



**CORONERS COURT
OF NEW SOUTH WALES**

Inquest:	Inquest into the deaths of Anthony Conn, Belinda Conn and William Conn
Hearing dates:	13 July 2018
Date of findings:	13 July 2018
Place of findings:	State Coroners Court, Glebe
Findings of:	Deputy State Coroner, Magistrate Teresa O'Sullivan
Catchwords:	CORONIAL LAW – Cause and manner of death Fire
File numbers:	2005/367569, 2005/367671, 2005/367765
Representation:	Ms Kirsten Edwards, Counsel Assisting, instructed by Mr Ian Linwood and Ms Lena Nash, Crown Solicitor's Office Mr Anderson, solicitor for the Office of the Public Guardian, QLD, representing a member of the Conn family
Non-publication order:	Pursuant to section 74(1)(b) there is to be no publication of any of the evidence in the proceedings

Findings:	Anthony, Belinda and William Conn died at “Wilga Downs” Gulargambone, NSW on 5 June 2005. They died from injuries from a fire after being unable to escape an intense house fire, most likely because they were overwhelmed with smoke. The fire originated in the laundry of the house. The cause of the fire cannot be determined.
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The Coroners Act 2009 in s81 (1) requires that when an inquest is held, the coroner must record in writing his or her findings as to various aspects of the death.

These are the findings of an inquest into the death of Anthony Conn, Belinda Conn and William Conn.

Introduction:

1. This is a joint inquest and fire inquiry.
2. The inquest is into the deaths of Anthony and Belinda Conn and their four year old son, William Conn. All three died after an intense fire burned down their home at a property called Wilga Downs, Gulargambone, located outside Coonamble, NSW, on 5 June 2005.
3. Anthony and Belinda lived at Wilga Downs with their children Samantha (then aged 12), Matthew (then aged 10) and twin boys William and Joseph, known as Joey (then aged 4).
4. Wilga Downs was a 40 year old property. It had four bedrooms. It was made of timber and fibro with a galvanised roof. The floor was made of timber and concrete.
5. The fire first came to the attention of people outside the Conn family when Samantha, Matthew and Joey arrived at the house of their neighbours Glen and Dianne Elliott at about 4:00am. The Elliotts say they were woken up by barking dogs and screams for help from the children.
6. Samantha told them the house was on fire and her parents and William were still inside. She said to Dianne Elliott that the fire had started in the verandah area and that her mother had woken her up and pushed her, Matthew and Joey out the door.
7. The Elliott's property was located around 6.5 kilometres from Wilga Downs. Samantha and Matthew had walked there through the night, Samantha carrying Joey for much of the journey.
8. It must have been a terrifying and harrowing journey for the young children.
9. Later that day Samantha spoke to police officer Detective Sergeant Jason Darcy. Samantha told him her mother had come to where she was sleeping, which was in the lounge room, and said there was a big flame. Samantha said she went outside onto the front deck with her father and Joey but her mother and William remained inside. Anthony Conn went back to get William but did not make it out.

10. Samantha looked for a mobile phone in the car but the car was on fire and she couldn't find another phone to call for help. The children watched their house being engulfed with flames until Samantha was worried there would be an explosion and decided to go for help.
11. The children and the family dog set out for the Elliott property.
12. After the children arrived, the Elliotts contacted their neighbours Tom and Carolyn Lyons. Glen Elliott and the Lyons' went to Wilga Downs while Dianne Elliott stayed with the children.
13. Carolyn Lyons called 000 at 5:30am while at Wilga Downs. Later (about 6:20am) the Royal Fire Service (RFS) and other volunteers attended Wilga Downs.
14. By the time anyone arrived on the scene the house had burned to the ground and little remained but ashes and rubble.
15. This level of destruction has impacted on the ability of fire investigators to draw confident conclusions about the cause of the fire.
16. Charred remains presumed to be that of Anthony, Belinda and William Conn were located in the lounge room of the property. Dental records and forensic examination later confirmed the remains were of Anthony, Belinda and William Conn.
17. The cause of death was unable to be determined during the initial autopsy undertaken by Dr Judith McCreath on 7 June 2005. On 1 June 2006, forensic pathologist Professor Johan Duflou reviewed Form P79A (report of a death to the coroner), the autopsy report and the toxicology report. Professor Duflou concluded that the cause of death could be described as "burns".
18. Neither an inquest nor fire inquiry was held after the fire.
19. Fire investigators including Inspector Ken Lucas of the RFS (in a report dated 10 June 2006), Detective Inspector Leslie Andrews of the NSW Police (in a report dated 17 May 2006) and electrical engineer John Gardner (in a report dated 8 October 2006) concluded that the laundry was the place of origin of the fire.
20. They considered the fire was likely to have been accidentally caused either by an electrical fault in the laundry or by drying clothes in front of a heater. The fire was not considered suspicious and there was no evidence of any accelerant.

21. The tragic deaths of three members of the Conn family rocked the small town of Coonamble. I am told that the fire is still spoken about in the town as a very traumatic event. The community held a fundraiser and despite not being a particularly prosperous area, I understand the kind-hearted community raised a very considerable amount of money for the benefit of the surviving family.

The Inquest:

22. The reason the inquest is being heard so long after the fire is that new information was revealed in 2013 about the possible cause of the fire and the State Coroner directed that an inquest be held under s. 29 of the *Coroners Act 2009*.
23. This new information was admitted as evidence at the inquest and is the subject of a non-publication order. I accept that the new information was carefully and thoroughly investigated and I accept the conclusions of the officer in charge, Detective Senior Constable Scott Holyday, the submissions of Counsel Assisting and the solicitor for the Office of the Public Guardian, representing a member of the Conn family, that the information is not reliable and does not assist me in my finding.

The Evidence:

How did the fire start?

24. The initial fire investigators thought the fire may have been started by an electrical fault in the laundry, in particular it was thought that an electrical fault in a power point connected to a heater in the laundry had possibly caused a fire which spread to a shelf containing ignitable fluids and that those fluids then spilt alight onto the floor.
25. However, two additional expert reports were provided by Inspector Phillip Etienne (Fire and Rescue NSW) between 2015 to 2018, which suggested that this initial theory was unlikely to be correct.
26. Obviously, there have been a number of developments since 2005 in the investigation and understanding of fire science.
27. This led to a conclave of experts on 22 June 2018. Original investigators Detective Inspector Andrews and electrical engineer Mr Gardner met with Inspector Etienne and produced a joint expert report.

28. All three experts had the benefit of extra information, developments in fire science and each other's expertise. There was no disagreement between the experts.
29. In summary, the experts agreed:
- a. the fire originated in the laundry;
 - b. an accidental cause of the fire was highly unlikely because the accidental scenarios the experts could think of were eliminated as lacking the necessary fuel, heat and oxygen combination to start a fire of the intensity present at Wilga Downs (this included the type of electrical fault initially favoured by Inspector Andrews and Mr Gardner);
 - c. accidental causes could not be eliminated entirely because there was limited physical evidence available due to the extensive fire damage to Wilga Downs;
 - d. there was no evidence of suspicious activity such as the presence of ignitable fluids, however evidence of any ignitable fluids/accelerant possibly being present at Wilga Down is unlikely to be found, due to such evidence being consumed by the fire; and
 - e. on the balance of probabilities the fire was started by human intervention. The evidence was too limited to say if the fire was started deliberately or was a result of child play (child play was defined as a fire started by any of the children in the house whatever the state of mind).
30. Inspector Etienne and Detective Inspector Andrews provided the Court with further expert evidence concerning the cause of death. They concluded that Anthony, Belinda and William Conn could not escape the house after being overcome by smoke. Mr Gardner did not comment on the cause of death as this is outside of his expertise.
31. I accept the findings in the report from the conclave of experts. The conclave was very constructive and I would like to thank the experts involved.
32. Whilst the report states that, on balance, the fire was started by human intervention, I also note that accidental causes cannot be eliminated because there was limited evidence. After carefully considering all of the evidence, the Court is unable to determine the cause of the fire.

Findings required by s81(1)

As a result of considering all of the documentary evidence and the oral evidence heard at the inquest, I am able to confirm that the deaths occurred and make the following findings in relation to them:

Anthony, Belinda and William Conn died at “Wilga Downs” Gulargambone, NSW on 5 June 2005.

They died from injuries from a fire after being unable to escape an intense house fire, most likely because they were overwhelmed with smoke.

The fire originated in the laundry of the house.

The cause of the fire cannot be determined.

I thank my counsel assisting, Ms Kirsten Edwards and her instructing solicitors, Mr Ian Linwood and Ms Lena Nash.

I offer the surviving family members of the Conn family my heartfelt condolences.

I close this inquest.

Teresa O’Sullivan
Deputy State Coroner

Date 13 July 2018