

IN THE CORONERS COURT  
OF VICTORIA  
AT MELBOURNE

Court Reference: 5853 / 2013

**FINDING INTO DEATH WITH INQUEST**

*Form 37 Rule 60(1)*

*Section 67 of the Coroners Act 2008*

**Inquest into the Death of: ROBERT THEODORE STEWART**

Delivered On: 21 March 2014

Delivered At: Coroners Court of Victoria  
Level 11, 222 Exhibition Street, Melbourne

Hearing Dates: 12 March 2014

Findings of: CORONER PHILLIP BYRNE

Police Coronial Support Unit      Leading Senior Constable Tania Cristiano

I, PHILLIP BYRNE, Coroner, having investigated the death of ROBERT THEODORE STEWART

AND having held an inquest in relation to this death on 12 March 2014  
at MELBOURNE

find that the identity of the deceased was ROBERT THEODORE STEWART

born on 8 March 1954

and the death occurred on 19 December 2013

at St John's Ward, Port Phillip Prison, 280 Palmers Road, Laverton North

**from:**

1 (a) Disseminated carcinoma

**in the following circumstances:**

1. Mr Robert Stewart, 59 years of age at the time of his death, had been incarcerated in prison since 2008, serving a ten year sentence.
2. Mr Stewart was diagnosed with metastatic adenocarcinoma of unknown primary origin with metastasis to his brain, liver, spine, bones and auxiliary lymph nodes in January 2013. As a result he underwent three courses of chemotherapy at St Vincent's Hospital in 2013.
3. Mr Stewart was transferred from Ararat prison in February 2013 due to his illness and had been housed in the St John's Ward at Port Phillip prison since that date and had been diagnosed as for palliative care.
4. On 12 December 2013 Mr Stewart was transferred from St John's Ward at Port Phillip prison to St Vincent's Hospital as his condition had further deteriorated.
5. Following discussion with Mr Stewart's niece and the health staff, Mr Stewart signed a Not For Resuscitation order and expressed a wish to be transferred back to St John's Ward at Port Phillip prison as he did not want to die in hospital.
6. Mr Stewart was subsequently transferred back to Port Phillip prison where he received pain relief and supportive nursing care until his death.
7. On 19 December 2013 at approximately 9.42 pm a personal care assistant observed that Mr Stewart exhibited no signs of life and informed nursing staff. Nursing staff responded immediately and confirmed that Mr Stewart had no vital signs of life. Dr McLaren formally pronounced Mr Stewart deceased at 11.10 pm.
8. As Mr Stewart was in custody at the time of his death the matter was referred to the Coroner. Upon coronial direction an external examination was carried out along with a post mortem CT scan by Senior Forensic Pathologist Dr Michael Burke. The CT scan showed massive ascites, left pleural effusion and left lung mass. There was a probable metastasis within the right occipital lobe of the brain.
9. Dr Burke confirmed that a reasonable cause of death would be disseminated carcinoma.

10. Both the Office of Correctional Services Review and Justice Health have reviewed this matter and provided copies of their reports to the court. I have perused these reports and have no issue with the management of Mr Stewart during his time as a prisoner. I find that Mr Stewart died of natural causes.

I direct that a copy of this finding be provided to the following:

Mr Beau Stewart

Mr Jonathan Kaplan, Office of Correctional Services Review

Mrs Melanie Kyezor, St Vincent's Health

Senior Constable R McHutchinson, Werribee Police Station

Signature:

  
PHILLIP BYRNE  
CORONER  
Date: 21 March 2014

