FACEBOOK POSTS ON TRIPLE FATALITY KULALUK HOUSE FIRE

Isn't it time there was a coroner's report on the fatal Kulaluk house fire? It was almost one year ago now.

These are the facts we do know:

1. Jape's Citiland company has made a secret deal with the Kulaluk leaseholders to expand the Jape family's business empire onto 301 hextares of Aboriginal land in the heart of Darwin, won in the land rights struggle of the 1970s.

2. Jape is also expanding their business empire onto indigenous land in East Timor.

3. Jape is amongst the biggest fireworks dealers in Darwin.

4. Kulaluk had a plentiful supply of fireworks for months after the July 1 cut-off date.

We need to know what caused the fire and if there were smoke detectors in the houses.

No details of this secret partnership with the leaseholders but do know the NT Government is involved too. "“We have developed a very good working relationship with the Board of the GDA over many years, and it is very pleasing to be able to begin the development process,” Mr Jape said. Under an agreement with the Northern Territory Government, the Gwalwa Daraniki Association (GDA) plans to unlock the economic potential of the land it administers, which includes the communities of Kulaluk and Minmarama. (24 September 2015).

jape - the patron of the Kulaluk leaeholders.

plans have already been approved to develop a retail precinct and medical centre on land between Dick Ward Drive and Bagot Road. Developer Citiland has awarded GDA a contract to identify, relocate and maintain all the cycads on the site.

Citiland Managing Director Alan Jape says this contract is the first of many to be awarded to the organisation, “GDA will maintain the cycads until we begin our landscaping and the cycads will be reinstated and form a feature of our landscaping plan.” (24 September 2015).

Photo from The Sunday Territorian, November 2, 2014, page 1. The fire burnt with such intensity, the question is "How did it start?" The families want to know.

Page 6, The Sunday Territorian, November 2, 2014. Believe it or not, this structure was a house in suburban Darwin. A fire trap with old wooden floors. Even so, being such a small structure, how was it three people died?

Peter Chandler does not answer the many questions families are asking about this house fire.

SILENCE DEAFENING. Letter published in NT News 22 January 2916, page 48. I have had a call from a daughter of one of the victims. She says "My mother was not a nobody. She is the mother of 9 children and more than 20 grandchildren. We want to know what happened."

BLACK LIVES MATTER. THE FAMILIES WAIT FOR ANSWERS. The mother of Helen, Matthew, Karina, Kerry, Jessica, Ian, Clifford, Shianka and Samantha was buried in her country at Sandy Bore, out from Alice Springs, Northern Territory. Many of her 22 grandchildren attended the funeral. Karina Pope says, “My mother was not a no-body. She was well known and respected across the Territory and Australia, but we still don't know how three [people were trapped in the house at Kulaluk. This week for the first time, more than a year after the fire, the police told us the fire was caused by an electrical fault. However, there are still too many unanswered questions. All we have are three badly burnt rings that my mother was wearing.”

BLACK LIVES MATTER. THE FAMILIES WAIT FOR ANSWERS. The mother of Helen, Matthew, Karina, Kerry, Jessica, Ian, Clifford, Shianka and Samantha was buried in her country at Sandy Bore, out from Alice Springs, Northern Territory. Many of her 22 grandchildren attended the funeral. Karina Pope says, “My mother was not a no-body. She was well known and respected acr the Territory and Australia.

BLACK LIVES MATTER. HOW DID THEY DIE? Three people died in a house fire at the Kulaluk community on November 1st, 2014 - a 29-year-old man, a 48-year-old woman and a 50-year-old woman. Tim Thurtell survived in a critical condition. After a long stay in hospital, his ears and all of his fingers were amputated and all of his teeth removed. He also has plugs stitched into his nose to help him breathe and the burns have left him with no sweat glands so he can't keep his body cool. One of the victims was Tim's partner, Mrs Pope, the mother of Helen, Matthew, Karina, Kerry, Jessica, Ian, Clifford, Shianka and Samantha. Another victim of the fire was Tim's Tiwi brother from the Tiwi family who adopted Tim as their own. In the Sunday Territorian newspaper, February 28th 2016, Tim asks, “Why am I alive and they aren't?” Karina Pope, daughter of the deceased, also asks the same question (Photo by Helen Orr, Sunday Territorian).

Our mother was not a nobody, she was widely known and respected in the Northern Territory, with nine loving adult children and twenty-two grandchildren. Her funeral was held in her country at Sandy Bore, out from Alice Springs, but all we have received from the police are three badly charred rings. Until the Sunday Territorian article, we have been unable to learn more details of the tragic circumstances that claimed her life.

Three-page investigation in today's Northern Territory News. BLACK LIVES MATTER. 3-11-2018.

NT News, 20 November 2018. My guess is Tim didn't have the financial support to continue the case and had to do a compromise deal. The confidential settlement doesn't satisfy questions about safety and liability. Still many unanswered questions. Lives may be in danger.

Jason Walls reports in NT News,15 December, 2018. A confidential settlement has resulted in a pay-out to one man scarred for life, and no doubt big fees to lawyers. Three other families who lost a loved one still waiting for answers. Watch this space... Meanwhile arguing over who is responsible for basic emergency services. Typically, the NT government says a fire hydrant is a federal responsibility after spending GST grants on wasteful projects in Darwin.

February 28, 2016 11:04am

PHILLIPPA BUTT NT News

Tim Thurtell has recently returned to Darwin after being badly burned in a house fire in late 2014.

HE LOST three family members in a house fire, suffered burns to 40 per cent of his body, and was in Royal Adelaide Hospital for more than a year, but Tim Thurtell is determined to keep Darwin his home.

The 35-year-old was sleeping in a house in the Kululuk community in Coconut Grove when it caught fire in late 2014.

Three other people in the house, a 29-year-old man, a 48-year-old woman and a 50-year-old woman, were killed.

Two of those people were Mr Thurtell’s partner and little brother from the Tiwi Islands.

His physical scars are obvious – all of his fingers were amputated, he’s had to have ongoing reconstructive surgery, he has plugs stitched into his nose to help him breath, he has no ears, and all of his teeth were pulled out to stop the risk of infection. The burns have left him with no sweat glands, which means he’s unable to regulate the heat in his body, making Darwin a very hot place to be.

But what lies beneath the surface is the real struggle.

“I get angry all the time, especially when I think about the fire and why wasn’t there any help,” Mr Thurtell said.

“They (other people in the community) were too ... busy sitting around drinking to do anything. I really miss the people I lost in that fire. And I want to know why I’m here, why aren’t they?”

Now rebuilding his life, Mr Thurtell has had the help of the Julian Burton Burns Trust and National Australia Bank.

Last week NAB rebuilt his backyard, providing him with a table and chairs, pot plants, and a lawnmower.

Inside, the bank also provided a portable airconditioner to help with the Darwin heat.

Although he has a stable home to himself in Gray, he finds it difficult to get to and from the hospital.

“I hate the hospital, and I hate the bus,” he said.

“I’d rather be at home relaxing in my own castle, and drinking beer.”

When he’s not at home, Mr Thurtell finds solace in spending time with family members.

BLACK LIVES MATTER. THE FAMILIES WAIT FOR ANSWERS. The mother of Helen, Matthew, Karina, Kerry, Jessica, Ian, Clifford, Shianka and Samantha and grandmother of 22 children was buried in her country at Sandy Bore, out from Alice Springs, Northern Territory. Many of her 22 grandchildren attended the funeral. Karina Pope says, “My mother was not a no-body. She was well known and respected across the Territory and Australia, but we still don't know how our mother and two other people were trapped and died in the house fire at Kulaluk in November 2014. We want answers."

Rachel Shiosaki's mother Kim Byrne (also known as Kim Shiosaki) was the third person who died in the fatal house fire at the Kulaluk Community on November 1, 2014. Rachel says she was told the cause of the fire was lighted candles (power cut off?). Karina Pope also lost her mother in the fire. Karina says she was told by police that the cause of the fire was "an electrical fault". Both grieving daughters want to know how and why their mothers died. Rachel lives in WA and Karina lives in Queensland. Why was one told the fire was caused by "an electrical fault" and the other family told the fire was caused by "candles"? The families are still waiting to hear from the NT coroner. Maybe Aaron Talbot (Ms Pope's ex) can help, but he isn't saying anything. BLACK LIVES MATTER. ANSWERS ARE WANTED.

he Coroner

C/o Coroner’s Office GPO Box 1281

Darwin NT 0801

Dear Sir

Re: (1) Unanswered Questions concerning the death of Fredrick Stewart Fogarty on the Kulaluk Lease and Transfer of his Body to Queensland in March-April 1985;

(2) Unanswered Questions Concerning a Fatal House Fire at Kulaluk community in 2014.

No doubt your office has heard of the “Black lives matter” movement in the United States of America. Similarly, in the Northern Territory, the two cases represented in this letter suggest that the suspicious circumstances surrounding deaths of Aboriginal people are often not treated with the same seriousness and sensitivity as is done for non-Aboriginal people.

My discussions with the surviving family members of the deceased in both the above listed cases raise 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 coronial 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.

Although the events described in this letter occurred 33 years ago, in the case of Frederick Stewart Fogarty, and 3.4 years ago in the case of the fatal Kulaluk house fire, the above list of unanswered questions have been communicated to me by families of the deceased in traumatic terms as recently as February 2018. For the sake of closure to their grieving, surely they entitled to a response?

Below, on the family's behalf, are outlined the facts of the two tragedies as far as the facts are known. Further pictorial evidence is available but not included in this letter:

THE UNEXPLAINED FATAL HOUSE FIRE IN THE KULALUK COMMUNITY THAT CLAIMED THREE LIVES AND LEFT ONE MAN SCARRED AND DISFIGURED FOR LIFE, 1 NOV 2014.

There are many unanswered questions concerning the deaths of three people in a house fire on the Kulaluk community and the terrible disfigurement of another man, not the least of which is the reason for an apparent lack of a full and public coroner's investigation into the cause of the fire, the reasons for its intensity, and the response from Fire and Emergency, who appeared to be unaware of a third person trapped in the blaze until the next day.

The fire was so intense that three people were trapped in a small building. How did one man escape? Were there smoke detectors? Was the building suitable for habitation? What fire drills existed in the community? Who were the people seen running from the scene? What were the explosions as the house burned, heard by at least one witness? Why was an evidence bag containing three rings removed from a deceased labelled “Serious Crime Squad”? What recommendations could the coroner have made to prevent a reoccurrence of a similar tragedy? Are the families of the deceased and the surviving man entitled to compensation due to any negligence?

(continued) Newspaper reports of the house fire and interviews with family and the survivor raise many unanswered questions. The only information available from the police is that the fire was caused by “an electrical fault.” Even if this is so, the bland police explanation does not explain to families, friends and the concerned public exactly how the fire resulted in the deaths of three occupants and the near death of another.

We do not know if the sole survivor, Mr Tim Thurtell, was interviewed by police after he returned from extensive treatment in the Adelaide Hospital. We only have an interview with him reported in The Sunday Territorian, 28 February, 2016, page 5. In her report Phillippa Butt writes:

He lost three family members in a house fire, suffered burns to 40 per cent of his body, and was in Royal Adelaide Hospital for more than a year, but Tim Thurtell is determined to keep Darwin his home.

The 35-year-old was sleeping in a house in the Kulaluk community in Coconut Grove when it caught fire in late 2014. Three other people in the house, a 29-year-old man, a 48-year-old woman and a 50-year-old woman were killed. Two of these people were Mr Thurtell's partner and little brother from the Tiwi Islands.

His physical scars are obvious – all of his fingers were amputated, he's had to have ongoing reconstructive surgery, he has plugs stitched into his nose to help him breathe, he has no ears, and all of his teeth were pulled out to stop the risk of infection. The burns have left him with no sweat glands, which means he's unable to regulate the heat in his body, making Darwin a very hot place to be.

But what lies beneath the surface is the real struggle.

“I get angry all the time, especially when I think about the fire and why wasn't there any help,” Mr Thurtell said. “They (other people in the community) were too ...... busy sitting around drinking to do anything. I really miss the people I lost in that fire. And I want to know why I'm here, why aren't they?”

Now rebuilding his life, Mr Thurtell has had the help of the Julian Burton Burns Trust and National Australian Bank. Last week NAB rebuilt his backyard, providing him with a table and chairs, pot plants, and a lawnmower. Inside, the bank also provided a portable airconditioner to help with the Darwin heat.

Although he has a stable home to himself in [the Palmerston suburb of] Gray, he finds it difficult to get to and from the hospital.

“I hate the hospital, and I hate the bus,” he said. “I'd rather be at home relaxing in my own castle, and drinking beer.”

When he's not at home, Mr Thurtell finds solace in spending time with family members.’

The Kulaluk house fire began late on Saturday, 1 November, 2014. As photographs show, by the time the fire brigade arrived at the Kulaluk community the interior of the flimsy building was ablaze. On 2 November, 2014, The Sunday Territorian reported on page 1: ‘Two dead, in Kululuk [sic] house fire.” The heading on page 6 was, “Two dead, one hurt in Kululuk house fire.” The report continued, “Two people are dead and another is in hospital after a fire engulfed a home in the Kululuk community in Darwin's north. NT Fire and Rescue's acting watch commander Eric Koomen said crews responded to a call about 6.30pm [on Saturday night].

He said when they arrived the house was fully engulfed.

“Due to the intensity of the fire, firefighters were unable to enter,” acting watch commander Koomen said. “Due to the damage the fire has caused the building is structurally unstable. Investigations are continuing into the cause of the fire.”

Kululuk is an indigenous community straddling Coconut Grove and Nightcliff off Dick Ward Drive.

No more information was available at the time of [The Sunday Territorian] going to print last night.'

On the next day The Northern Territory News reported “Third body in burnt out house,” with a quote from an officer used as a sub-heading, “Unfortunately we haven't been able to identify people who were seen running from the house.”

The NT News report by Megan Palin (3 November 2014, page 3) continued: “A third person had been found dead after a fire engulfed a home in the Kululuk [sic] community in Coconut Grove on Saturday night.

Two people – one aged 29 and the other 50 – were pronounced dead at the site on Saturday night with a third body found yesterday morning, according to police.

Another person, 33, is critically injured and had been transported to Royal Adelaide Hospital for treatment. Superintendent Bob Burgoyne said it was too early to determine the cause of the fire. Supt Burgoyne said a group of people were seen running from the blaze but it was not known if they were involved.

“Unfortunately we haven't been able to identify people who were seen running from the house,” Supt Burgoyne said. “The bloke who is quite badly burnt is not able to speak at this stage.”

NT Fire and Rescue responded to a call about 6.30pm on Saturday. The intensity of the fire prevented firefighters from immediately entering the house.

NT Fire and Rescue's acting watch commander Eric Koomen said on Saturday that when firefighters arrived the house was fully engulfed. “Due to the intensity of the fire, firefighters were unable to enter,” Mr Koonen said. “Due to damage from the fire, the building is structurally unstable.”

Kululuk [Kulaluk] is a community straddling Coconut Grove and Nightcliff off Dick Ward Drive.’ (quote ends).

(copntinued) Subsequently, two letters from Bill Day were published in The NT News. The first on Friday, January 22, 2016, page 48, was headed, “Silence deafening” and commented, “Despite the lack of media curiosity, one would think that such a tragic loss of life would warrant a full and open coronial investigation at a later date. How did these people die? Were there smoke detectors? Was the fire deliberately lit or preventable? Who were the people running from the scene? Or is it that Aboriginal lives are not valued by the authorities? Due to the lack of information available, the public must assume the latter.”

My letter received support from Mr Howard Young of Tiwi, who wrote on 14 March, 2016: “I write to support my mate Bill Day with his letter (NT News, 22/01/16) on the lack of information/reports on the house fire at Kulaluk community. The questions that Bill raises in his letter do demand more answers and proper reports, despite the apparent views of the Police Minister.”

Howard Young was referring to a reply to my letter to the Minister for Police, Fire and Emergency Services, Peter Chandler on 30 November 2015. In his reply, Peter Chandler MLA stated, in part:

“Dear Dr Day, Thank you for your letter dated 1 November 2015, concerning a house fire in the Kulaluk Community in November 2014... I assure you that the lives of every Territorian are important to this Government, and while it would be inappropriate for me to comment on Coronial matters, I have been advised by the Chief Executive Officer of Fire and Emergency Services that a thorough fire and police investigation was carried out into this unfortunate event in the Kulaluk Community.”

On Thursday, 17 March, 2016, the NT News published a letter, headed, “Answers needed.” In the letter to the editor I wrote: ‘Following the publication of my letter (NT News, 22/01/16), I received a heartfelt plea for help from a grieving family. Until recently they knew little more than their mother's rings were returned by police forensics in a sealed plastic bag labelled “Biological hazard – Serious Crime Squad.” Lately, as a result of further questioning, police informed them that the cause was “an electrical fault.” This does not explain how three people were trapped in the fire. Newspaper reports add to the mystery, mentioning people running away from the scene and/or “too busy sitting around drinking to do anything” (Sunday Territorian, 28/02/16). The man who barely survived is quoted as asking, “Why wasn't there any help?” Photos show a structure made of apparently highly inflammable materials burning so intensely that the third body was reportedly not found until the next day. Is it any wonder that the family want answers?’

One of those who died in the fire was Tim Thurtell's partner, Mrs Pope, the mother of Helen, Matthew, Karina, Kerry, Jessica, Ian, Clifford, Shianka and Samantha, and grandmother of 22 children. Karina Pope told me by telephone, “My mother was not a nobody. She was well known and respected across the Territory and Australia.” After the remains were returned to the family, Karina's mother was buried in her country at Sandy Bore, out from Alice Springs, Northern Territory. The grieving family, along with many of the 22 grandchildren attended the funeral. They still do not know how their mother and two other people were trapped and died in the house fire at Kulaluk on 1st November 2014. Apart from their mother's remains, all they have received is the sealed plastic packet marked “Biological Hazard – Serious Crime Squad” containing three badly charred rings taken from their deceased mother's fingers.

The Pope family has also expressed to me their dissatisfaction with responses from the Gwalwa Daraniki Association Incorporated (GDA) which is the operator of the community village where the fire occurred. The Gwalwa Daraniki Association also holds the 301 hectare Kulaluk Crown Lease on which the house was situated. The GDA has signed subleases and/or caveats with Jape's Citiland P/L, McDonalds Restaurants and Arafura Harbour (Gwelo) P/L, and has business arrangements with developers, Dragon Lady P/L and Halikos Construction, amongst others. The Pope family say that no-one from the GDA has offered a sympathetic explanation for the death of their mother.

I maintain the information that has been reported and discussed in this letter arouses suspicions and therefore warrants a full and open inquiry by the NT Coroner. Without a Coroner's report, the families cannot proceed with possible further legal action. Most importantly, as long as there are unanswered questions, the families are denied closure. I have spoken to the Pope family and to the Fogarty family and have tried to express their concerns in this letter.

By his own admission, Mr Tim Thurtell wants answers, as do the Pope family. Mr Melroy Morrison in Queensland has been waiting for answers to questions about the death of his uncle and the shocking treatment of the body for 33 years now. They all look forward to a response from the Coroner's office, as do I, on their behalf. Please reply to the above address.

Yours sincerely,

Dr William B Day (signed)

Consulting Anthropologist

bartlettday@hotmail.com

Quotes from” Living on the edge | Northern Territory Town Camps Review - KULALUK”

P. 888: The water network does not comply with relevant standards as the diameter of the water main is too small. Furthermore, the capacity of the existing water main is insufficient. It is recommended that the network is upgraded to a DN150 PVC water main, to comply with relevant standards. Water usage is proposed to be measured with a bulk water meter located at the community boundary.

Additionally, residential lot water meters should be installed on the connection to each dwelling which will assist with bill distribution to residents and identifying any leaks in the internal network.

It is recommended that the roads are upgraded to two lane roads with footpaths and stormwater drainage, including kerbs and gutters, side entry pits, underground pipes, and culverts where required.

The community structures in Kulaluk consisted of a playground and basketball court, both of which were in good condition and only require minor maintenance and tidying up.

P. 889: Hygiene and cleanliness of the residences were identified as a significant issue in the inspected houses. The conditions are unsanitary and are likely to manifest in any number of health problems.

Smoke alarms

Of the houses surveyed internally in Kulaluk, 4 were identified as having nonserviceable smoke alarms.

P. 892: Yilli Rreung Housing Aboriginal Corporation acts as the property manager and enters into

tenancy agreements with Town Camp residents. Yilli Rreung has no authority or legal basis to

evict residents for breaches of the tenancy agreements.

Yilli Rreung Housing Aboriginal Corporation issues rental statements to residents on a per house basis every 6 months, on request or when tenant is in arrears.

Payments of rent are made primarily through Centrelink deductions (approximately 80% of

tenants pay via this method). In other cases rent can be collected via cash payments, EFT payments, basic card payments and direct deposit.

Yilli Rreung Housing Aboriginal Corporation struggles to get contributions from the Kulaluk Town Camp. Rental arrears are substantially higher for Kulaluk than other Town Camps where Yilli Rreung acts as the service provider.

Quotes from” Living on the edge | Northern Territory Town Camps Review - KULALUK” (CONTINUED): The Kulaluk Special Purpose Lease that was granted to Gwalwa Daraniki Association , stretches along the coastline from Nightcliff to Fannie Bay, bordered by Fitzer Drive, Bagot and Totem Roads, dissected by Dick Ward Drive. Much of the lease was considered to offer little value due to tidal inundation, cyclone and storm surge zones and the restriction of certain forms of development due to the Darwin airport flight path restrictions though it allows the current residents to hunt and fish along the intertidal zone. The Minmarama Park Community was a signatory to the Kulaluk and Minmarama Park Shared Responsibility Agreement, as at January 2005, for the purpose of ‘Developing a Mud-Crab Business’. Some of the workers on this project lived at Minmarama

and worked on the project as CDEP (working for the dole) participants for 2 years. Other areas of the lease, have potential for either residential or commercial development. While Minmarama residents will have the opportunity to participate in any commercial development on the site they are not decision makers. They do not speak for Kulaluk.

P. 896: The [NAME CENSORED] who has lived on the Kulaluk lease since its creation, is the primary decision maker and nothing can happen at Minmarama without approval by Gwalwa Daraniki Association which will be influenced (NAME CENSORED) opinion. She has been a strong advocate for economic development on the lease and has come under some criticism for her independent views. In the past there have been attempts by Minmarama residents to gain control of Gwalwa Daraniki Association through becoming members and voting as a block to change the current leadership. There is a strong desire among the members of Gwalwa Daraniki Association to hold their

P. 897: rights against all those people who, over the years, have tried to gain hold of the Kulaluk lease. When the lease was originally granted it had a cultural value, and a historical value, but in the past 40 years it has developed a significant financial value and an opportunity for Gwalwa Daraniki Association to become an independent Aboriginal organisation. Some of those who were involved in the original fight for Kulaluk actively agitate against any development on the land. Minmarama residents need to be careful how they express their views while they are tenants of the Gwalwa Dariniki Association.

Over the years, [NAME CENSORED] has advocated with local businesses particularly the Ludmilla McDonalds franchisee to improve the job opportunities. It was part of the original lease that local Aboriginal people, members of the Gwalwa Dariniki Association, would be offered training and employment at the franchise. The franchisee only paid lip service to this condition until the lease was due for renegotiation when he made more of an effort. During this period some members of Minmarama gained employment at the store but at the moment no one from Minmarama works in the business.

[NAME CENSORED] determined that any future development on the Kulaluk lease will have enforceable training and employment clauses.

Past endeavours, by Gwalwa Daraniki Association, to enhance Indigenous employment opportunities for community members including commercial ventures with a local Indigenous man to sub lease the Kulaluk SPL to develop a prawn farm, and an agreement with Fisheries to trial growing of mud crabs within the inter tidal zone of the lease. Neither venture was successful…