

Inquest into the death of David John Cooper

David John Cooper died in custody between 5 April 2016 and 6 April 2016 from pneumonia after experiencing flu like symptoms for 11 days. The coroner found Mr Cooper deteriorated rapidly due to a process involving *Staphylococcus aureus*.

Deputy State Coroner John Lock delivered his findings of inquest on 9 September 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 review currently underway by a working group of Queensland Health and Queensland Corrective Services examining the existing memorandum of understanding and operating guidelines and referred to in two recent inquests also include consideration of the circumstances of Mr Cooper's death and relevant coronial findings.

Response and action: implementation of the recommendation is in progress.

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

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

The memorandum of understanding (MOU) between Queensland Health and Queensland Corrective Services is currently under review.

An information sharing operational working group will progress agreement of the revised MOU and develop detailed operational guidelines to support sharing of information between hospital and health service staff and Queensland Corrective Services officers. The operational guidelines will consider the circumstances of Mr Cooper's death and relevant coronial findings.

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 draft MOU for confidential information sharing was developed by Queensland Health and Queensland Corrective Services and is currently in the process of final negotiations.

Once agreed, the focus of the operational working group will be to develop detailed operational guidelines to support sharing of information between hospital and health service staff and Queensland Corrective Services officers. The supporting operational guidelines will consider the circumstances of Mr. Cooper's death and relevant coronial findings.

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 draft memorandum of understanding (MOU) between Queensland Health and Queensland Corrective Services is in its final stages of negotiation and revisions to the operating guidelines to support confidential information sharing between the departments has commenced.

The revised guidelines will provide detailed contextual guidance and example scenarios for appropriate confidential information sharing. Upon completion, the MOU and associated guidelines will be published on both the Queensland Health and Queensland Corrective Services websites.

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:

Queensland Health and Queensland Corrective Services are actively exchanging drafts of the updated MOU and operating guidelines.

The new MOU will concisely describe the broad information sharing framework under the current legislation, and how this framework supports the cooperative working relationship between both departments. The draft revised operating guidelines now contain detailed contextual guidance and both departments are preparing practical examples to support their frontline staff, including the circumstances of Mr Cooper's death and the coronial findings. The operating guidelines also allow for information to be more easily amended if required as issues emerge requiring further clarification.

The MOU and operating guidelines will be finalised and published for staff on the websites of Queensland Health and Queensland Corrective Services, and steps will be taken to raise awareness of relevant staff to ensure appropriate information sharing occurs.

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:

Queensland Health and Queensland Corrective Services are committed to strengthening the partnership between them and ensuring an integrated system of care can be delivered to improve the health and wellbeing of prisoners and offenders.

The parties have worked together to collaboratively draft the updated and supporting operating guidelines. Substantive issues have arisen in the course of finalising the draft MOU, requiring a detailed examination of the legal framework supporting information sharing between Queensland Health and Queensland Corrective Services. The parties are urgently working to resolve these issues in order to progress the drafts for internal consultation and finalise the agreement as soon as possible.

Once these issues are resolved, the MOU and operating guidelines will be finalised and published for staff on the websites of Queensland Health and Queensland Corrective Services, and steps will be taken to raise awareness of relevant staff to ensure appropriate information sharing occurs.

On 31 May 2022 the Minister for Health and Ambulance Services and the Minister for Police and Corrective Services, and Minister for Fire and Emergency Services responded:

Queensland Corrective Services and Queensland Health continue to work in partnership to update the Confidential Information Sharing Memorandum of Understanding and operating guidelines. The proposed new agreement and operating guidelines aim to encourage the sharing of relevant information to enable the effective delivery of health services by Queensland Health and the safe and effective management of shared clients by Queensland Corrective Services, while respecting the right to confidentiality and seeking consent wherever possible. The operating guidelines will provide detailed contextual guidance with practical examples to support frontline staff, including specific examples based on learnings from coronial inquiries into deaths in custody, including David Cooper.

Following settlement of the legal framework on which they will be based, development of both the agreement and operational guidelines will continue to progress between the two agencies. When endorsed copies are available, steps will be initiated by Queensland Corrective Services and Queensland Health to train and raise awareness amongst staff.

On 7 July 2022 Minister for Health and Ambulance Services and Leader of the House and the Minister for Police and Corrective Services, and Minister for Fire and Emergency Services responded:

Queensland Corrective Services and Queensland Health remain committed to working in partnership to update the Confidential Information Sharing Memorandum of Understanding and Operating Guidelines. Significant progress has been made towards clarifying the legislative framework the agreement will be made pursuant to and the parties are actively working to resolve any remaining issues. Negotiations are ongoing but nearing a final resolution.

Once the identified issues are resolved, the MOU and operating guidelines will be finalised and published for staff on the websites of Queensland Health and Queensland Corrective Services, and steps will be taken to raise awareness of relevant staff to ensure appropriate information sharing occurs.

Recommendation 2

Where a hospital and health service conducts a root cause analysis in relation to the death of a prisoner who was receiving a health service, and concerns/opportunities for improvement are identified in relation to Queensland Corrective Services' policies and practices, the health service (for instance in this case Cairns and Hinterland Hospital and Health Service) liaises with Queensland Corrective Services to jointly review and take appropriate action (which may involve further investigation and/or development of recommendations) and ensure there is a mechanism for gathering relevant Queensland Corrective Services information to inform that investigation, including through interviews with Queensland Corrective Services staff.

Response and action: the recommendation is implemented.

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

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

The Department of Health and Queensland Corrective Services will establish a memorandum of understanding (MOU) regarding the provision of health services for prisoners. The MOU will include provisions regarding investigations including collaborating, referring matters where lawful and practical to each other, and drawing upon each other's expertise in investigations and root cause analysis processes.

Once the MOU is finalised it will be distributed to hospital and health services that operate health services for prisoners. The Department of Health will work with Queensland Corrective Services to establish relevant processes to operationalise the provisions of the MOU.

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 MOU between Queensland Health and Queensland Corrective Services for the provision of health services to prisoners is progressing and includes establishing collaborative mechanisms and processes to support system-wide investigations and root cause analyses.

Once the MOU is finalised, a communication strategy will be implemented for hospital and health services and Queensland Corrective Services staff and will include advice regarding Queensland Corrective Services staff participation in relevant hospital and health service root cause analyses processes.

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 MOU between Queensland Health and Queensland Corrective Services for the provision of health services to prisoners has been drafted and is currently being revised following extensive consultation with staff across both departments.

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 MOU was finalised in May 2020 and contains a section on investigations of sentinel events and near misses, this includes a section requiring that Queensland Health and Queensland Corrective Services 'agree to establishing collaborative mechanisms and processes to support systemwide investigations and root cause analyses.'

The finalisation of the MOU was communicated to key staff holders and has been published on the Clinical Excellence Queensland, Queensland Government, website - [Memorandum of Understanding between Queensland Health and Queensland Corrective Services for prisoner health services.](#)

The process for joint reviews under the MOU will need to be established and embedded in each hospital and health service. This work will be progressed through the joint Queensland Health and Queensland Corrective Service's Prisoner Health and Wellbeing leadership group.

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 actions in response to this recommendation have been implemented.

The MOU was finalised and implemented between Queensland Health and Queensland Corrective Services, which supports the inclusion of Queensland Corrective Services in any relevant root cause analysis. The MOU was distributed and promoted to hospital and health services. It is referenced in the service agreement between Queensland Health and hospital and health services, as such it is a hospital and health services responsibility.

Hospital and health services have included Queensland Corrective Services representatives in teams conducting root cause analyses.