

PO Box 425
MAYLANDS
WA 6931
22 November 2018

The NT Coroner
GPO Box 1281
Darwin NT 0801
Dear Sir

Re: Triple fatality House fire at the Kulaluk Community

In March this year (2018) I wrote to you expressing concerns relayed to me by families of the deceased in a fatal house fire on the Kulaluk Community which occurred in November 2014. I also described the trauma experienced by the relatives of the late Fred Fogarty who had the responsibility of identifying his body after it was transported to Queensland and arrived in an advanced state of decomposition. The family could not understand this because, according to news reports and the death certificate, Fred's body had been found near his Kulaluk campsite on the day of his death. An additional concern was the looting and destruction of his house after his death.

As related in my earlier letter, my discussions with the surviving family members of the deceased in both the above cases raised many questions pertaining to:

- (a) the circumstances of the deaths of the above mentioned four persons;
- (b) the thoroughness of inquiries into these circumstances by police and/or coroner (or lack of);
- (c) communication with next of kin by police and/or coroner;
- (d) any subsequent recommendations made following a coronal report (or lack of);
- (c) safe keeping of possessions of the deceased;
- (d) protection of a possible crime scene;
- (e) identification of deceased, burial arrangements and transport of bodies; and
- (f) any compensation owing to relatives of the deceased.

To date, no reply from the coroner's office has been received. However, on November 3rd, 2018, The Northern Territory News published a three-page feature article (enclosed), titled "Living in a Tinder Box" written by Jason Walls. Furthermore, in another development this year a survivor of the Kulaluk house fire, Mr Tim Thurtell, began Supreme Court proceedings against the Kulaluk leaseholders, the Gwalwa Daraniki Association Inc. More recently, on 20 November 2018, it was reported in the NT News that Mr Thurtell's claims were settled out of court.

As a result of the report in the NT News by Jason Walls, it is now known that the deputy coroner, Kelvin Currie, concluded that an inquest into the house fire deaths was unnecessary "as the identity of each of the deceased, the time, place, cause of death and other relevant circumstances had been

established”. If these are the only requirements, surely many suspicious deaths and possible murders would remain unresolved?

The Fire and Rescue Services (NTFRS) have put forward a scenario involving rats building a nest then chewing through electrical wires. This explanation is entirely circumstantial at the best and fanciful at worst, and is not satisfactory to the grieving families. The families have described to me circumstances surrounding the Kulaluk deaths that in their view arouse suspicions. In my view their stories have more credence than the NTFRS “rats in the rafters” fairy tale which the coroner seems to have accepted as fact.

One thing that is clear from Jason Wall's investigation of the Kulaluk fires is that the housing was an inadequate “tinder box” made of inflammable materials, may have had no working smoke detectors and should probably have been condemned. I have photographic evidence that suggests similar houses are occupied in other NT Aboriginal communities. For these reasons alone, an inquest is surely necessary. In addition, the NT News reported that there were no fire hydrants on the Kulaluk community. The report from NTFRS seems to make light of the lack of a water supply by concluding “firefighting operations were not affected” and that the alternative arrangements described in their report were: “Hardly ideal but effective just the same.” How can this be so in the urgent circumstances of a raging house fire?

All the above facts as reported confirm to me that the triple-fatality house fire on the Kulaluk Aboriginal community was treated very differently to the way a similar tragic fire would be investigated in suburban Darwin, in particular, in the treatment of the families of the deceased. Until the NT News report on November 3, four years after the fire, all that the Pope and Shiosaki families had been told was that the fire was caused by “an electrical fault”.

I urge the coroner to properly investigate the Kulaluk fatal house fire for the satisfaction of justice, the grieving families, the questioning public and the safety of others in similar housing on Aboriginal communities.

Yours sincerely

Dr William B Day
Consulting Anthropologist