



MAGISTRATES COURT *of* TASMANIA



CORONIAL DIVISION

Record of Investigation into Death (With Inquest)

*Coroners Act 1995
Coroners Regulations 1996
Regulation 14
Form 4*

48/2001

I, Peter Frederick Dixon, Coroner, having investigated a death of

William George FISHER

WITH AN INQUEST HELD AT Hobart Coroners Court

in Tasmania on 15 January 2001, 16 January 2001 and the 14 February 2001

Find that

William George Fisher died on the 15th day of November 1999 at Hobart in the state of Tasmania of fresh water drowning.

The deceased was a divorced man who was born at Hobart in the state of Tasmania on the 18th day of December 1937. He was aged 61 years and was not attended by a medical practitioner at the time of his death.

The evidence before me is such that I formally record on open finding in relation to the death of the said William George Fisher.

Circumstances surrounding the death

On Monday 15th November 1999 at about 7.45am a body was found in the fountain at what is known as the railway roundabout at Hobart. It was in the lower part of that fountain. The body was discovered by two Council workers, the police were immediately contacted, the site secured and an investigation was commenced. The body was found to be that of William George Fisher who had last been seen alive when he left Bethlehem House in Warwick Street, Hobart in the early afternoon of the previous day the 14th November 1999.

My function is to find if possible, the identity of the deceased, how death occurred, the cause of death, when and where death occurred, particulars required to register the death and the identity of any person or persons who contributed to his death.

I am satisfied from the evidence presented to me the deceased is William George Fisher, he died at Hobart in Tasmania on the 15th November 1999 having been born at Hobart, Tasmania on the 18th December 1937.

However, it is the manner of his death, its cause and whether anyone else contributed to that death that is the essence of this Inquest.

I heard evidence from some 19 witnesses and 110 affidavits, video tapes, photographs and reports were submitted at the Inquest. I do not propose to recite or even summarise each piece of that evidence but to refer to what I believe is necessary to make those necessary determinations. It is necessary to examine the finding of the body, the background of the deceased the results of the post mortem carried out and the result of the investigations.

When the deceased's body was located, it was naked. The opinion of the pathologist who carried out the post mortem examination Dr George Robert Henry Kelsall was that the deceased most likely died of fresh water drowning. There was significant burning to his body. It was therefore necessary to investigate and locate the site of that burning and to attempt to suggest a cause. Approximately 430 metres from where the body was found, in a grassed area between Aberdeen Street and Davies Avenue on the Glebe Reserve several areas of grass appeared to have been burnt. These areas were photographed and forensic examinations were conducted. The scene at the railway roundabout had been completely searched immediately after the finding of the body. However, no clothing was found in that area that could be connected to the deceased.

The areas on the Domain between Aberdeen Street and Davies Avenue after being carefully examined revealed the presence of items affirmatively shown to have been connected to the deceased. These included a pair of shoes, a wallet, a \$10.00 note, coins and personal papers identified as belonging to the deceased, pieces of material identified as similar to that identified as being clothing recently worn by the deceased and pieces of paper bearing menu details printed on one side originating from Bethlehem House the former residence of the deceased.

Forensic analysis of the items resulted in traces of evaporated petrol, turpentine and shelite on the burnt material and coins and burnt plant material and soil. The shelite was later found to have no connection with the cause of the fire. There was some doubt as to the turpentine as there was evidence that it may have been occurring naturally in a trace form in the area. There were no clothes discovered other than shoes and the scraps of material and there was no container found that could have carried petrol to the scene.

There was detailed evidence presented to me as to the deceased's movements in the days preceding his death. It would appear that up until Friday the 11th November the deceased had been residing since the 10th August 1999 at Barrington Lodge at New Town which was conducted by the Salvation Army. However, on Thursday 11th November 1999 the deceased spoke with an employee at Barrington Lodge and indicated he wanted to leave the premises. At that time he was questioned by a care co-ordinator at Barrington Lodge for the reason and he gave his reason as they were going

to get him. However, the same day or the following day the deceased had told another resident of the premises that he was leaving because he felt that he was being overcharged. On Friday 12th November 1999 he had lunch with his sister with whom he was very close at Barrington Lodge. At that stage I was told that he appeared anxious but his sister when she left about 2pm indicated that she would return to see him the following Friday.

He waved she and her husband goodbye and said he would see her next Friday. Later that day he left Barrington Lodge and did not return. Later that day he was found on a grassed area near Graham Funeral Homes on Risdon Road in what appeared to be a disoriented tired condition, police were called and he was conveyed by the police to Bethlehem House. He was told then that he would be taken back to Barrington Lodge. He was adamant he did not wish to return there and he also refused an offer to stay at Bethlehem House. He left those premises at about 7.45pm. In the early hours of Saturday 13th November he visited a pizza shop in Elizabeth Street, Hobart. Again, he appeared agitated, nervous and disorientated. Later on that same morning he was seen and served in a shop in Elizabeth Street. There was no positive sighting of him from 6am that day the 13th November until between 9 - 10am on Sunday 14th November 1999 when he was seen sitting on the grassed area at the Glebe between Aberdeen Street and Davie Avenue. Witnesses described him as being sad and appeared to be staring into space. At 11.30am on that day the 14th November he went to the Hobart Police Station in Liverpool Street, Hobart to inquire about overnight accommodation. He was then conveyed to Bethlehem House in Warwick Street Hobart where he was attended to by a supervisor who provided him with a quantity of clothes. He then left the premises at around 2pm that day. Although there were reports of him between then and the following morning, those reports unfortunately were inconsistent, imprecise or vague and the last known positive sighting of the deceased alive was when he left Bethlehem House at 2pm on the 14th November, 1999. He had booked a bed at Bethlehem House on the 14th November 1999 however he did not sleep there. There is no evidence of where the deceased spent the night of the 12th, 13th or 14th November 1999.

During the course of the Inquest evidence was received that the deceased complained on several occasions of being afraid of other persons. This apprehension was last expressed to his sister on Friday 12th November 1999. However, there is no evidence to support such an apprehension other than that expressed by the deceased himself. There was no evidence of any person making any threat. The deceased did not at any time specify the threats other than in general terms or specify from whom they came. There was a suggestion that he was concerned about his money however he had funds which were in a bank account at the Commonwealth Bank at Moonah. After his death no unauthorised withdrawal was made. Inquiries made of tenants and employees at Barrington Lodge and Bethlehem House indicated that the deceased did not appear to have any enemies. The evidence before me shows no motive, financial or otherwise for a person to be involved in his death. Evidence is also clear however that since 1980 when the deceased was admitted to the North-West General Hospital of being treated regularly for alcohol dependency and mental disorders and being diagnosed in 1994 as having permanent mild alcoholic brain damage which took the form of chronic mild

paranoia. He was admitted on the 4th August 1999 at the Royal Hobart Hospital as a psychiatric patient and released on the 10th August 1999 and in October 1999 then being prescribed anti-psychotic medication for schizophrenia.

It would appear that until the 10th November 1999 he had been taking his medication as prescribed and on that day his medical practitioner increased his medication and referred him to a psychiatrist. It would appear the last time he took his medication was on the 11th November 1999.

The evidence also confirmed that the deceased had on several occasions indicated a desire to kill himself. Going as far back as 1980 he reported such a desire and made similar comments in 1994. In August 1999 there is evidence that the deceased had attempted to kill himself by lying on a roadway. It was following that incident he was admitted to the Psychiatric Unit at the Royal Hobart Hospital. I also note that the Registrar in Psychiatry at the Royal Hobart Hospital confirmed that the deceased was being treated with the drug Risperidone to try and control the voices he was hearing and to control his feelings of persecution especially related to the belief that someone was trying to kill him. The Registrar in Psychiatry went on to say that if the deceased failed to take the medication it is likely that his psychotic symptoms would re-occur within days. I note that toxicology following the post mortem did not disclose the presence of any drugs.

I mention these matters of motive and the existence of a history a psychiatric illness and previous incidents of suicidal tendencies in the context of the evidence given by Dr Kelsall, Dr Kimball and Mr Walkley.

In attempting to determine the manner and cause of his death it is necessary to consider the evidence of those persons who were called as experts during the course of the Inquest. The pathologist Dr Kelsall is of the view that the deceased most likely died as a result of fresh water drowning. He was of the view that the finding of burnt clothing suggested that he was burnt and went to the fountain to probably wash or cool down where he drowned. He was of the view that he was possibly on his way to the Royal Hobart Hospital at the time and the presence of lacerations about the nose and forehead suggests he may have hurt himself falling into the pool and even rendered him unconscious at the time to explain the drowning. He was of the view that the background history of chronic alcoholism and mental disorder and previous attempted suicides strongly suggested that this was initially a suicide attempt. He had tried to burn himself but on finding this was not successful he set off for the hospital where he passed the fountain. He was of the view that the burns to the hands appeared to be defensive in nature and with the presence of soot in the upper air passages indicated inhaled smoke and had tried to defend himself when the flames were alight at the time he was burnt. He said he probably inhaled some smoke at the time of the fire evidence of which, that is the smoke, would have been missing because of the presence of water in his major airways. He was of the view that there could have been smoke damage to his lungs, which would have ended up in making him more than usually susceptible to drowning. He was of the view that the amount of water in the fountain at the time his body was found was low so, had he been attempting to cool the burnt areas of skin he would have to have immersed himself in shallow water in other words he would have needed to immerse his head to

effect cooling his upper body and neck rather than standing upright. He was of the view in such a situation panic could have caused drowning or he could have drowned intentionally.

Dr Kelsall said there was no evidence about the body that suggested any other person was involved in the death however he would not exclude such a possibility. He gave the cause of death as drowning. He also noted burns to the skin, lacerations to the head and nose.

I also heard evidence from Dr Kimball from the Department of Plastics and Reconstructive Surgery. He found that the burns occupied approximately 30% of the total body surface area with mostly full thickness third degree distributed on the front and back of the body both upper limbs, the right thigh and the neck. He was able to form the following opinions from his examination. The burn was caused by a flame and he was at least wearing trousers at the time of the burn as there was a demarcation line at the belt level. It was also likely that a shirt was worn from the distribution of the burn. He was of the view that the deceased was in an erect (standing or sitting) position at the time of the burn for the distribution of the burn and the soot. The burns occurred before the time of death as there was blister formation and the burn occurred within a couple of hours before death. As there was no evidence of inhalation burn from breathing hot gasses or products of combustion the burn was therefore unlikely to have been the cause of death. However, he was of the view that if untreated the burn would have caused death from dehydration, shock and renal failure after approximately 24 - 48 hours. His examination of the deceased's skin did not show signs of an assault or struggle and although patients with similar burns would have been able to function fairly normally (if not in a state of panic) for some hours after the burn the patient would have been in severe pain. He also told of persons with such injuries to have walked some 3 kilometres before shock and other complications set in.

I also received evidence from the regional fire investigation officer of the Tasmanian Fire Service Mr Steven Walkley. Mr Walkley has had considerable experience in fire scene examination with the intention of determining the cause of fires and is clearly an expert in relation to fire and fire causes. He had during the course of his training and duties accumulated a very wide range of practical experience in respect of fire behaviour.

He has been accepted as an expert witness in relation to fires and fire causes in both the Tasmanian Supreme Court and Tasmanian Magistrates Court and has been involved for a significant period of time in the formal investigation of fires.

He carried out a detailed examination of the scene and had access to the photographs and other documents provided by the police. In his view of the incident the presence of flammable liquids suggested an obvious need to transport them to the scene in appropriate containers. Even if involved in the fire, there would still be evidence of those containers. There was none. They would not have been totally consumed. He said that the burn patterns upon the skin of the deceased show that he had been wearing a minimum of a pair of trousers and a shirt at some time during the fire. He said it would be reasonable to expect other clothing was also being worn. He said had the clothes been

ignited, as they probably were they would not have been totally consumed by fire. It can therefore be expected that some remains should have been located, however they were not. Therefore it is very probable that clothes were also removed from the scene by persons unknown. There is no evidence to indicate whether the deceased removed his clothes or whether another person removed them. He was of the view that as heat and flames have a natural propensity to rise by way of convection from the source he would have expected more damage would occur to the head of the deceased if he'd been upright at the time that the fire was burning. His observations which had been restricted to the photographs revealed no burning or singes to the hair, eye brows, eye lashes or facial hair of the deceased which is in contrast to the manner of burning he had observed with persons who had undergone similar burns.

He believed therefore that the deceased had been in a horizontal position at the time of the fire. He was of the view that this opinion was further corroborated by the absence of any evidence of inhalation burns. His evidence may seem to be inconsistent with that of Dr Kelsall and Dr Kimball as to whether or not the deceased was horizontal at the time of the fire. However I note that Dr Kelsall although he said he believed that the deceased was burnt in a upright position that is to say either sitting or standing that did not exclude the possibility that burning began while he was lying down that he either sat up or stood up during the burning process.

Mr Walkley was of the view that burns that occurred to hands would not be as a defensive action of putting out the fire this being based upon there being no apparent burns or injuries sustained to the palms of the hands. He could not state categorically whether the burns had been caused as a result of flammable liquid being in direct contact with the skin. He could not confirm that an ignition source was located within the area where the fire occurred. It was possible therefore that the ignition source had been removed by another person.

The evidence at this Inquest precludes me in making a positive identification of the manner of the deceased being burnt and how he eventually ended up in the fountain. No-one has come forward to say that they saw the deceased that morning either on the Domain or approaching the fountain. It is impossible for me to say whether he was in company or alone. The reports and evidence of Dr Kelsall and Dr Kimball would be supported by the deceased's medical background and behaviour. However, it would appear there are too many anomalies in the circumstances that could lead to a positive finding that he had caused his own death or contributed to it. There is a lack of evidence in relation to where he spent the nights of the 12th, 13th and 14th November, 1999. There is no evidence of the containers containing petrol and turpentine being located. There was no presence of his clothes which were clearly removed after the fire began and before the journey was commenced to the fountain. There is no evidence how he made his way from the area of the fire between Aberdeen Street and Davies Avenue some 430 metres to the fountain without being seen. I note the observations of Dr Kelsall that because of the deceased's immersion in the fountain any injuries to his feet may well have been disguised and affected by the immersion. However, there is no positive evidence of any particular person being involved. There is also no evidence of any

person having any motive to harm the deceased. The investigation of this incident was conducted in a clearly professional and careful manner and received some significant publicity. The hearing of this Inquest took some 2 days before me and it is now a little over four weeks since the hearing concluded. Similarly, there was publicity following that hearing. No-one has come forward to assist with answers to any of the anomalies that I have mentioned and therefore the anomalies remain. The totality of the evidence does not enable this court to say what happened on the Domain to the deceased other than to say he suffered burns and what happened after that or how he reached the fountain before his body was discovered at 7:45am on the 15th November 1999.

There are a number of possibilities or scenarios that may have occurred however to comment upon them would be speculative and it is not the function of this Inquest to embark upon any such speculation.

I therefore make an open finding in relation to the deceased William George Fisher.

Comments and Recommendations

None.

This matter is now concluded.

Dated 29 August 2001

Peter Frederick Dixon
Coroner