



# MAGISTRATES COURT *of* TASMANIA

## CORONIAL DIVISION

---

### **Record of Investigation into Death (Without Inquest)**

*Coroners Act 1995  
Coroners Rules 2006  
Rule 11*

I, Robert Webster, Coroner, having investigated the death of Gary John Laing

**Find, pursuant to Sections 28(1) and 45(1) of the Coroners Act 1995, that**

- a) The identity of the deceased is Gary John Laing (Mr Laing);
- b) Mr Laing died in a shed fire;
- c) Mr Laing's cause of death was asphyxia due to smoke inhalation;
- d) Mr Laing died on 24 May 2019 at Swansea, Tasmania;
- e) The cause and origin of the fire is the misuse of an electrical bar heater to dry towels or the heating of cooking oil which was left unattended in that part of the shed occupied by Mr Laing;
- f) The circumstances in which the fire occurred are set out below; and
- g) The identity of the person who contributed to the cause of the fire is Mr Laing.

#### **Introduction**

In making the above findings I have had regard to the evidence gained in the comprehensive investigation into Mr Laing's death. The evidence includes:

- the Police Report of Death for the Coroner;
- Affidavits as to identity and life extinct;
- Affidavit of Ms Petrina Button, Tasmania Police (rank not stated)
- Report of the forensic scientist Ms Rita Westbury of Forensic Science Service Tasmania (FSST);
- Affidavit of the forensic pathologist Dr Donald Ritchey;
- Affidavit of Mr Neil MacLachlan – Troup, forensic scientist, of FSST;
- Mr Laing's medical records obtained from his general practitioner;
- Tasmania Fire service (TFS) investigation report;
- Affidavit of Ms Gaelene Bielski;

- Affidavit of Mr Donald Monk;
- Affidavit of Master WH;
- Affidavit of Ms Zoey Bracken;
- Affidavit of Mr Michael Stanfield;
- Affidavit of Mr Paul Hardwick;
- Affidavits of Mr Adrian French;
- Affidavit of Ms Marilyn Metcalf;
- Affidavit of Mr Kenneth Nichols;
- Affidavit of Mr Matthew McConnon;
- Affidavits of Mr Daryl Barnes;
- Affidavit of First-Class Constable Dean Walker;
- Affidavit of Senior Constable Lauren McMahon;
- Swansea pharmacy dispensing records;
- Report of Holdfast Building Surveyors; and
- Forensic evidence.

### **Background**

Soon after his birth on 16 November 1957 Mr Laing was adopted by Mrs Betty and Mr John Laing. Mr and Mrs Laing also subsequently adopted Gaelene Bielski. Mr Laing was educated at Campbell Street Primary School and then at Newtown High School which he left in 1974 after completing grade 10. After grade 10 Mr Laing worked at Myer before becoming a bricklayer after completing an apprenticeship. He later ran a very successful 4 wheel drive business on the east coast of Tasmania. He also worked as the maintenance and engineering manager at the Sheraton Hotel in Townsville. He then worked as the maintenance and logistics manager for a mining company in Indonesia. Ms Bielski says Mr Laing was a popular and well-adjusted child who had many friends. He was close to both his sister and parents. Ms Bielski says both she and her brother had a great upbringing which included attending the family shack at Dodges Ferry with friends where they would participate in activities including water-skiing.

Mr Laing was single at the time of his death but he had been married 3 times. The first marriage did not produce any children however the second produced 2 daughters. Mr Laing's third marriage took place on 23 April 2011 after which he had a daughter with his wife. He was divorced on 4 May 2015. Mr Laing did not maintain any close contact with family.

In early 2016 Mr Laing met Mr Monk at Deloraine by chance. At that time Mr Monk lived in Swansea. He was a close friend of Mr Laing at school. Mr Laing later contacted Mr Monk and

moved to Swansea and took up residence in a caravan in the rear of Mr Monk's home where he stayed for almost 2 years. Mr Monk says Mr Laing told him he was no longer able to work because of health issues which included diabetes and ongoing issues with his health due to previously contracting malaria.

Mr Monk moved from Swansea to Stanley in 2018. Mr Hardwick, a friend of Mr Laing, knew Mr Laing was looking for somewhere to stay so he put him in touch with Mr Barnes who owned a property at 3 Meredith Court Swansea. Mr Laing subsequently leased a granny flat on that property from Mr Barnes.

### **Circumstances Leading to Death**

The land at 3 Meredith Court, as at 24 May 2019, had 2 buildings erected thereon. The first was a residence which was rented to Zoey Bracken and her son since about 1 May 2019.

About 5 m or so from this residence was a 3 bay galvanised iron clad shed which measured 11 m x 9 m. Two of the 3 bays of the shed were accessed by roller doors and the contents of those bays belonged to Mr Barnes. The third bay of the shed contained a granny flat which was rented to Mr Laing. Access to the granny flat was via a glass sliding door at the front. That part of the shed was closest to the house in which Ms Bracken and her son resided. Mr Barnes has owned the property since about 2000 when he lived in Swansea and worked for a local business. Mr Graeme Stanfield who is a builder helped Mr Barnes build the house and the shed.

Ms Bracken says in the time she lived at 3 Meredith Court prior to the fire she had not said much more to Mr Laing than hello. She says he was a quiet man who kept to himself but she did notice he came outside to smoke. On 24 May 2019 Ms Bracken was home all day and saw Mr Laing come and go from the property in his vehicle on a number of occasions. At one stage she saw him return with washing which he then put on the line.

Ms Bracken's son returned home from school at approximately 4 PM. He saw Mr Laing sitting in the chair outside his flat smoking. The car doors to his vehicle were open and he could hear music playing. They greeted one another. Ms Bracken's son went inside, dropped his bag off and took his shoes off. He went towards his bedroom, had a short conversation with his mother, went to his room changed and then got onto his iPad. He then heard a loud bang and somebody say help. Next he observed flames coming out of the door and window on Mr Laing's side of the shed. He told his mother about the fire and she rang emergency services. Some neighbours attended and rolled Mr Laing's car away from the shed and then obtained a hose and started putting the fire out that had taken hold on the grass in front of the granny flat. Ms Bracken's son says he saw a cooking wok on the grassed area in front of the flat and he saw a line of fire going to it from the shed. He did not see that implement when he returned home

from school and believes he would have seen it because he would have had to walk right past it. The fire brigade and other emergency services then attended. The fire was extinguished and thereafter a body was observed in the rear of the residential portion of the shed.

### **Investigation**

On 27 May 2019 Constable Button took a DNA sample from one of Mr Laing's daughters. The sample and relevant paperwork were placed in a bag which was sealed, recorded in a register and placed in a locked container for forwarding to FSST. DNA profiling of that sample and a sample taken from the body retrieved from the granny flat was conducted. On the basis of the results which were returned Ms Westbury says there was very strong support for the person from whose body the sample was taken being the biological father of Mr Laing's daughter. I accept this opinion and therefore find the body found in the granny flat after the fire was extinguished was Mr Laing.

Dr Ritchey conducted a post-mortem examination on Mr Laing on 27 May 2019. He also considered the results of histology, toxicology and radiology and determined the cause of death was asphyxia due to smoke inhalation. In particular Dr Ritchey found there were no traumatic injuries to suggest an assault and there was copious sooty liquid identified in the trachea and main-stem bronchi.<sup>1</sup> I accept Dr Ritchey's opinion.

Mr McLachlan-Troup found carboxyhaemoglobin in Mr Laing's blood at a saturation of 46%. He says carbon monoxide which is produced from the incomplete combustion of organic fuels binds with haemoglobin to produce carboxyhaemoglobin. Normal concentrations are generally less than 10% saturation. Levels that exceed 33% are considered life-threatening. He says 46% is within the reported fatal range. I accept his opinion.

Mr Laing's medical records indicate he suffered from anxiety and depression, type I diabetes, asthma and hypercholesterolaemia. He was prescribed medications for those conditions. He was being seen regularly for diabetes monitoring. There is also reference to Mr Laing suffering from malaria in 2015. There were referrals to a psychologist and the provision of, and review of, a mental health care plan.

Mr Mark McCarthy is a station officer with TFS and a regional fire investigation officer for the southern region of Tasmania. He arrived at the scene at 6:54 PM on 24 May 2019 and was briefed by Senior Sergeant Pearce who provided details of what Ms Bracken's son had

---

<sup>1</sup> The trachea divides into two main bronchi (also called main-stem bronchi), that extend laterally, but not symmetrically, into the left and right lung respectively, at the level of the sternum.

described. He made contact with station officer Glen Greenland who provided a briefing on the firefighting strategy, tactics and the location of Mr Laing. He also spoke to the first responding officer Mr Kenneth Nichols who provided advice about what he had seen on his arrival. The scene was secured, documented and photographed. A second experienced fire investigation officer, Mr Mathew Lowe, was tasked to attend. Fire watch activities were conducted with police overnight. The next morning, at 5 AM, Mr McCarthy listened to the 000 recordings which were consistent with the description provided by Ms Bracken's son. At 8 AM Mr McCarthy attended the scene with personnel from TFS and Tasmania Police and conducted an examination of the scene.

As a result of considering all of the evidence Mr McCarthy believes Mr Laing was outside when the fire started, given the evidence of Ms Bracken's son, and the lack of a smoke alarm or operating alarm contributed to finding the fire at a stage where it had progressed to a flaming fire and was beginning to extend from the area of origin. In discovering the fire, Mr Laing has decided to put the wok, which was found on the grass, outside. From its appearance and the oil ring on the ground where it was found Mr McCarthy says it is probable the wok contained a reasonable amount of oil and perhaps Mr Laing was concerned it may ignite if it had not already<sup>2</sup>. He likely threw the wok from the sliding glass door out onto the lawn and then returned to extinguish the fire.

The cooking oil from the wok and portable stove's gas canister, which was found, may have contributed to the rapid development of the fire. Oil may have spilt when Mr Laing attempted to discard the wok and Mr McCarthy says any attempt to extinguish the spilt oil with water would have caused a significant fireball. The early failure of the portable stove gas canister may have also contributed to the rapid development of the fire.

Mr McCarthy says after returning to extinguish the fire it seems Mr Laing was forced to take refuge in his bedroom and his retreat to that location may have been improved if the door was closed behind him however the door was found to be open. It was also observed that the bedroom window was fully opened and this suggests Mr Laing attempted to get air and/or exit through the window. The open bedroom door and open window has created another path for the fire and any attempt to breathe or exit through this window would have put Mr Laing in heavy smoke and superheated fire gases. Mr McCarthy believes Mr Laing has either collapsed from attempts to exit the window or he has taken refuge between the shower bay and bed.

---

<sup>2</sup> Given the line of fire in the grass leading up to the wok seen by Ms Bracken's son it is more probable than not the wok was on fire when it was removed from the granny flat.

As result of all of the evidence Mr McCarthy determined the point of origin of the fire however in that location there were a number of potential ignition sources so the exact cause could not be determined. He has however narrowed the potential causes down to 2 which are as follows:

- the misuse of the electrical bar heater to dry towels. The covering of the ventilation openings of the heater with towels in close proximity to the heating elements of the heater has contributed to the towels igniting; or
- unattended cooking. The wok with a reasonable amount of oil has been left on the portable gas stove to heat up to cooking temperature. Inattention has resulted in the wok overheating and igniting.

At no time was any evidence found to suggest a natural ignition source or that the fire was deliberately lit. Mr McCarthy therefore classified the cause as being accidental. I accept his opinions.

Mr Stanfield is a neighbour who observed the fire and who knew the owner of the property Mr Barnes. He and a friend, Mr Robert Hutchinson, went to the property and saw Mr Laing's car parked in its usual position with the doors or windows open and music playing on the car stereo. They pushed the car away. He says it was impossible to enter the granny flat as the fire was very intense. They retrieved a nearby garden hose and put it on the fire. The fire brigade then turned up soon after. He saw nothing suspicious on the day of the fire nor did he see any other people in the vicinity at the time. Mr Stanfield is also an electrician by trade. He did some electrical work at the property when the shed and house were built. He says Danny Hubbard of Launceston did all the switchboard work. Mr Stanfield cannot recall whether there was a wired in smoke alarm and he did not do any electrical work after Mr Laing moved into the property.

A friend of Mr Laing, and local resident, Mr Hardwick also attended the fire. He confirms the heat was so intense he could not go inside. By the time he arrived there were a number of neighbours using hoses on the fire. He called Mr Barnes and advised him his shed was on fire and it was believed Mr Laing was inside. He says Mr Laing was "a genuine and good bloke. He seemed to be well-adjusted to life."<sup>3</sup>

The previous tenant of the granny flat Mr French confirmed there was only one exit that being the front sliding door. There was also a side door that led into the shed but that was always

---

<sup>3</sup> Mr Nichols, in his affidavit, agrees with this assessment of Mr Laing. He also confirms what Mr French says about access into and out of the granny flat. He is a volunteer firefighter and Swansea Brigade chief who attended the fire in a fire tanker with 3 other volunteers. A second unit with 2 further volunteers also attended. Further career firefighters attended shortly thereafter.

locked. He says there was no smoke alarm and he raised this issue with Mr Barnes. As an alarm was not provided by Mr Barnes Mr French says he purchased one himself and took it with him when he left. He concedes he should not have done this. The alarm was a battery operated portable alarm.

Mr Barnes says the shed, containing the granny flat, was built first and he lived in the granny flat while the house was being built. Subsequently he lived in the house and rented the granny flat out and then when he moved from Swansea both the granny flat and the house were rented. He says the granny flat had been built at the time the building inspection was completed. He says it had a smoke alarm which was hardwired near the bedroom door but there was no fire extinguisher or fire blanket provided by him. He confirms he used the shed to store his own property. The shed and its contents were insured and the shed, including the granny flat, were rebuilt after the fire. Mr Barnes saw small butane gas bottles in the kitchen area of the granny flat after the fire. He had not seen these before or that Mr Laing was using a gas cooker. He says further the smoke alarm was installed the week before Mr Laing moved in which was in or about early October 2018. He says it was situated just outside and above the bedroom door on the wall. He agrees the planning permit with respect to the shed, when it was shown to him by police, contained a condition that it was not approved for habitation. Mr Barnes does not recall that condition being in place and given there are many sheds which are occupied in the area he believed it was acceptable to use the shed for that purpose. He also says there was a smoke alarm in the shed when Mr French was living there. Mr Barnes says he had to evict Mr French for the non-payment of rent and further Mr French left the granny flat in a poor state when he left.

Mr Nigel Grice is a very experienced licensed building surveyor and he prepared the Holdfast Building Surveyor's report. He noted, given the condition on the planning permit, the shed should not have been used for human habitation. For it to be used for that purpose all necessary planning, building and plumbing approvals must be obtained. Once obtained an occupancy permit would be issued. He says further a single sliding entry door, which was present in the granny flat, would have complied with the relevant provisions of the Building Code of Australia and accordingly there was no breach of that Code.

### **Comments and Recommendations**

I am satisfied there are no suspicious circumstances surrounding this fire and the cause is accidental. Given the evidence of Ms Bracken's son I am satisfied when the fire started Mr Laing was outside the granny flat sitting in his chair listening to music. The fire was caused by one of

the 2 potential causes identified by Mr McCarthy. On becoming aware of the fire Mr Laing has entered the granny flat, removed the wok and deposited it on the front lawn. I am satisfied he did this because it was on fire. He has then re-entered the premises at which time he, while in the bedroom, has been overcome by heat and/or smoke and has passed away; the cause of death being asphyxia due to smoke inhalation as identified by Dr Ritchey. I am satisfied, to the requisite standard, a smoke alarm had been installed in the property. I am also satisfied that although the shed was not to be used for habitable purposes it otherwise complied with the Building Code of Australia and an occupancy permit would have been granted had all the necessary approvals been provided to the Council. The presence or absence of a smoke alarm and the presence or absence of an occupancy permit was not in any way causative of Mr Laing's death. Unfortunately he died when he made the decision to re-enter the property after having removed the wok. He has made that decision in order to attempt to put the fire out and/or retrieve his personal belongings.

The circumstances of this case serve as a solemn reminder that people should not dry towels by laying them over heaters which are operating and neither should they leave hot oil unattended on a stove or other heat source.

I extend my appreciation to investigating officer Senior Sergeant Marcus Pearce for his investigation and report.

Apart from the reminder set out above the circumstances of Mr Laing's death are not such as to require me to make any comments or recommendations pursuant to Sections 28 and 45 of the *Coroners Act 1995*.

I convey my sincere condolences to the family and loved ones of Mr Laing.

Dated: 31 March 2023 at Hobart in the State of Tasmania.

**Robert Webster**  
**Coroner**