



MAGISTRATES COURT *of* TASMANIA

CORONIAL DIVISION

Record of Investigation into Death (Without Inquest)

*Coroners Act 1995
Coroners Rules 2006
Rule 11*

I, Leigh Mackey, Coroner, having investigated the death of Merrell Keitha Down

Find, pursuant to Section 28(1) of the *Coroners Act 1995*, that

- a) The identity of the deceased is Merrell Keitha Down (date of birth 11 July 1955).
- b) Ms Down resided alone in Swansea. She grew up in South Launceston and been married twice, first to Kelvin Wilkinson-Reed with whom she had a son, Lachlan Wilkinson-Reed, and then to Darryl Down. She and Darryl separated after 20 years of marriage, in January 2022. It is possible that prior to her first marriage to Kelvin, Ms Down gave birth to a child that was adopted. At the time of her death, she was single and lived alone.

Ms Down had a history of mental health issues, including anxiety, agoraphobia and insomnia. She lived a reclusive lifestyle and had not left her Swansea property for approximately six years prior to her death. She suffered psoriatic arthritis that caused her pain and restricted her mobility. She received bi-weekly in-home care and support services, including medication delivery and assistance with daily living tasks. She received medical care through home visits from her general practitioner and support regarding her mental health through the Royal Flying Doctor Service and the Older Persons Mental Health Service.

Ms Down had a history of alcohol abuse and was a heavy smoker. Darryl describes her as being at times aggressive when affected by alcohol. Ms Down accessed alcohol through delivery of groceries from a carer. She drank wine. Many empty bottles of wine were found in her garbage bins following her death suggesting that her abuse of alcohol was ongoing.

Ms Down's relationship with Darryl was strained following his move out of the family home. Ms Down remained the sole occupant of the home.

Efforts made by Darryl to resolve property matters between them were ignored by her over a significant period. As a result, Darryl commenced proceedings in the Federal Circuit and Family Court of Australia concerning the distribution of marital assets, including the sale of the Swansea property. At the time of the fire discussed later in these findings, Darryl was present in his lawyer's office to attend those proceedings via video link.

The breakdown of her relationship with Darryl and the legal proceedings worsened Ms Down's mental health in the period preceding her death. She became increasingly paranoid particularly regarding people entering her property. Interaction with lawyers and with Darryl also aggravated her anxiety. Ms Down was significantly attached to her dog Bobby, whose death in January 2024 also led to a significant deterioration in her mental health. Despite the stressors of the death of her dog, the court proceedings and her increasing paranoia and isolation, she had a future focus with a plan to move into supported independent accommodation in Swansea following the anticipated sale of the Swansea home.

At approximately 9.18am on Wednesday, 28 February 2024, Tasmania Fire Service communications received multiple triple zero calls reporting smoke issuing from the roof area of the Swansea home. Thick grey and black smoke emanated particularly from the rear quadrant of the home which contained the downstairs dining and living areas. Tradespersons working at a neighbouring property were among the first to identify the fire and attempted to gain entry to the home to extinguish it by using garden hoses. The home was locked and fully secured and required windows to be broken in an attempt to gain access. They were concerned that someone could be present in the building. Flames were seen on the ground floor living area. The heat and ferocity of the fire prevented their entry into the home. They did not recall hearing smoke alarms from within the home.

Firefighting crews from multiple volunteer brigades arrived at approximately 9.32am and observed the house to be fully engulfed by fire. The extent of the fire caused the home to collapse. Fire suppression operations were conducted externally only as the ferocity of the fire and the structural instability of the house made entry impossible.

In the days following the fire, scene examination and excavation was undertaken by the Tasmanian Fire Service (TFS) and forensic members of Tasmania Police. Human remains were located within the fire debris on 1 March 2024. The remains were severely fire-damaged and were identified as those of Ms Down by DNA analysis. The remains were located within debris towards the front section of the home.

Postmortem examination of Ms Down included CT examination. She had sustained extensive heat-related injuries. Toxicological and histological testing and examination could not be performed. No significant natural disease processes or traumatic injuries unrelated to the fire, were identified on physical examination. Soot was found deposited within the airways, particularly the mainstem bronchi indicating that Ms Down was alive and breathing during the fire.

- c) Ms Down's cause of death was effects of fire.
- d) Ms Down died on 28 February 2024 at Swansea, Tasmania.

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

- The Police Report of Death for the Coroner;
- Affidavits and report confirming identity;
- Opinion of the forensic pathologist regarding cause of death;
- Swansea Medical Centre and Tasmanian Health Service medical records;
- Transcript of record of interview with Darryl Down;
- Affidavit of Beverley Hutton, sworn on 26 June 2024;
- Affidavit of Brent Cordwell, sworn 18 November 2024;
- Affidavit of Brett Byers, sworn 16 September 2024;
- Statutory declaration of William Ring, declared 1 March 2024;
- Statutory declaration of Maxine Gee, declared 1 March 2024;
- Affidavit of Dr Andrew Grove, sworn 11 October 2024;
- Statutory declaration of Suzanne Hickey, declared 1 March 2024;
- Statutory declaration of Kylie Simons, declared 1 March 2024;
- Statutory declaration of Lisa Kemp, declared 1 March 2024;
- Affidavit of Rodney Clark, sworn 3 October 2024;
- Affidavits of attending members of Tasmania Police and photographs;

- Tasmania Fire Service Incident Report;
- Laboratory reports – Fire Samples;
- Federal Circuit and Family Court of Australia documents, including affidavit of Darryl Down;
- Bank records; and
- Insurance and title documents.

The Swansea Home

The Swansea home occupied by Ms Down was a double-storey, two-bedroom dwelling situated on approximately 806 square metres of land. Garage, laundry, kitchen, bathroom, dining and living areas were located on the ground floor of the home and bedrooms and bathrooms on the first floor. The house was constructed from rendered sheeting, fibre cement imitation weatherboards, corrugated steel roofing, aluminium framed windows, plasterboard internal linings, and a combination of tiled and carpeted flooring.

The house was heated by a gas heater, a wall-mounted heat pump, and underfloor electric heating. Electrical supply was provided via underground cabling connected to a switchboard adjacent to the house, protected by circuit breakers and a residual current device. The interior of the home was cluttered with large quantities of stuffed toys, cardboard boxes, and stored household items providing a moderate to high combustible fuel load for a fire.

The origin and cause of the fire

A comprehensive investigation into the cause and origin of the fire was undertaken by Mr Timothy McKay, Regional Fire Investigator with the TFS and an expert in fire examination and analysis. He found that the most significant fire damage occurred within the downstairs dining and living room area. Fire damage patterns, directional burning indicators, structural collapse, and the degree of mass loss to combustible materials were all consistent with the area of fire origin being located within that section of the dwelling.

Several potential ignition sources were identified as likely to have been present within the area of the fire's origin, including smoking materials, lighters or matches, electrical fittings, and a television however due to the extent of fire damage in the dining and living room areas and destruction of any ignition source if present, no definitive cause of ignition could be established. Ms Down's remains were found in the front section of the home, away from the living and dining room area. The

investigation was hampered by the extent of fire damage and structural collapse leaving few reliable fire indicators. Materials in the home were tested for the presence of fire accelerants, and none were detected.

Mr McKay postulates three possible causes for the fire:

1. Ignition caused by Ms Down carelessly discarding a cigarette or other smoking material. He notes that typically a discarded cigarette's propensity to cause a flaming combustion is dependant on the material it comes into contact with. It is common for a discarded cigarette contacting with textiles to fail to progress to flaming combustion and is more likely to self-extinguish leaving minor scorch marks.¹ The exact properties of the materials in which the cigarette came into contact beyond textiles ordinarily expected to be present in the dining and living room areas are unknown;
2. Intentional or accidental human intervention; and
3. The failure of an electrical device or its installation. Noting that the electrical supply to the home was protected by electrical circuit breakers and RCD safety devices and Darryl's evidence that the electrical system and appliances within the home were in good working order during his residency Mr McKay concludes that this is least likely to have been the cause of the fire.

Mr McKay was unable to determine the likely cause of the fire given the lack of evidence remaining at the fire scene. I accept Mr McKay's opinion that the fire commencing due to an electrical malfunction or fault is for the reasons he stipulated, unlikely.

Ms Down was found toward the front of the house away from the fire's point of ignition at the back of the house. She was a prolific smoker of cigarettes in the home. She abused alcohol and may have been affected by alcohol at the time of the fire and for that reason be sedated, uncoordinated or confused. The fire was of significant intensity There was no evidence of accelerant being used to fuel the fire, but the house was cluttered with flammable items, soft toys etc, that would have added to the fuel load of the fire.

¹ Tasmania Fire Service Incident Report p26.

Whilst Ms Down suffered significant mental health difficulties and was paranoid and reclusive there is no evidence that she was at the time of the fire, suicidal. It is significant that the property proceedings in the Federal Circuit and Family Court of Australia which were at the time extant were listed before the court on the morning of the fire however there is no evidence that Ms Down deliberately lit the fire nor is there evidence of Mr Down or a third party lighting the fire. The house was found to be in a locked and secured state on arrival by first responders to the fire and Mr Down was in Launceston staying overnight with friends before spending the morning in his solicitor's office to attend the Court appointment. The loss of the house by fire, albeit insured, was to Mr Down's financial detriment.

The most likely cause of the fire was accidental and a combination of Ms Down's cigarette smoking and alcohol use. However, to make a finding of fact I am required to be satisfied by the evidence of the existence of that fact on the balance of probabilities. It requires more than speculation. The evidence does not provide a basis on which a finding could be made identifying the cause of the fire to that standard, and I find accordingly that the cause of the fire is undetermined.

No fire alarms were found in the debris of the home, nor were alarms heard by witnesses who attempted to assist to extinguish the fire, however the home was built in 2009 and subject to inspection under the Building Code of Australia which included a requirement that fire alarms be installed. Darryl recalled that whilst he occupied the home it was fitted with three hardwired smoke alarms one each in the kitchen, ground floor hallway and at the top of the stairs. It is unlikely that the fire alarms would have been disconnected and/or removed in the period that he had ceased living there. It is likely, as found by Mr McKay that the fire alarms were destroyed by the fire and had been rendered inoperable by the effects of the fire by the time witnesses arrived at the home.

I accept Mr McKay's estimate that the entire home was not survivable by any occupant within five minutes of the fire's commencement due to the progression of heated gasses.² The progression of the fire throughout the home was rapid as was its collapse. Unfortunately, Ms Down did not have sufficient opportunity to escape the home before becoming overwhelmed by the fire.

Comments and Recommendations

I extend my appreciation to investigating officer Senior Sergeant Robert Baker and Mr McKay for their investigation and reports.

The circumstances of Ms Down's death are not such as to require me to make any comments or recommendations pursuant to Section 28 of the *Coroners Act* 1995.

I convey my sincere condolences to the family and loved ones of Ms Down.

Dated: 28 August 2026 at Hobart, in the State of Tasmania.

Leigh Mackey
Coroner