

**I** NQUEST FINDINGS,  
COMMENTS AND  
RECOMMENDATIONS  
into Fire and  
Nine Deaths  
at Kew Residential  
Services  
on 8 April 1996

ISBN 0646340344

Editorial Assistance: Sarah Russell Publications  
Typesetting and cover design by Polar Design  
Printed in Australia by Gill Miller Press Pty Ltd

Additional copies of the  
*Inquest Findings, Comments and Recommendations*  
are available from:

State Coroner's Office  
Coronial Services Centre  
57-83 Kavanagh Street  
Southbank, Victoria, Australia 3006  
International telephone: +613 9684 4444  
Fax international: +613 9682 1206

Published by the State Coroner's Office  
Coronial Services Centre  
Southbank, Victoria, Australia

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Held at the Coronial Services Centre, Southbank, between  
14 October 1996 and 28 April 1997 (81 days of sitting),  
and on site at Kew Residential Services on 14 October 1996  
and 18 March 1997.

Published by the State Coroner's Office  
Coronial Services Centre  
Southbank, Victoria, Australia

- general or specific application to community fire safety;
- application to KRS; or
- application to other areas involving the disabled.

Where the review process identifies recommendations which may have general application (or application to other areas involving the disabled), they may need to be directed to the appropriate agency, such as the Australian Fire Authorities Council, Standards Australia, Australian Fire Protection Association, Institution of Fire Engineers, etc.

Where the review process identifies further potential for improvement in the management of fire safety at KRS no doubt that will be fed into DHS's model system.

The review would need to consider consulting with Wormald, ULA, the Health and Community Services Union, the Office of the Public Advocate, Filamentia Legal Service and the New Cottages & St. Nicholas Parents Association.

## 9.14 GENERAL ISSUES

Several general issues involving Paul, the fire investigation and commentations to various individuals are considered in this subsection.

### 9.14.1 FUTURE MANAGEMENT OF PAUL

Counsel for Paul, Mr John Smallwood, indicated some concern about Paul's future management in the event that it was found that he fit the fire. Counsel submitted that:

*‘[I]f he be formally found to have lit the fire the very real fear is that he will effectively be kept in circumstances where those responsible for his care will be under extreme pressure to avoid a repetition. Because of his extremely limited comprehension of the world around him it would be seen by some that the only effective means of such an avoidance would be the almost total deprivation of his freedom and privacy.’<sup>4</sup>*

It is recognised that DHS will no doubt ensure that Paul is appropriately managed, balancing his needs under the *Intellectually Disabled Persons' Services Act 1986* for a degree of freedom and privacy with the issue of safety. It is acknowledged that Paul's management plan would need to accommodate competing issues.

### 9.14.2 THE INVESTIGATION AND 'FIRE TEST'

Following the fire, an investigation for the Coroner was undertaken jointly by the Victoria Police (Arson Squad), the Fire Investigation Unit of the Metropolitan Fire Brigade and the Victorian Forensic Science Centre. The investigation was run under the protocols developed by the 1995 *'Victorian Joint Fire Investigation Procedures'*.

The MFB, in cooperation with the other investigatory agencies, developed a full 'fire test' that was conducted at leased premises at Scientific Services Laboratory, Port Melbourne. Considerable resources were committed by the MFB to the Port Melbourne 'fire test' with reconstructed, furnished units and monitoring equipment. In addition, a 'test room' was built to demonstrate the effectiveness of fire retardant bedding, plaster board, smoke alarms and a fast-response sprinkler system. A number of the parties were present during the major fire test demonstration at Port Melbourne. Testing was also conducted at the MFB's 'Fire House', Abbotsford. Prior to the testing, the Brigade undertook computer modelling with the assistance of the Centre for Environmental Safety and Risk Engineering at Victoria University of Technology.

The fire test has been an invaluable tool in assisting the understanding of many aspects of 'fire' in the residential situation. The professional level of the work undertaken by the MFB, Inspector Martin and the officers at the Fire Investigation Unit to assist the inquest is highly commendable. Throughout the inquest, the MFB provided an objective and valuable level of assistance to the Coroner.

## 9.14.3 COMMENDATIONS

### PUBLIC SAFETY

The MFB commends 'the KRS staff who were engaged in the evacuation effort for the contribution they made in uniquely challenging circumstances. The efforts of Mr Flatt, in particular, deserve special commendation. The result was that all disabled clients from Flats A, B, C and D and one survivor from Flat E (a total of 36 persons) self-evacuated or were evacuated safely from Unit 3031'.<sup>5</sup>

The court joins with the MFB Submission on this issue. All the fire officers involved in the incident and evacuation effort are deserving of commendation for their work. On any view, Mr Calder's action is deserving of special commendation. Mr Morris's actions are also commendable. It is considered that KRS staff member, Mr Chia Eapeng, should be added to the list.

### 9.15 CONCLUSION

Fire safety systems must be considered as a total package of risk management, equipment, maintenance, training and fire and evacuation drills. Once systems are established, audit must be regular and rigorous. Where disabled or immobile persons are concerned, the importance of the total package cannot be underestimated. Early warning to residents, staff and firefighting agencies in the event of the first signs of fire is vital to maximise the potential to reduce the risk of injury and death. Well-developed evacuation procedures are vital. Modern, fast-response residential sprinkler systems designed to reduce fire spread are essential. Building design layout, taking into account fire risk and potential spread, is an important consideration. Where locked doors restrict residents, it is vital for efficient and safe evacuation that automatic door latch release mechanisms be included in overall layout.

In conclusion, it is essential that the lessons of this fire are addressed by our community and also by those charged with the responsibility of caring for the disabled.

Graceme Johnstone  
State Coroner  
17 October 1997

Assisted by Messrs Graceme  
Hicks and Michael Honnesty  
(instructed by Ms. Vanessa Ash  
of the Office of the Director  
of Public Prosecutions)

## APPENDIX 2

# PLANS AND CHRONOLOGIES

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- 2.2 The 'January Plan'<sup>2</sup>
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- 2.4 The 'McCumisky Plan' (MEB)<sup>3</sup>
- 2.5 The MFB Chronology of Events at KRS<sup>4</sup>
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- 2.7 Villamanta Legal Service - Summary of Recent Fires at KRS<sup>6</sup>
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- 1 Exhibit 165.
- 2 Exhibit 139.
- 3 Exhibit 186.
- 4 Exhibit 195 and attachment to MFB Submission.
- 5 Attachment to MFB Submission.
- 6 Appendix 10.2 to Villamanta Legal Service Submission.
- 7 Appendix to Villamanta Legal Service Submission.

## APPENDIX 2.1

### Explanation of Smoke Detectors and Smoke Alarms

#### SMOKE DETECTOR

A smoke detector is a device designed to sense the products of combustion in the early stages of a fire developing. A smoke detector does not incorporate an audible alarm within its own workings and relies on a separate device being connected.

A smoke detector is covered by Australian Standard 1670 and is normally installed in industrial or commercial situations.

There are several different types of technology employed, however the main types are ionisation and optical (refer to note for explanation of operation of both types).

#### SMOKE ALARM

A smoke alarm is a device designed to sense the products of combustion and provide early warning, with regard to fire, to the occupants of a structure.

This device, unlike the smoke detector, incorporates an audible alarm within the body of the device.

The smoke alarm is covered by Australian Standard 3786. These devices are normally installed in domestic situations however, the smoke alarm is often recommended as an interim measure during an upgrade of an industrial or commercial structure or other occupancies where AS 1670 does not apply.

The smoke alarm will generally provide earlier warning than a smoke detector due to the secondary sensing design of a smoke detector.

The smoke alarm can be powered by a stand alone 9 volt battery or wired directly to the 240 volt main supply with a 9 volt battery backup in the event of power failure.

Both the smoke alarm and the smoke detector incorporate a light emitting diode (LED) that will function intermittently to show that the device is energised.

The LED will function continually during actual operation of the detector/alarm. This allows those responding to the alarm (where multi alarms are fitted) to identify which device has operated.

#### Note:

**Ionisation Type:** a detector which responds when smoke having entered the detector, causes a change in ionization currents within the detector.

**Optical Type:** a detector which responds to the scattering or absorption of light by smoke particles

\* Letter dated 3-2-97 addressed to the State Coroner and Counsel for parties associated with the Kew Cottages Inquest, Joan Garry J. Martin, Inspector, Fire Investigation, Metropolitan Fire Brigades Board.