

APSU's response to the Coronial findings in the inquest into the passing of Veronica Nelson

Coronial findings into the death of Veronica Nelson have highlighted the tragic consequences of pervasive stigmatisation of people, especially women who use drugs. This prejudice is not limited to the justice system, it exists right across our community. In the case of Ms Nelson, the impact of stigma was fatal.

Inadequate and discriminatory medical care coupled with a manifestly unjust bail system resulted in Ms Nelson being locked-up, in dire medical need, and left to die in *"a cruel, heartless and painful way"*. (Aunty Donna Nelson)

In Ms Nelson's case, intersecting perceptions such as 'Aboriginal woman', 'drug user' and 'repeat criminal' influenced decisions made from the moment of her arrest through to corrections staff not calling an ambulance when it was clear she was acutely unwell.

The World Health Organisation has ranked dependence on illegal drugs as the most stigmatised health condition globally,ⁱ illustrated by the coroner's finding that drug-use stigma 'causally contributed to Veronica's passing'.ⁱⁱ

Aunty Vickie Roach powerfully summed up the routine treatment of drug users in her expert testimony:

'There's this underlying ideology throughout corrections that we should suffer, that we need to suffer, to be corrected... So, if you've used drugs when you've been told repeatedly not to, and you keep coming to jail for it you know, you deserve to suffer, so suffer you shall'.ⁱⁱⁱ

People in custody are legally entitled to access appropriate healthcare of an equivalent standard to that expected in the community. The punitive approach to the provision of pharmacotherapy in the Opioid Substitution Therapy Program (OSTP) Guidelines means that opioid dependent prisoners are forced into involuntary withdrawal.^{iv} Being in custody should not preclude access to quality health care, the proper administration of pharmacotherapy, and dignified treatment as promised to every single Victorian by the State Government.

An estimated 50-90% of women arriving at the Dame Phyllis Frost Centre (DPFC) are withdrawing from drugs.^v These women are left in the hands of untrained and desensitised Corrections staff and are restricted from directly accessing a qualified, clinical AOD treatment team. When complications experienced during withdrawal are neglected, like Ms Nelson's, the consequences are fatal. The Coroner's Report lists a litany of catastrophic failures stemming from a culture of entrenched ignorance among Corrections staff resulting in the systemic mistreatment of prisoners.

APSU also recognises that Ms Nelson's arrest for low-level and non-violent offending epitomises the unintended outcomes bought on by the 2018 amendments to the Bail Act. Data collected in Annual Prisoner Statistics clearly demonstrates Aboriginal and Torres Strait

Islander people – particularly women – are being disproportionately affected. The criminalisation of bail offences, the reverse onus regime, and the unacceptable risk test, have all increased the likelihood that an accused will be remanded in custody. In the four years preceding 2019, the number of unsentenced Aboriginal and Torres Strait Islander people held in Victorian prisons tripled.^{vi}

APSU stand by Coroner McGregor’s description of the 2018 amendments to the bail system as a ‘a complete and unmitigated disaster’, and his recommendation demanding urgent review and reform.

We call on the Victorian Government to immediately intervene and address the dangerous culture of prejudice embedded throughout Corrections Victoria. Furthermore, APSU urge the State Government to adopt an evidence-based, health-led response for treating people who use drugs. Policing drug-use and people who use drugs is causing more harm than it intends to prevent. Eliminating the perilous stigma attached to drug-use requires a cultural shift in our collective attitude to drug-use. Momentum and desire for change is growing, particularly when the human cost can no longer be ignored.

It is with great sadness APSU wishes to extend our condolences to Ms Nelson’s family, friends and community.

ⁱ Kelly JF, Westerhoff CM. Does it matter how we refer to individuals with substance-related conditions? A randomized study of two commonly used terms. *International Journal of Drug Policy*. 2010, 21(3), pp. 202-7.

ⁱⁱ Coroner Simon McGregor, Coroners Court of Victoria, *Inquest into the passing of Veronica Nelson* [hereafter *Inquest*], 30 January 2023, p. 223.

ⁱⁱⁱ *Inquest*, pp. 232-233.

^{iv} *Inquest*, pp. 148.

^v *Inquest*, pp. 228.

^{vi} *Inquest*, pp. 21.