharing with the Parole Board Queensland in relation to relevant health information (i.e. general and mental health) that is required for the Board to fulfil its responsibilities when considering parole applications.

The Parole Board Queensland will contribute to the development of any protocol between the courts and Queensland Corrective Services related to the release of medical and other reports to Queensland Corrective Services.

On 8 July 2021 the Minister for Health and Ambulance Services, and the Minister for Police and Corrective Services and Minister for Fire and Emergency Services responded:

The Parole Board Queensland has access to medical, psychiatric and psychological reports tendered during sentencing proceedings which a court has ordered to be provided to Queensland Corrective Services. When orders to provide this material to Queensland Corrective Services have not been made the Parole Board

Queensland requests it from the courts, the Office of the Director of Public Prosecutions and/or the prisoner's solicitor.

An agreement between Queensland Health and the Parole Board Queensland about confidential information disclosure has been prescribed under the *Hospital and Health Boards Act 2011*. This agreement gives the Parole Board Queensland timely access to prisoner health information when a prisoner has not or cannot consent to the disclosure of this information.

Recommendation 4

Queensland Corrective Services and Parole Board Queensland prepare guidelines to assist doctors to address relevant considerations when preparing reports in relation to exceptional circumstances parole applications. The guidelines should also clarify the level of expertise required of the authors of such reports. Consideration should also be given to obtaining advice from the Clinical Forensic Medicine Unit in these matters.

Response and action: the recommendation is implemented.

Responsible agency: Queensland Corrective Services (lead) supported by Queensland Health and Parole Board Queensland.

On 7 May 2019 the Minister for Police and Minister for Corrective Services and the Minister for Health and Minister for Ambulance Services responded:

Parole Board Queensland is progressing guidelines in response to this recommendation in consultation with Queensland Health and Queensland Corrective Services.

On 11 December 2019 the Minister for Health and Minister for Ambulance Services and the Minister for Police and Minister for Corrective Services responded:

Parole Board Queensland developed guidelines in response to this recommendation and is now seeking input from Queensland Health.

On 30 April 2020 the Deputy Premier and Minister for Health and Minister for Ambulance Services, and the Minister for Police and Minister for Corrective Services responded:

The guidelines are being refined by the Parole Board Queensland and Queensland Health and are expected to be finalised by the end of 2020.

A dedicated health officer, funded by Queensland Health, commenced in March 2020 to facilitate information sharing with the Parole Board Queensland in relation to relevant health information (general and mental health) for the Board's consideration of parole applications. The health officer will initially facilitate information sharing with patient consent, pending finalisation of an information sharing memorandum of understanding and practice guideline.

On 24 September 2020 the Deputy Premier and Minister for Health and Minister for Ambulance Services, and the Minister for Police and Minister for Corrective Services responded:

The Parole Board Queensland, in consultation with Queensland Health, developed forms and fact sheets to assist health practitioners who are asked to provide medical information in support of applications for exceptional circumstances parole. The Parole Board Queensland promoted the forms and factsheets with the help of Queensland Health and will be looking at further ways to bring this information to the attention of professional associations and key service providers.

The Parole Board Queensland's decision making guidelines were reviewed after the coroner's decision.

Discussions between the Parole Board Queensland and Queensland Health have established that, prior to the impact of COVID-19, primarily the information being sought by the Board through the dedicated health officer position relates to mental health information. It is noted additional requests for physical health related reports have increased due to the impact of COVID-19 and the increased numbers of exceptional circumstances applications made to the Parole Board Queensland.

The dedicated health officer position funded by Queensland Health to facilitate information sharing with the Parole Board Queensland in relation to relevant health information (i.e. general and mental health) is facilitating information sharing with patient consent, pending commencement of disclosure under the agreement for confidential Information disclosure between Queensland Health and the Parole Board Queensland.

On 8 July 2021 the Minister for Health and Ambulance Services and the Minister for Police and Corrective Services, and Minister for Fire and Emergency Services responded:

The Parole Board Queensland considered a large number of exceptional circumstances parole applications during 2020 as a result of the COVID-19 pandemic.

The Parole Board Queensland has access to medical, psychiatric and psychological reports tendered during sentencing proceedings which a court has ordered to be provided to Queensland Corrective Services. When orders to provide this material to Queensland Corrective Services have not been made the Parole Board Queensland requests it from the courts, the Office of the Director of Public Prosecutions and/or the prisoner's solicitor.

An agreement between Queensland Health and the Parole Board Queensland about confidential information disclosure has been prescribed under the *Hospital and Health Boards Act 2011*. This agreement gives the Parole Board Queensland timely access to prisoner health information when a prisoner has not or cannot consent to the disclosure of this information. The agreement includes a non-exhaustive list of the type of health information (including diagnosis and current health state) which may be required by the Board to assist with parole decisions, including exceptional circumstance parole.