



Living in a tinder box

After a house fire in a Darwin indigenous community killed three and severely injured another, loved ones are asking how it could have been allowed to happen

JASON WALLS REPORTS

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'This shouldn't

Four years after a major house fire left three people dead and another scarred for life, those left behind are calling for answers. An investigation tried to stop a future tragedy but years later it remains unclear how much has changed. **JASON WALLS** reports

JUST before 6.30pm, a triple-0 operator takes a call from the Kulaluk Aboriginal community in Darwin's west.

Caller: Yeah, hi, I've got a house on fire at house — um — I'm (at) Kulaluk Community.

Operator: OK, you ...

Caller: It's burning the whole house nearly.

The operator urges the caller to make sure everyone is away from the building as the caller desperately tries to work out if anyone is still trapped inside.

Operator: Is anyone hurt?

Caller: Um, no, not that we know of, that's what I've been asking is anyone in that room, nobody knows. Everyone was sitting outside. They've been drinking all day. The whole house is gone up. Ah, it's one of those little elevated, um, wooden houses.

In the confusion, it gradually emerges that up to four people known to have been staying at the property are unaccounted for.

Caller: Someone's saying that that room that was (on) fire, there was — um — a couple sleeps in that room. They said that they normally sleep in that room and — that's them two couples not here with everyone else. I just hope they weren't in that room, please.

Then, a short time later, the caller's worst fears are realised.

Caller: Yes, we need ambulance, someone just ran out burnt (inaudible) — badly burnt.

Operator: OK, you get a blanket (inaudible) OK?

Caller: His wife (inaudible) — his wife was still in there. His wife was still in there, I think she's gone.

Operator: Are his clothes on fire or has he got clothes on?

Caller: Um, he's only got jeans, you can see his hair — all his hair's been burnt.

By the time emergency services arrive, the house is fully engulfed and bystanders are doing their best to comfort the badly burnt man before he is driven away in an ambulance.

It takes firefighters about 20 minutes to get the fire under control, by which time the building has been almost completely destroyed.

The badly burnt man, Tim Thurtell, would wake up the next morning in the Royal Adelaide Hospital with burns to 39 per cent of his body and no memory of anything that happened before he went to bed the night before.

His partner, 48-year-old Alice Springs woman Bernadine Pope and two others, a 29-year-old Tiwi Islander and New Zealand-born Kim Shiosaki (AKA Byrnie), 50, never made it out of the room.

The fire burnt so hot and so fast

and damaged the building so severely Bernadine Pope's body wasn't discovered until about 7am the next morning.

As a result of his injuries, all of Tim Thurtell's fingers had to be amputated, plugs were stitched into his nose to help him breathe and all his teeth were pulled out to reduce the risk of infection.

Operator: What's that cracking in the background?

Caller: That's the house, it's burning to bits.

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BEFORE three lives were lost and another changed beyond recognition, November 1, 2014, was like any other Saturday.

As later recounted by Tim Thurtell, the group walked from Kulaluk to the Nightcliff Woolworths to buy a block of VB and four or five casks of wine before catching taxis back to the community where they settled in for the day.

Kulaluk, like the nearby Minmarama on Dick Ward Dr, is a dry community on a perpetual lease granted to the Gwalwa Daraniki Association as representatives of Darwin's Larrakia people in 1979, so the group had to sneak the grog in through the mangroves.

"This was usual for us, a normal day sitting around drinking," Mr Thurtell would later tell investigators.

By about 5pm, the four friends had drunk their fill and each went back to the room they were sharing in House 11 to "pass out".

What they didn't know was that at the same time, one of a colony of rats that also called the property home was chewing through electrical wiring inside the wall cavity of an adjacent lounge room.

While even four years later the cause of the fire officially remains "undetermined", an NT Fire and Rescue Service investigation at the time found it was "probable" the electrical fault sparked the deadly blaze.

"There were reports from local witnesses that the premises in question had a rat problem (several dead rats were located in bedroom one and observed in surrounding yard and heard during the night by crime scene guards), ant infestations and that there were intermittent power fluctuations/outages when certain lights were switched on," the NTFRS report reads. "Rats have been known to build nests of paper and straw etc. in wall cavities and often chew through power cables exposing bare wires which make them susceptible to electrical shorting."



In addition to the electrical faults and vermin problems, which had plagued the occupants of the house for years, were two other factors the NTFRS investigator found contributed to the fatal fire.

First was the structure of the building itself, as listed in the report: Plywood flooring, plywood walls, plywood ceiling, timber roof trusses, external tin walls and tin roof.

"This was a very quick developing fire and the construction materials used in this particular house ... would have significantly contributed to fire intensity, smoke development, rate of fire spread, and increased fire temperature," the report reads.

The next problem was the security screens fitted to the bedroom windows which the investigation concluded "would have hindered/prevented the occupants of bedroom one from escaping the premises via the windows".

These structural issues, combined with the fact there was almost certainly no working smoke detector in the building at the time of the fire, meant Bernadine Pope, Kim Shiosaki and the Tiwi Islander were sitting ducks.

It was a miracle Tim Thurtell survived.

To make matters worse, when firefighters arrived on the scene they discovered there was also no fire hydrant anywhere in the Kulaluk Community.

Instead, an NTFRS incident brief

describes fireys piggybacking a total of 14 lengths of hose between two tankers from a hydrant "over the fence" on Athanasios Rd.

"Hardly ideal but effective just the same," the brief reads.

Despite concluding "firefighting operations were not affected" by the jerry-rigged set-up, the NTFRS investigator recommended a hydrant be installed at Kulaluk.

The investigator also recommended a review of construction materials used in the house and that an alternate method of security screening be investigated as a result of concern over the role each played in the three deaths.

It remains unclear whether any of those recommendations were followed up.

Following a further investigation in 2016, deputy coroner Kelvin Currie concluded an inquest into the deaths was unnecessary as the identity of each of the deceased, the time, place, cause of death and other relevant circumstances had been established but made no recommendations of his own.

An NTFRS spokeswoman said it could not comment due to ongoing court action and a spokesman for the coroner's office said Mr Currie would not answer any questions about his investigation.

"Coroners are judicial officers and as such don't talk about why they made decisions. Their findings speak for themselves," he said.



Firefighters battled an engulfed house

But for the loved ones of the three people killed on that day, questions remain.

Was the building ever fit for human habitation?

Why were residents paying rent on a home that court documents reveal had been infested with rats and experiencing related electrical faults for at least four years?

Why was there no working smoke alarm fitted at the time of the fire?

According to Mr Currie's report, the deceased Tiwi Island man had become "a heavy consumer of alcohol" while living "mainly" at Kulaluk for at least a decade.

So why was it "usual" for members of a supposedly dry community to sit around drinking till they passed out?

And has anything changed since 2014 or are other indigenous Territorians still living in virtual tinderboxes without smoke alarms or ready ac-

happen again'



in the Kulaluk Aboriginal community in Coconut Grove which left three people dead and Tim Thurtell (left) badly burnt

cess to fire hydrants?

Could it all happen again?

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TIM Thurtell doesn't just want answers, he wants compensation — and is currently suing Crown leaseholders the Gwalwa Daraniki Association, property managers the Yilli Rreung Housing Aboriginal Corporation and electrical contractor DICE Australia for damages.

Mr Thurtell declined to speak with the *NT News* for this story but documents lodged with the Supreme Court outline the alleged extent of the problems residents of House II were facing.

The statement of claim lists a series of alleged electrical defects dating back to February 2010, including switches giving out shocks and sparks as well as lights and fans cut-

ting out.

A main point of contention between the parties is whose responsibility it was to ensure smoke alarms were installed in the house as far back as March, 2014.

In defence documents filed with the court, the GDA says Yilli and its contractor were "solely responsible for attending to maintenance and electrical repairs (sic) work at House II", while Yilli "does not admit there was no smoke detector installed" and says DICE did not inform it there was no smoke alarm — a claim DICE denies.

A spokesman for the GDA told the *NT News* the organisation was not the landlord at the time of the fire and said questions should be directed to Yilli Housing and the Territory Government.

The spokesman said there were now no other houses constructed in

the same way as House II remaining on the lease.

"One other house was constructed the same way, however it recently was condemned and subsequently pulled down further demonstrating the inappropriate construction design," he said.

But the spokesman said despite the GDA asking the Territory Government for one to be installed "for decades" there was still no fire hydrant at Kulaluk.

A Department of Housing and Community Development spokeswoman directed all questions to the GDA and Yilli, while Yilli and DICE both declined to comment.

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FOUR years on from the fire, two of Bernadine Pope's children, Matthew and Helen Pope — who

have given the *NT News* permission to use her name — are among those still searching for an explanation as to why their mum had to die in the way she did.

Matthew says all the family got back after they learned of Bernadine's death was a coffin and three badly burnt rings — and inquiries with authorities had all gone nowhere.

"I want to know what happened in that house when my mum was alive, I want to know who was there and what really did happen," he says.

"If it was an electrical fire they shouldn't have no one in the house, especially when there's no smoke detectors inside. Yet they're still letting people pay rent, I don't understand it, if someone's paying rent they should have maintenance people go around there and actually fix the house."

Matthew and Helen are still push-

ing for a public inquest which they believe could shed more light on the deaths as much of the material gathered during the Coronial investigation is not publicly available.

"They're just shoved in the mangroves, in the scrub, and that's it," Matthew says.

Helen also feels more could have been done to get to the bottom of why the woman she remembers as a devoted mother and grandmother who loved painting had to die.

"This year would be four years, I still tend to think about her a lot," she says.

"For the two younger siblings, Shianka and Samantha it's been really hard, it was really hard for Shianka being the youngest daughter and coming into their teenage years and mum's not there to see them through.

"She was a nice person, very outgoing, funny, she wasn't the type that always looks for a fight, she loved all her grandchildren, there were some that she didn't get to meet."

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THE GDA spokesman said since it took over as landlord this year, new tenancy agreements had been drawn up under which the responsibility for smoke alarms was shared between the head tenant and the GDA.

"Under the new agreement both the tenant and GDA are to conduct three-monthly inspections that include to ensure working smoke alarms," he said.

"Also, what currently happens is, if the tenant, for whatever reason, can't change out an old battery, GDA send someone around with a battery paid for by GDA and install it."

The spokesman said an audit of all housing stock was also currently under way.

"What we are finding is a decade of government neglect and service provider neglect has left GDA with stock in very poor condition, termite infestations, rat infestations, old electrical standards not upgraded (e.g. safety switches), no street lights, no fire hydrants, no kerb and channelling or drainage, and the list goes on."

The spokesman said while some Kulaluk residents drank, not all did, and that the Tiwi Islander "was never a resident of the community" and alcohol remained a major problem throughout society.

"GDA do not enter every house every night to see what people are up to in their own home," he said.

"Kulaluk Community is particularly conscious about drugs and alcohol and have had an Alcohol Management Plan ready for 12 years or more and continue to work with police and licencing to try to get it implemented, however the Federal Intervention and Stronger Futures legislation seems to have stopped any sensible discussion around alcohol management."

The spokesman said "itinerant countrymen" who were not residents were chased away on a daily basis and drunken residents were "shunned and warned with eviction".

Tim Thurtell's civil suit is due to be heard in the Supreme Court later this month.