



CHAPTER 10



‘Walking Ghosts’

RONALD ALDRIDGE
ADRIAN EDMUNDS
THOMAS GRANT
BRUCE HAW
STANLEY MATHEWS
ALAN NEGRI
SHAYNE NEWMAN
PETER OTIS
JOSEPH RICHMOND

One cold, rainy night in April 1996 these nine men, between 31 and 61 years of age, were killed in a fire that swiftly and violently engulfed their unit at Kew Cottages. Throughout its history, over 2000 residents have died at Kew, some in horrifying circumstances. Most of these deaths were single or isolated events that drew little, if any, public attention. By contrast, the 1996 fire sent shockwaves throughout the Australian and international communities. In a State care facility that was meant to look after vulnerable people, how could so many men die in such harrowing circumstances?

The Coronial Inquest into the fire and deaths revealed that





successive Victorian Governments had failed to provide adequate facilities and care at the Cottages. In a watershed moment in Victorian history, the State was blamed as a key contributor to this catastrophic event. The Coronial and fire investigations resulted in a major overhaul of safety standards across State facilities and hastened the deinstitutionalisation of residents away from the Cottages into mainstream Australian society.¹ A detailed account of the fire was outlined in the findings handed down by Victoria's State Coroner.² However, mythology still surrounds the deaths of the nine men. Personal stories of those closely connected to the fire help to debunk some of the prevailing myths and reveal the emotional impact and devastation brought about by this tragedy.

Aside from a couple of anecdotes, no interviewees offered much information about each of the men who died. Perhaps this was a by-product of life inside a large institution, where people sometimes get lost among the crowd. Or maybe interviewees did not want to favour one life over another by offering information about particular victims. Despite being at the heart of the tragedy the victims often remained invisible. The magnitude of the fire overshadowed the loss of individuals. The victims were commonly referred to as 'the nine men'.

For decades concerns had been raised by the Metropolitan Fire Brigade (MFB), staff, parents, community visitors, consultants and experts about fire safety at Kew Cottages.³ Many people recalled the fire that had killed six female residents at Willsmere in 1968, noting that this was a stark warning of the potential dangers when there were inadequate fire safety measures. The MFB was critical of existing fire safety measures and recommended changes in order to drastically raise standards to protect residents. Unfortunately, for the most part, such advice seems to have fallen on deaf ears. Despite the reticence of the Victorian Government to enact recommended improvements, the MFB tried to ensure that its service was appropriate for protecting the interests of those housed within the institution. An MFB officer, Ronald Haines, stated:





The MFB involvement with Kew Cottages goes back many years, not only through fire calls but through assisting the Cottages with fire safety matters as well. Due to the disability of the clients and the age and construction of some of the buildings it was in the back of minds of firefighters that any real emergency at the Cottages would present the Brigade with particular problems. That is why the Brigade had an enhanced response to the Cottages (normal response is two fire appliances, however the Cottages receive three appliances to every call). This enhanced response gives the Brigade additional resources in the initial stages should an emergency occur. This additional response would prove invaluable during the disastrous fire of April 1996.⁴

In the early 1970s, Ronald Haines was a frequent visitor to Kew Cottages, cashing employees' pay cheques on behalf of the State Savings Bank. In 1976 he joined the MFB and worked as a station officer in various places, including the old Kew Fire Station located in Belford Road. Ron recalled that the relationship between the MFB and Kew Cottages was ongoing and amicable:

During the time I was at the Kew Fire Station I attended many fire calls to the Kew Cottages. The calls were mainly false alarms only a few minor fires; thankfully nothing of significance. However, attending calls I became quite familiar with the layout of the Cottages and also got to know many of the staff and clients. We were always met with great enthusiasm by the clients who wanted to shake our hands and waved to us warmly when we departed the scene. The firefighters always took time out after a fire-call to show clients around the fire appliance and to spend time talking to staff and clients.⁵

Ron was the first officer from the MFB to attend the 1996 fire. He arrived within minutes of the first fire appliances. Unlike many previous visits this was not a false alarm; he was confronted by a scene of destruction and despair.

At approximately 10.49 pm on 8 April 1996, a male resident set light to bedding in a room that he shared with Thomas Grant and Shayne Newman. Over the following seven minutes flames steadily grew, creating choking, poisonous smoke. The two night staff who were in charge of 45 residents in what was popularly known as Unit 30/31, were unaware of the dire events that were about to unfold. At





10.56 pm, the MFB responded to an automatic fire alarm. By 11.01 pm three fire appliances were onsite.

By the time firefighters started to battle the blaze it had taken hold with flames erupting 20 metres in the air. Smoke was billowing from the building and an orange glow lit the night sky. Residents were being evacuated by staff who were summoned from nearby units. Chaos reigned as many terrified and confused residents tried to return to their bedrooms in the burning building. Staff and firefighters were sometimes physically challenged by frightened and dazed evacuees.

Michael Giacomi was among the first group of firefighters to tackle the fire. As he and fellow officer Graham Smith entered the premises through Flat C they were met with thick smoke and intense heat. Michael's description of the desperate situation was heartbreaking and illustrated the obvious terror of those trapped inside:

When I first arrived on scene I heard a whole lot of screaming and stuff. The screams were not like screams that I had heard before in respects to having been to the Kew Cottages. The patients sometimes get really excited when the fire trucks turn up. These were different screams altogether, they appeared to come from the area that we were trying to attack, it was beyond the area that we could access, where the fire was at the time I was there it was all smoke and the screams were coming from behind the smoke. I was unable to get beyond the door at the end of the small corridor and it appeared this was the main area of the fire and the area where the screams came from.⁶

We will never know exactly who was crying out, but it would appear that three of the victims had tried to escape the inferno. The bodies of Shayne Newman and Thomas Grant were found in the living/kitchen area only metres from an exit door, while Ronald Aldridge was discovered in a passageway near a door leading to a communal lounge room. The remaining men lay within the confines of their bedrooms, some lay on the floor, while others were framed within their metal beds. Many people clung to the hope that these men passed away as they slept or were little aware of the grim situation in which they found themselves. The Coroner concluded that all the men died from carbon monoxide poisoning and burns. An MFB





report determined that the deceased died within six minutes and 30 seconds from the fire's ignition.⁷ As the fire alarm was not raised until seven minutes 45 seconds later we can assume that the cries Michael heard were not from those who died.

At 12.22 am on 9 April the fire was declared to be 'under control'. By this time the site was a hive of activity. The MFB alone had 113 personnel, 21 fire appliances and 23 other Brigade vehicles in attendance.⁸ Other emergency personnel were also onsite and the media were gathering. At around 12.30 am Detective Sergeant Peter O'Connor and Detective Senior Constable Graeme Wheeler of the Criminal Investigation Branch arrived at the fire location. As they drove to Kew, Peter was somewhat apprehensive about what lay ahead, 'It was going to be a daunting task ... There was a sense of foreboding about it all. It was Kew Cottages, with retarded people, and the fact that there were going to be dead bodies because of a major fire. So we were fairly apprehensive about it all ... and heading over there it was fairly quiet in the car.'⁹ Uncertainty was soon overcome as they approached the site of the fire. According to Peter, automatic pilot kicked in and they set about controlling the scene, 'it was fairly disorganised ... The scene hadn't been contained. If it's a crime or a serious matter like we had there, the scene's got to be contained, the comings and going of people have to be monitored and recorded. For various reasons, that hadn't been done.'¹⁰ Ambulance officer, Tony Armour, supported Peter's claims, 'When I first arrived on the scene it looked like a major disaster with people running everywhere.'¹¹ Peter was concerned that the disorderliness could potentially lead to a contamination of a possible crime scene. Fortunately this did not occur.

One of the largest groups of onlookers was the media who were quick to respond to news of a major fire at Kew. Journalists and news personnel photographed, filmed and attempted to interview anyone who could help in collating their stories. Peter O'Connor noted that members of the media were everywhere. On entering a room where residents lost their lives Peter was angered by the presence of media peering into the crime scene:





A firefighter standing in Unit 31.
(Courtesy of *Herald and Weekly Times*
Photographic Collection)





There was a heap of damage to the structure, it was pretty severe. From memory there were walls missing ... I was in the building and I was looking up, and I can see all the cameramen there, it was crazy ... I have a memory of looking through this hole and seeing the media there, and thinking: 'What have they got their noses in here for? Get out of here.'¹²

The intrusive nature of media was vividly recorded by news footage shot that evening. A televised film clip showed a camera crew being ordered out of the destroyed unit by irate firefighters who were attempting to bring the situation under control. The media were driven back to an area away from the immediate fire location.

Despite the growing number of people amassing at Unit 30/31 the atmosphere was solemn, 'It was pretty eerie and dark, and it was quiet.'¹³ With the assistance of fellow police officers, Peter and Graeme swiftly set about organising a perimeter to stop unauthorised entry by media, staff, residents and members of the general public. They liaised with the MFB, police forensic investigators and Kew staff to ascertain the sequence of events. They were informed that a staff member had witnessed the sole survivor of Flat E carrying a cigarette lighter and attempting to burn a piece of paper shortly after evacuation. This man became the primary suspect. Peter explained:

We discovered the cigarette lighter on the footpath and that was the one believed to have been used to light the fire. With the aid of the staff we identified the likely person that lit the fire. So we identified him, we located him, we then put him in the care of one of the staff and he was seated in another building in an office, just for his wellbeing and so we knew where he was. I suppose he was in custody in a sense.¹⁴

Further investigations by the Victoria Police and MFB confirmed that the most probable cause of the fire was bedding having been set alight with a cigarette lighter. Although a resident was identified as the perpetrator, his intellectual disability precluded any criminal charges being laid as there was no apparent criminal intent. Subsequently, the focus of public attention shifted towards the State and its role in contributing to the deaths of nine men in its care.





The response to the fire from people in Australia and overseas was at times overwhelming. Letters of condolence were sent from afar and memorial services were held throughout the country. On 19 April 1996, a group of Queenslanders held a silent vigil in King George Square Brisbane. The attendees collated a signed petition that was sent to Victorian premier, Jeff Kennett, in support of existing demands for an independent Royal Commission to investigate the fire and deaths of the nine men.¹⁵ John Kelleher, a forensic officer from the Fire and Explosion Unit of the Victoria Police, believed that the passionate community response was due to the Cottages being an iconic, State facility:

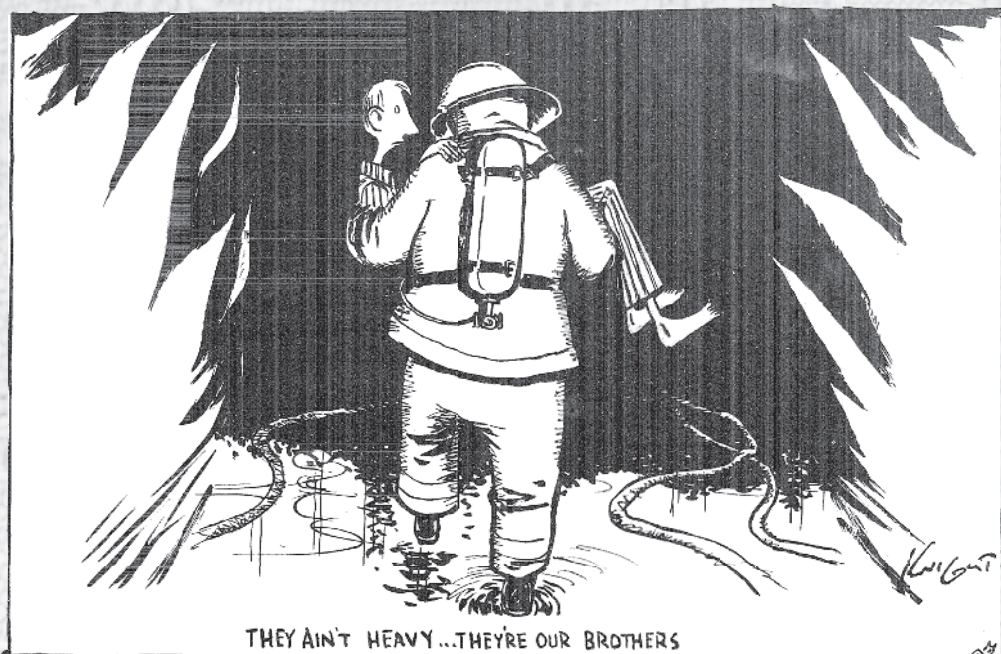
Kew Cottages was well-known. There wouldn't be too many public facilities that are as well-known. As it was managed by the State Government, which is meant to represent *the community*, I think that many people perceived it as a community responsibility. So when the fire happened the whole community was concerned about how something like this could happen; what have *we* done wrong or what could *we* have done better?¹⁶

The general public were demanding answers. As a Royal Commission was never instigated, information about the fire was reliant upon investigations conducted by the Victoria Police, MFB and the Coroner's Inquest.

John Kelleher led the fire investigation on behalf of the Victoria Police. He was in attendance on the night of the blaze. By the following afternoon forensic officers had finished examining the unit. Evidence was recorded, logged and secured for future use. According to John, in many ways the fire was not complex; the cause and sequence of events appeared to be clearly evident. However, similar fires in other congregate care facilities and community demands for answers contributed to the formation of a joint fire investigation team between the Police and MFB:

There were so many people that died that we had to try to determine whether it did actually happen the way that we suspected. It's all very well to say: 'We agree with the Fire Service, or the Fire Service agrees with us, we all agree with each other about how it started.'





Popular reaction to the Kew fire. (Mark Knight, 'They ain't heavy ... they're our brothers'. Courtesy of *Herald and Weekly Times* Photographic Collection)

But then again we could both have been wrong! This was really important to the community, so it was something that we wanted to get right. There were issues too, like did the smoke detectors work properly, do they provide adequate warning, and how long exactly does a smoke detector take to go off, given these particular circumstances? So there were a few questions to be answered.¹⁷

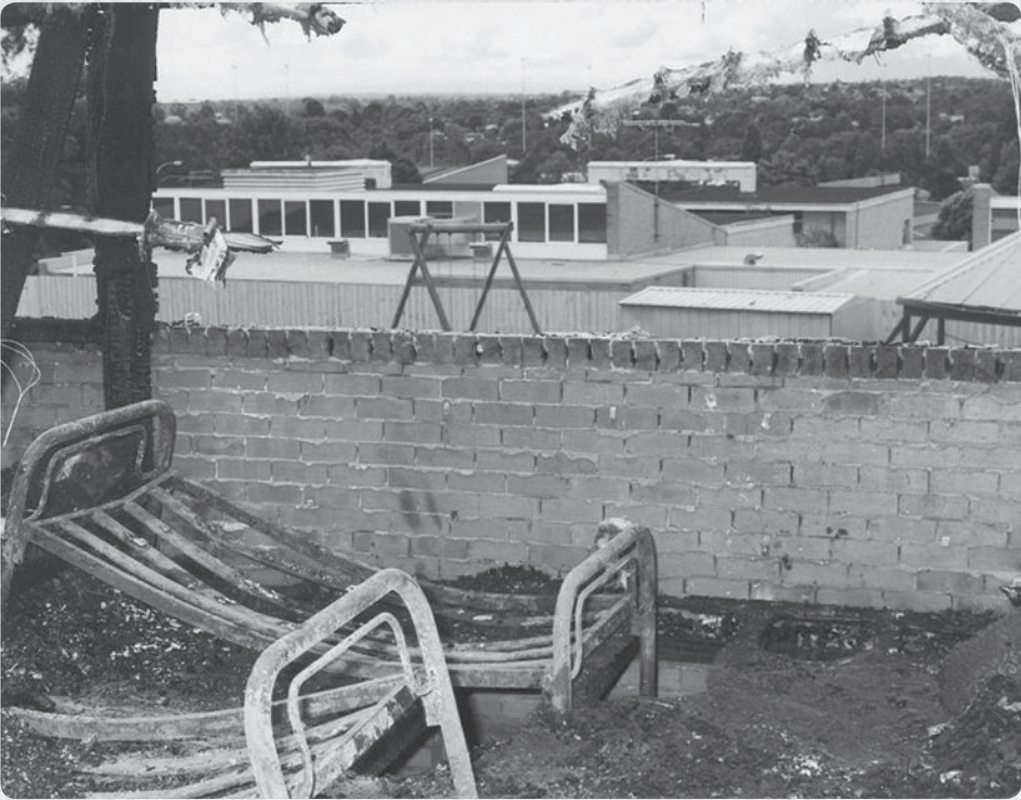
The joint investigation team was headed by John and Inspector Garry Martin from the Brigade's Fire Investigation and Analysis Unit. They conducted a series of fire tests between May and July 1996, including a re-enactment that was staged with the full support of the Coroner. The re-enactment was attended by members of the inquest, Victoria Police, MFB and other interested parties. Fire personnel were onsite in case the fire got out of control. The re-enactment was recorded for research and as possible evidence. John recalled that this large-scale test confirmed the speed and ferocity of the blaze:



There were around 40 to 50 people in a viewing area. Again there had to be Fire Service people in there to supervise them as it was possible that an evacuation may have been required. We're always safety-conscious but something like that could have had a lot of potential for accidents. It was a huge fire, the re-enactment ... Once the fire started, I was right back in the viewing area ... It was a frightening experience really, seeing how quickly it all developed. The flames were 10 or 12 metres high coming out of the building, it was really remarkable ... It brought home the reality of it. You often think: 'How could you be overcome' and at Kew 'How could so many people be caught unawares?' When you realise how quickly it happens and what a violent event it is, it makes people realise how these things could have happened. It's not something that took three quarters of an hour or an hour, where people would have had plenty of warning, it was all over in a few minutes.¹⁸

Many people believed that the physical layout of Unit 30/31 contributed to the deaths of the nine men. In various reports and interviews, people often spoke of the men being lost inside their unit, unable to find a way out. As part of its renovation process, the unit had been partitioned into small maze-like living spaces in an attempt to provide more privacy and personalised conditions. In February 2006, fellow research team member, Chris Dew, and I inspected an identical building, Unit 28/29, which was no longer inhabited. There was a sense of eeriness as we entered the building, Chris had been here before, but this was my first time. As we started our journey into the unit, stories of the fire sprang to mind. I was trying to envisage what it must have been like for people who had been trapped inside Unit 30/31. Walking around the first section the layout seemed straightforward; we just followed the passageways. However, before long we became disoriented. The unit was divided into five flats with some interconnecting rooms and shared facilities. As we stood in a corridor wondering which way we had come from and where we needed to go next I spotted a map secured to the wall. We took this map and used it to navigate around the rest of the building. Apparently, easy navigation was not a major concern in the redevelopment of these old dormitories. Even some staff found the design challenging. Jan Sharp recalled that when, 'they put partitions up, they became like rabbit warrens; we used to go in and get lost'.¹⁹





Burnt-out bedroom, Unit 31.
(Courtesy of the Victoria Police)

As part of the inquest, the Coroner and associated parties inspected the charred remains of the Unit. Ian Freckelton, counsel representing the Office of the Public Advocate at the Coroner's Inquest, was struck by the 'labyrinthine construction'.²⁰ The Coroner found that the building was a complex structure that created difficulties in supervision and evacuation. He also criticised building practices and materials.²¹ For outsiders the physical design of Unit 30/31 appeared highly problematic, but for those living within the facility it was a familiar place many called 'home'. The discovery of Thomas, Shayne and Ronald near doorways would appear to support the fact that they knew where exits were located. Sadly, the intensity of the fire stopped them from reaching safety.





The results of the joint investigation provided critical evidence in the Coroner's Inquest and contributed to improved safety measures being implemented in State facilities across Victoria. John Kelleher also recognised that the collaborative nature of the investigation furthered positive relationships between the Victoria Police and MFB, 'as joint exercises go it was absolutely huge, we had a marvellous relationship with the Fire Service. It was a terrible thing to happen, but some good came out of it in terms of the relationship between the Police and the Fire Service, and the development of cooperative procedures.'²² The loss of nine residents was not in vain. Although offering little comfort to those who grieved for their relatives, friends and charges, undoubtedly the lives of others in State care were better protected through improved fire safety measures which were introduced as a result of the Kew fire investigations.

The dedication of some Kew staff in caring for residents was highlighted by their efforts to save the men accommodated in Unit 30/31. When the fire alarm was raised staff in surrounding units were telephoned and, after ensuring the security of their residents, literally ran to the scene of the fire. Police witness statements revealed the determination and courage of a handful of staff who assisted in the evacuation, risking their lives by repeatedly going into the burning unit in search of residents. In particular, the Coroner commended the two night staff who were on duty, Chea Earpeng (Peng) and Bartful Frlan. Nurse, Julie Carpenter, spoke candidly about the devastating impact of the fire on Peng, 'One of the staff on duty that night, I don't think he'll ever work again in his life. He was a Cambodian refugee, he'd been through so much in his life before he came and worked at Kew. He was the loveliest person. He was so fond of the residents and he kept running back into that building trying to get them out. He had a total breakdown.'²³ Fellow staff member, Muharem Sen, who was one of the first people to help with evacuations, carried Peng out of the burning building after he collapsed from smoke inhalation. Peng was later hospitalised and treated but was permanently scarred by his experience.²⁴





On 8 March 2006, unit manager, Helen Wilson, and I were seated at the kitchen table in Unit 25, recording her stories about working at Kew Cottages over the previous 33 years. We had been speaking for nearly two hours when I asked her about the 1996 fire. Immediately Helen's face turned pale; she lowered her eyes and carefully gathered her thoughts. As she started to recall her experience of the tragic event, Helen became tearful. Even 10 years after the fire, her voice quavered as she declared, 'I'm going to get upset talking about this now.'²⁵ Helen's response to my question was typical of most of interviewees who were questioned about this issue. Even professionals, such as police and fire officers who attended and investigated the fire, spoke about its enduring emotional impact.

Helen's anguish was evident as she recalled the scene at the Cottages on the morning after the fire:

nothing really prepared me for what I met at the front gate ... I've never experienced anything like it. There were fire trucks everywhere, there were ambulances everywhere, there were police cars everywhere. There were people stopping you from driving in. We were told not to approach that area. It was the worst thing that you can possibly imagine. Then when you're driving through it you just couldn't take your eyes off the building. I had to sort of drive around to get to the unit that I was working at then, and then to go in and all the staff, everybody was just like walking ghosts that day, honestly, yes it was just awful.²⁶

Helen also took note of the residents' response:

Some of them really understood what had actually happened, that the building had burnt down and that the people had died, that they'd been burnt and were dead. Others were sort of questioning why, what's happened there? You could just see that it had an effect on everybody, whether they understood what had happened or not, they could actually see the building and see that it was burnt. There was this real hollow feeling over Kew for weeks and weeks and weeks after that.²⁷

This description of Kew immediately after the fire was echoed by





many interviewees. Julie Carpenter worked in the Hospital Unit close to 30/31, but was in New Zealand when she heard about the fire. She remembered that on her return the staff were traumatised, '*everybody* was so affected, even people that had a really hard exterior, could not help but be affected by it'.²⁸ Staff and residents shared in their grief at funeral and memorial services to honour the victims of the fire. Ralph Dawson expressed sadness at the loss of his fellow residents, 'there was a fireball, I watched it on TV ... One client has a cigarette lighter on his bed ... but the whole unit went up, it went whoof! Like a fireball ... I went to the funeral ... There was one of these fire clients in the coffin ... I knew I was going to cry, I had tears in my eyes. I saw the coffin going down there, I burst in tears, I couldn't *help* it.'²⁹

Unlike the public who relied upon soundbites and brief descriptions published about the victims, many residents and staff had known the men, some for decades. Julie laughed as she recalled the antics of some of the deceased:

I knew every one of those men because at some stage they'd been in the Hospital Unit, even if it was only to have their dental treatment done under anaesthetic. Because the building was so close to us we used to see them. They were always in the yard outside. Sometimes they used to throw things on our roof. One of them used to climb up on our roof ... He'd run along the roof, and we'd say: 'Ronny's up on the roof again ... Come on Ronny, get down off the roof.' He'd run about three more times and then he'd get down and he'd go back home.³⁰

Regrettably for Ronald, 'home' was Unit 30/31.

Kew management organised for counselling to be available for staff and residents. However, most staff relied on support from one another. Some others sought alternate forms of counselling such as pastoral care from James Scannell, a Catholic priest who worked at Kew for many years. Grief and discontent felt by many staff was exacerbated by inaccurate media reportage. The media relied upon hastily gathered information and supposition to compile initial reports that were published and broadcast the morning after the fire. At first, some Kew employees openly spoke to





the media in an effort to provide a more accurate account of the men's lives at Kew Cottages. Before long, staff were ordered by management not to engage in discussions with the media, but instead to direct them to the government department responsible for Kew. Many staff were upset by this order because of the misinformation being published and wanted to publicly set the record straight. Michael Glenister was one of those frustrated at false media reports. He wanted 'to come out and say the truth'.³¹ Anger was directed towards the management of Kew and the department for the imposed gag.

In many ways, the Kew Cottages Parents' Association took on this advocacy role in place of staff. From the outset the Association was actively involved in gathering information, disseminating viewpoints and providing support for those affected by the fire. This support extended beyond the parents that were members of the Association to non-members, their families and staff, particularly those involved in direct care roles. For many parents, Geoffrey Welchman, the president of the Parents' Association, was a key contact after the fire. An anxious parent, Hilda Logan, was one of the first to call Geoff:

I was in bed, and my elder sister rang me and she had just heard on the news that there was a fire at Kew Cottages. So I rang Geoff and he said he'd already had a call. I said: 'Well where is it?' He said: 'I don't know.' ... I decided that I would ring our unit on the direct line and I got onto Gus Banko ... Gus answered the phone and I said: 'I believe that there's a fire Gus, where is it?' He said: '30/31 and it's awful.' So I rang Geoff back and told him where it was.³²

Shortly after Hilda's phone call, Geoff and his wife Elsie, headed for Kew to become fully apprised of the situation. A leading member of the Association, Rosalie Trower, recalled that as Geoff and Elsie drove to the Cottages they heard a radio broadcast that reported the loss of 13 lives. She stated, 'Poor old Geoff Welchman, he went straight out there with Elsie, and they said by the time he got there the tears were coming down his face, the number had jumped to 13 dead, well, it so happened it wasn't, thank God.'³³ Two years earlier,





Geoff and Elsie's son had lived in Unit 31. Undoubtedly they were shocked and contemplating what might have been. Geoff and Elsie were not alone in journeying to Kew that night. Other members of the Association arrived onsite, opening up the kiosk to provide tea and support for those in need.

The following day the Parents' Association was bombarded by requests from the media for information about the Cottages and the fire. A small group of members, Geoff Welchman, Des Lowther, Hilda Logan and Rosalie Trower, a journalist by trade, took on the responsibility of public relations. On the first morning Rosalie believed that she would be able to handle the workload, but by that evening she sought assistance:

My sister rang me up and said: 'Would you like me to come up?' ... I said: 'No, I'll be right, don't worry.' I rang her that night and I said: 'Please come, I need somebody to make me a cup of tea.' So she came hurtling up here ... I remember one time I went out [for] ... a short time, I had 13 messages on my machine and all [from] the papers.³⁴

Over the coming weeks and months the Association was pivotal in feeding information to the media. This public relations strategy kept Kew Cottages in the headlines by highlighting years of government neglect and public apathy.

For several years the Parents' Association had publicly and continually criticised the Victorian Government for budget cuts at the Cottages and for failing to meet its duty of care. Geoff Welchman spearheaded public and political campaigns to rectify the substandard conditions present at Kew, 'we were suing the government in the Supreme Court ... they weren't doing what they were bound to do under the *[Disability] Act*. We challenged them in the Supreme Court that they *must* do it.'³⁵ The Association was in the process of suing the Government when the fire occurred. Members believed that the 1996 fire epitomised State neglect. The media appeared to support this viewpoint and published articles about Kew with headlines such as 'Claims Quality of Life Worse than Jail'.³⁶ Scathing media reports often contained information and quotes provided by Association representatives.



Comments and Recommendations into Fire and Nine Deaths at Kew Residential Services on 8 April 1996:

1. The State of Victoria owed a duty of care to the staff and the nine intellectually disabled residents at Kew Residential Services.
2. For ten years (since 1986), the State of Victoria had been given warning after warning by consultants, experts, personnel and different government instrumentalities as to the inadequacy of the fire safety system at Kew Residential Services.
3. These warnings had been given to the State of Victoria over the period of several governments and departmental agencies having responsibilities for fire safety at Kew Residential Services.
4. The present government and the Department of Human Services had made substantial efforts to upgrade significantly the fire safety systems at Kew Residential Services.
5. However, the fact remains that ten years is far too long for the State of Victoria to have got its house in order, particularly when considering the life and safety of the persons to which it owed a duty of care.
6. The State of Victoria has contributed to the fire and deaths of the nine residents because, despite all warnings it had received over the decade from 1986, no proper fire safety system was in place at the time of the fire.
7. This is not the only way in which the State of Victoria has contributed to the deaths. These other ways are detailed in the findings.





8. The role of various consultants and contractors was comprehensively investigated during the inquest, and a number of shortcomings, areas of criticism and scope for improvement have been identified; however, on the recognised legal standard, those parties have not contributed to the deaths.
9. Nonetheless, it is encouraging that the State of Victoria was undertaking substantial efforts towards a proper fire safety upgrade at the time of the fire. In addition, during the currency of the inquest, the State has made several positive moves towards improving fire safety. The commitment of \$75.5 million to '*continue the program of fire safety audits and works*' in Department of Human Services facilities is a particularly positive step. The extent of the positive work towards improving fire safety along with the implementation of the many recommendations will, no doubt, significantly reduce the chance of such an event recurring.
10. Throughout the inquest, the importance of learning from the fire so that the same errors will not occur again has been stressed. The positive lessons learnt from the investigation of the fire will have consequences for other governmental and private institutions that look after intellectually or otherwise disabled persons.
11. The Kew Residential Services fire remains a tragedy for the State of Victoria and, in particular, for the victims and their families.

(Graeme Johnstone, *Inquest Findings, Comments and Recommendations into Fire and Nine Deaths at Kew Residential Services on 8 April 1996*, Melbourne, Victorian Coroner's Office, 1997, p 12.)



The inquest into the Kew fire was one of the longest Coronial Inquests in the State's history; sitting for 81 days. Although Jeff Kennett vehemently denied any wrongdoing on behalf of the State of Victoria, the Coronial Inquest confirmed allegations made in initial press reports that the fire was avoidable.³⁷ The Parents' Association sent representatives to the inquest each day, ensuring that families were not forgotten in this tragedy. In his published findings, the Coroner confirmed that evidence suggested that the fire was started by a resident. He did not find the resident to be criminally culpable because of the absence of intent due to intellectual disability. The State of Victoria was named as a major contributor to the deaths of the nine men for failing in its duty of care.³⁸ A class action by the Parents' Association against the Victorian Government was withdrawn in response to changes implemented after the fire.

Although anger, frustration and grief were immediate responses to the fire, by the time the Coroner's findings were handed down, on 17 October 1997, sadness, acceptance and optimism for the future care of remaining residents prevailed. The Victorian Government, probably pre-empting the Coroner's findings, allocated \$75.5 million to continue audits of fire safety and works in facilities managed by the Department of Human Services.³⁹ At Kew, institutional safety procedures and equipment were drastically improved. The fire and inquest also revealed problems associated with large-scale congregate care. These were highlighted by a report submitted to the inquest by the Office of the Public Advocate. Plans for deinstitutionalisation of residents and the closure of Kew hastened. Within 10 years the number of residents living at the institution fell from 600 to 100. The 1996 Kew fire was a significant turning point in the history of Kew Cottages.

The deaths of Ronald, Adrian, Thomas, Bruce, Stanley, Alan, Shayne, Peter and Joseph will forever be remembered in a memorial erected within the landscape of Kew Cottages. This memorial will remain a permanent feature in the new suburb evolving on the former institution's site. In many respects, the Kew fire memorial symbolises a far greater loss of life at the Cottages than those who





perished on 8 April. Many residents had died in less dramatic circumstances, some buried in paupers' graves with no one to mourn their loss. An epitaph for these residents will never be erected; they remain lost in the annals of history, perhaps to be uncovered and remembered by future generations. Like the nine men, some of these residents died because of the failure of various State Governments to adequately care for those housed in its institution. Overcrowding, understaffing and substandard housing not only made life difficult for residents, sometimes it was lethal.

The 1996 fire touched the hearts of so many people. It brought to the fore the neglected state of care for residents living in one of Australia's most significant institutions. The following poem was written by a relative of Peter Otis. It was a poignant acknowledgment of the apathy of many people in the general community towards those housed at Kew. The poem represented the turmoil and suffering of families directly affected by the tragedy and seems a fitting end to a chapter in history that most people simply call 'the Kew fire'.

Peter

It's just not fair
You had no chance
An innocent man-child
Whom we thought not much of
Until it was way too late.

We cannot even give you
A proper send off
In case the press crowd us in;
They won't let us grieve in peace.

Society didn't give a damn for you
When you were living
'Cause if they did
The fire wouldn't have taken you.

Disabled in a world of your own
You didn't understand danger
Ignorant bliss cost your life.





But what life did you have
In appalling conditions?
We give more to our prisoners
Who intentionally maim, harm and kill.

The sentence we gave you
Was far worse than any criminal
Yet you are the most innocent.

Peter, this is goodbye
My joy for you
Does not outweigh the sorrow for me
Grief is selfish

It's only for those left behind
You have no pain now.

No matter how you died
You are now a full person
Filled with love and happiness
Sharing eternity with Jesus Christ.

Hey Pete, give a kiss to mum for me
Our love for you both is endless,
Like the guilt we now carry
We have to live with that disability.⁴⁰

