

The Hon Ryan Park MP

Minister for Health
 Minister for Regional Health
 Minister for the Illawarra and the South Coast



Your Ref: 2021/339043

Our Ref: COR23/18

The Hon. Michael Daley, MP
 Attorney General
 52 Martin Place
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Coronial inquest into the death of Simon Miles

Dear Attorney General

I write in relation to the findings and recommendations made on 5 August 2023 by Deputy State Coroner Elizabeth Ryan regarding the death of Simon Miles.

Mr Miles died on 28 November 2021 in Waterloo of heroin and methylamphetamine toxicity. He was 42 years of age and a First Nations man. Magistrate Ryan described Mr Miles' death as tragic and noted his family's strength and active involvement in Aboriginal-led community groups working to build a positive future for Aboriginal families.

At the time of his death Mr Miles was a participant in the Community Drug Treatment Program, a form of community custody. The Deputy State Coroner examined whether Mr Miles' release to a later stage of the Community Drug Treatment Program was appropriately planned and managed, in the context of revised processes due to the COVID-19 pandemic. Magistrate Ryan also examined whether the Community Drug Treatment Program is delivered in a culturally appropriate manner.

The Deputy State Coroner made 3 recommendations in total, directing 2 recommendations to Justice Health NSW. Justice Health NSW supports the first recommendation and advises alternate actions in relation to the second recommendation.

Recommendation 1

The Deputy State Coroner recommended:

To Justice Health NSW - Consider revising relevant Compulsory Drug Treatment Program (CDTP) policy (following consultation with relevant stakeholders), to provide guidance to staff as to how the CDTP can be delivered to First Nations participants in a culturally competent and culturally safe manner.

Justice Health NSW advises an update of the CDTP Operations Manual is underway to include provisions for providing culturally safe care to First Nations participants. The final draft document is anticipated by December 2023, and will require endorsement by relevant stakeholders, including the Justice Health NSW Director, Aboriginal Health.

Furthermore, an Aboriginal Health Worker visits the CDTP weekly to provide culturally appropriate care to First Nations participants. This involves capacity building across the team, guidance to staff for cultural safety, review of all First Nations patients and support to patients.

Recommendation 2

The Deputy State Coroner recommended:

To Justice Health NSW and Corrective Services NSW - Consider revising relevant CDTP policy (following consultation with relevant stakeholders) to:

- a. provide guidance on the circumstances in which a participant can be required to undertake Opioid Substitution Therapy, as a condition of progressing to Stage 2 or 3 of the CDTP (including where a participant is deemed to be at high risk of relapse), and
- b. describe how a determination about that issue should be documented.

Justice Health NSW notes this joint recommendation is not supported by either agency as enforced opioid therapy to advance through the CDTP is inconsistent with the voluntary nature of the program, whereby patients are referred by their legal team to participate in the CDTP.

Justice Health NSW advises a range of actions are in place to meet the intent of the recommendation and to support CDTP participants deemed to be at high risk of relapse. Key actions are shared decision making embedded into the CDTP and therapeutic education at Stage 1 and 2 of the CDTP to improve patient awareness of triggers, risk factors, management strategies. Furthermore, patients are encouraged to engage in appropriate treatment according to their clinical needs, including Opioid Substitution Therapy where indicated, and patients are educated about managing an overdose with Naloxone and provided with Naloxone.

I trust that this response confirms NSW Health's commitment to a process of continuous improvement and delivering safe and high-quality care to all patients of the NSW health system.

For more information, please contact Joanne Edwards, Executive Director, System Management Branch, NSW Ministry of Health at moh-systemmanagementbranch@health.nsw.gov.au.

Yours sincerely



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CC: NSW Coroner's Court

Encl. Coroner's report - *Inquest into the death of Simon Miles*