

CITATION: *Inquest into the death of Peter Andrew Fittock* [2016] NTLC
008

TITLE OF COURT: Coroners Court

JURISDICTION: Darwin

FILE NO(s): D0041/2014

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FINDING OF: Judge Greg Cavanagh

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hanging, care & supervision appropriate

REPRESENTATION:

Counsel Assisting: Kelvin Currie

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IN THE CORONERS COURT
AT DARWIN IN THE NORTHERN
TERRITORY OF AUSTRALIA

No. D0041/2014

In the matter of an Inquest into the death of
PETER ANDREW FITTOCK
ON 22 FEBRUARY 2014
AT DARWIN CORRECTIONAL CENTRE,
BERRIMAH

FINDINGS

Judge Greg Cavanagh:

Introduction

1. Peter Andrew Fittock (the deceased) was 61 years of age when he died.
2. He was born in Loxton, South Australia on 1 September 1952 to Nance Monica Fittock and Herbert Fittock. He had an older brother named Laurence.
3. His father was a machine operator by trade and the family moved around following the work. In 1963 the family were in Alice Springs where the deceased attended Primary School. During those years his father is said to have regularly taken the deceased fishing in Borroloola.
4. In the late 1970s the deceased moved to Borroloola and became a professional barramundi fisherman and as time went on he established a caravan park and a fishing tour business.
5. In 1983 he married Marea Carroll and they had two children, Thomas and Patrick who were gifted basketballers and footballers.
6. The deceased loved the outdoors, the environment and wildlife, and was heavily invested in the community and his family.

7. In 1997 his wife and the boys moved from Borroloola to Darwin so as to allow his children to gain an appropriate education. The plan was that he would wind down his business and follow them to Darwin.
8. However, he entered into a relationship with the manager of the Borroloola Inn, Debbie Baetzler. She became pregnant to him in the early months of 1998, but in May 1998 she commenced a relationship with another man. That seems to have made the deceased very unhappy.
9. On 6 November 1998 he drank into the night and then armed himself with a .223 calibre rifle and made his way to the car park at the rear of the Borroloola Inn.
10. He confronted Ms Baetzler at 4.00 am on 7 November 1998 as she walked from her room. He shot her twice. She died. He then went to her room to shoot the male. A struggle ensued and the deceased was eventually subdued and held until Police arrived.
11. He was charged with the murder of Debbie Baetzler and the attempted murder of Mr Jordison. He was found guilty of both offences and on 12 November 1999 sentenced to life imprisonment. His earliest possible release date was 7 November 2018.
12. He was initially held in Alice Springs Prison before relocating to Darwin Prison in February 2002.
13. In 2003 he gained a Low 1 Security Rating and in September 2006 he was moved to the Living Skills Unit where he commenced running the Native Fauna Program.
14. In August 2011 he gained a Low 2 rating. That entitled him to be housed in the low security section where he had his own room.
15. He ran an animal breeding and animal rescue program in the low security section. They bred rats, mice, worms and insects that were sold to suppliers

of pet foods. It was in an enclosure called the Living Skills Unit, but commonly called the “rattery”.

16. He also worked off site for the Ark Animal Hospital in Palmerston and was in the course of obtaining a veterinary nurse’s qualification. At the time of his death he had worked there for five or six years and was very well regarded.
17. His ex-wife visited him regularly throughout his incarceration and had frequent telephone contact with him. After 16 years together and despite all that had happened she regarded him as a good friend.
18. The children of the relationship visited less frequently but had regular telephone contact. The deceased followed their sporting careers through the newspapers and kept clippings of their achievements.
19. On 22 February 2014 he got up at 4.30 am. That was his usual routine. At 6.12 am he went to the rattery carrying his blind wallaby.
20. Two other prisoners attended the rattery at 6.30 am. They did not see the deceased. Shortly after another prisoner went looking for him in the rattery and observed the blind wallaby near the base of a tree. He did not however see the deceased.
21. The morning muster was at 8.00 am. The deceased was not in attendance and a Code White was called and a Prison Officer went looking for him. He went to the rattery but didn’t find him and at 8.30 pm another Officer joined him searching the enclosure. He was found hanging high in the tree with one end of the rope around a branch and the other around his neck. The height at which he hung and the foliage around him made it difficult to see him.
22. A Code Blue was called and in addition to other staff, two nurses attended the scene. He was a tall and heavy man and it took some time and effort to cut him down. He was deceased and cold to the touch.

23. Police were called. Their investigation found that there were no suspicious circumstances.
24. It appears that he had hung himself prior to 6.30 am on that morning 22 February 2014.
25. His wife had not noticed any change in the deceased prior to his death.
26. However, there was evidence from the Vet where he worked that the deceased had been quite stressed because the animal program was under threat. He was of the belief that the government had signed a lease for the new prison that had a clause that did not permit animals on the site.
27. The deceased did have some health issues. He had atrial fibrillation that was diagnosed in 2010 as well as sleep apnoea confirmed in 2013. But he had been doing the right things. He gave up smoking and monitored the thickness of his blood while taking Warfarin tablets and he used a machine to help his sleep apnoea. He seemed to have his conditions under control.
28. Michelle, the Prison Officer who generally accompanied the deceased to his place of employment had been on holidays, but on her return she thought he looked sick. She thought he was stressed and she took him to the doctor. She felt he might have been working too hard and getting run down. She said he was having trouble keeping his blood thinning right. But she thought the primary reason for his actions was that he didn't want to lose the animals.
29. His last medical appointment before he died was the evening of 21 February at 7.00 pm (the night before). It was to check his blood INR levels. The INR needs to be between 2.0 and 3.0. His was 2.2 and so seemingly unremarkable. That was much improved from three days before when it had been 1.6.

30. His wife tells of how he had significant regrets over his actions and the impact on his family particularly not being there for his boys. She said above all he was a pragmatic realist.
31. It appears likely that the stress consequent upon the possibility that losing the animals produced in him and his pragmatism resulted in his decision to end his life.
32. The evidence before me indicates that the care, treatment and supervision of the deceased by the Department of Corrections did not contribute to his decision to take his life.
33. It is clear that he was a well-respected prisoner that had gained the trust of the Prison Officers, obtained a low security rating and was trusted to run the animal breeding and rescue programs.
34. He saw the medical professionals on a regular basis and appeared to have his chronic conditions under control.
35. There is no evidence to suggest he had an undiagnosed mental illness or condition. His ex-wife does not think he was depressed but attributed his actions to pragmatism. Nor did any other the doctors he saw identify any mental illness.
36. I find that the care, supervision and treatment of the deceased was appropriate.
37. Pursuant to section 34 of the *Coroners Act* (“the Act”), I am required to make the following findings:

“(1) A coroner investigating –

(a) a death shall, if possible, find –

(i) the identity of the deceased person;

(ii) the time and place of death;

(iii) the cause of death;

(iv) the particulars needed to register the death under the *Births, Deaths and Marriages Registration Act*;

38. Where there has been a death in custody, pursuant to section 26 (1) and (2) of the *Act* a coroner:

“(1) Must investigate and report on the care, supervision, and treatment of the person being held in custody; and

(2) May investigate or report on a matter connected with public health or safety or the administration of justice that is relevant to the death.”

39. Pursuant to section 34 of the *Coroner’s Act*, I find as follows:

(i) The identity of the deceased was Peter Andrew Fittock born on 1 September 1952, in Loxton District Hospital, Loxton, South Australia.

(ii) The time of death was between 6.12 am and 6.30 am on 22 February 2014. The place of death was the Living Skills Unit, Darwin Correctional Centre, Berrimah in the Northern Territory.

(iii) The cause of death was self-inflicted hanging.

(iv) The particulars required to register the death:

1. The deceased was Peter Andrew Fittock.

2. The deceased was of Caucasian descent.

3. The deceased was employed at the time of his death as a trainee veterinarian nurse.

4. The death was reported to the coroner by the Correctional Centre.

5. The cause of death was confirmed by post mortem examination carried out by Forensic Pathologist, Dr Paul Botterill.
6. The deceased's mother was Nance Monica Fittock (nee McDonald) and his father was Herbert Fittock.

Dated this 29th day of June 2016.

JUDGE GREG CAVANAGH
TERRITORY CORONER