

3rd September, 1979.

CORONER: .I shall give my findings in the inquest in the fire inquiry arising out of the fire at Luna Park on the 9th June, 1979. The seven deceased died in the Ghost Train building when it caught fire on the 9th June, 1979. The cause of the fire cannot conclusively be stated. It is clear that it commenced in or in the vicinity of a display representing an imitation fire. Expert evidence has been given of examination of what was left of the electrical system, and of tests made after the fire. It has been shown that it was most unlikely that the ignition occurred through electrical fault, the possibility of such a cause cannot be completely excluded. A statement made to police soon after the fire indicated that it had been deliberately started, that statement has been shown to be false and mischievous. Patrons had the habit of discarding food wrappings and other litter during the ride, such flammable material could lodge in or on the imitation fire place. Para-floodlights were used in that display, it is very unlikely that litter would be ignited by them. Smoking was forbidden within the building, there was a notice to this effect. Employees tried to enforce that prohibition, some patrons nevertheless would commence to smoke after the ride started, the imitation fire place was close to the end of the ride. The most probable cause of the fire was ignition of flammable litter by a cigarette or match carelessly or recklessly discarded by a person riding on the train. The question arises where the deaths of any of the deceased or the cause of the fire attributable to the act or omission of any person so as to make him guilty of criminal negligence. It was suggested in evidence that an attendant Mr. Bessell, dispatched a carriage containing two children after he was told of the fire. No clear picture emerges from the evidence of what happened at about that time or the sequence of events. It cannot be said that he knowing of the fire dispatched a laden carriage. The indications are that that the two children described as being in a carriage which entered the building at about that time were aged about seven, they were probably the two young girls rescued by Miss Partington and Mr. Schiano, they were none of the deceased children.

BENCH

3rd September, 1979.

BENCH: (cont'd) Mr. Bessell was questioned about drinking intoxicating liquor, he admitted drinking some beer that day, he claimed that he was sober, there is no evidence to the contrary. The ghost train building was of mainly timber construction, the external walls were mainly timber with corrugated iron at the northern end, the internal partitions were of hardboard plywood and wood. The roof was of timber overlaid with layers of bitumen impregnated building paper and was finished on its top surface with hot mopped bitumen, part of the roof was of corrugated iron. Expert evidence is that once the fire had begun and involved the roofing materials, the spread would be very rapid, the heat would be intense and very dense black smoke would be developed. Evidence shows also that the building was in a poor state of repair, there were holes in the roof, the studs supporting partitions were in some cases loose and rotten, the roof was unsafe to walk on, the floor in the vicinity of the track was in places worn and uneven. Mr. Grant, a fire ventilation expert, inspected the building in October, 1977. His description of the interior reads in part:- "It was a maze, I think most people know what a maze is, pitch dark, I went in there when the maintenance lights were on and I had to find out what material was being used in there. It was timber, all painted black, partitions, and then you get to a scare area, which was usually hessian, plastics and electrics. As a matter of fact even with the lights on I was bumping into the partitions and the wall. It was a timber ceiling, I would have got lost even with the lights on. The only way I could keep going was to follow the railway track. One effect of the winding course of the track was to disorient passengers. There were three sets of doors on the western side of the building, from which escape was possible in case of fire. These were the track entrance and exit doors, and a set of double doors fitted with panic bars and an illuminated exit sign near the track entrance. There was a small door on the eastern side of the building leading into the river caves, it was not clearly marked and was probably indistinguishable from the walls. Mr. Jacob had worked on the ghost train for four months and did not know of that door.

3rd September, 1979.

BENCH: (cont'd) There were some doors in the partitions and they too were painted black like the walls and were difficult to distinguish. There was another door on the western wall, fitted with a panic bar, but it had been enclosed on three sides to create a room used for car storage, it gave no escape from the main building. The fire escape doors near the track entrance would be seen by passengers only very briefly as they past. Because of curves in the track and the presence of partitions those doors could not be seen from a point two or three metres further along the track, nor any part of the track thereafter. There is evidence that the premises were regularly cleaned, there is other evidence from a number of witnesses of a general dirtiness of the place and of the presence of little and other rubbish. Because of its construction internal layout and use the building presented a high fire risk and unique safety problems. I turn to the question of what precautions were taken for fire safety. The ghost train building was inspected in May, 1977, by Mr. Renn, a Senior Health Inspector of North Sydney Municipal Council and Mr. Roberts, a District Officer of the Fire Prevention Department of the Fire Brigades. It was part of an inspection of the whole of Luna Park. Subsequently the Board of Fire Commissioners made extensive recommendations to the council. In October, 1977, council officers conferred with the Luna Park management at Luna Park by notice dated the 11th November, 1977, the council under Section 317 D of the Local Government Act, directed the Secretary and General Manager of Luna Park New South Wales Pty. Limited to carry out certain works recommended by the Board of Fire Commissioners. As to the ghost train the works were 1, the provision of an illuminated exit sign at the escape doors and the availability of those doors for public use, 2, the installation of safety emergency lighting,

20-2-2-bs,

3rd September, 1979.

CORONER (Cont'd) 3. The installation of a fire hose reel system affording protection to all sections of the Park. Hoses were to be of sufficient length that taking internal partitions into consideration all areas contained within the building would be within reach of the nozzle end of a fully extended hose reel. 4. All curtains, drapes and fabrics throughout the premises should be treated bi-annually with an approved fire retardant. These works were to be completed within eighteen months. On 9th May, 1979 the Council allowed a further twelve months to complete the works. At the time of the fire outstanding requirements in respect of the Ghost Train were the provision of emergency lighting and a hose reel system. In making his reports upon which the recommendations of the Board were based Mr. Roberts took into account what he had been told that there was always at least one person inside the Ghost Train who could detect a fire, take action in respect of it, warn the other attendants and lead people out. There is no doubt on the whole of the evidence that the usual practice was to have a person patrolling inside the building. That precaution was not observed on the night of the fire. Mr. Roberts regarded the track exit doors as the primary means of escape, he thought that passengers would normally stay in the carriages and be carried to safety along the track. He considered that if passengers did leave the cars emergency lighting recommended by him would suffice to guide them back to the emergency exit. It appears to me that there was a distinct likelihood that passengers some of them young children in carriages moving at less than walking pace would leave the cars even in the early stages of a fire, they would then have to find their way to an exit through what has been aptly described as a maze. Amongst the hazards they faced was that of being struck by following cars. An attendant, Mr. Jacob, who guided a number of people to safety during the fire was himself struck and felled by a car. Upon a build up of dense smoke such as did occur emergency lighting would not be very effective. Mr. Jacob has described the darkness of the smoke filled passages when he was trying to rescue people. Fire extinguishers were available and were used upon the fire but it had gained such a hold that they were ineffectual.

20-2-2-bs.

3rd September, 1979.

CORONER: There were two hoses from fire hydrants at either end of the Ghost Train frontage, they were not long enough to deal effectively with this fire, one of them lacked a nozzle. I agree with Mr. Dunford, Counsel for the relatives, that some or all of the following precautions should have been taken and were not:

1. Provision of additional emergency exits.
2. Clear marking of all doors.
3. Provision of a smoke alarm system and a smoke exhaust system.
4. Provision of emergency lighting.
5. Provision of a hose reel system.
6. Provision of a sprinkler system.
7. Devising of an evacuation system and training of staff in its implementation.
8. Training of staff in use of fire fighting equipment.
9. Proper cleaning of the floor and exhibits.
10. Provision of adequate hoses to the fire hydrants.

It is clear that if items 1 to 6 in that list were not provided the Ghost Train should not have been operated in the absence of an attendant whose duty it was to patrol inside the building. The evidence shows for instance, that a number of passengers detected a smell of smoke, some five minutes or more before the fire was discovered but took no action thinking it might have been one of the Ghost Train's special effects. An attendant inside the building would have been in a position to detect the smoke and to give earlier warning. The provision of some or all of items 1 to 6 make have been onerous as to cost even impractical given the age, condition and layout of the structure, but there was an alternative, if the building was not capable of being made safe it should not have been open to the public. The Company, Luna Park (N.S.W.) Pty. Limited, its Directors and Management were under a duty of care in respect of the safety of patrons. The fire was reasonably foreseeable, the death of or injury to patrons by fire was reasonably foreseeable. There was a failure in the duty of care. There was a marked reluctance even in the face of expert advice and Council requirement to

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3rd September, 1979.

CORONER (Cont'd): spend money upon fire safety measures. That reluctance may be explained but not excused by the lack of security of tenure held by the Company over the site. Although there was a serious breach of the duty of care there was not, in my view, the high degree of negligence necessary to support a charge involving criminal negligence.

I will deal now with the question of what measures should be taken to avoid a similar happening. I have read the report of the Fire Brigade's Committee of Inquiry and the report of the Inter-Departmental Committee on Fire Safety in Buildings. I understand that the Government is in the course of strengthening the role of the fire brigades. I should suggest that the Luna Park fire indicates a need to expand the fire prevention function of the fire brigades and to extend the right of entry and powers of inspection to members of the fire brigades. The detailed recommendations of the Inter-Departmental Committee appear to provide proper machinery for implementation and enforcement of fire brigades recommendations by local councils. Consideration might be given to providing the fire brigades with a concurrent power to serve and enforce notices. The Ghost Train fire has provided knowledge that will be useful in a re-appraisal of fire safety at Luna Park and elsewhere. I recommend that there should be a further examination of Luna Park. The River Caves present fire safety problems similar to the Ghost Train, the electrical and fire safety of that building is dubious. It is likely that there are similar buildings elsewhere in the State, the Ghost Train and other side shows at the Sydney Show Ground were referred to in evidence. It is important that councils know of an use the services of the Fire Prevention Department of the Fire Brigade. Councils should not hesitate to invoke powers under Section 317D(2) of the Local Government Act to direct that a building should not be used until works are carried out. The Ghost Train was registered as an amusement device under Regulations made under the Construction Safety Act. One requirement of the Regulations is that emergency lighting should be installed and maintained if the device is in a dark place. The Ghost Train operated in darkness. There was no emergency lighting system installed and maintained. The building had been

1088

20-2-2-bs.

3rd September, 1979.

CORONER (Cont'd) inspected at least twice in the six months before the fire by an Inspector of the Department of Industrial Relations and Technology. That Department appears to need to enforce the emergency lighting requirement more rigidly. Model legislation for fire safety exists in the Theatres and Public Halls Act and the Regulations which came into effect on 1st January, 1978.

CORONER

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3rd September, 1979.

BENCH:(Cont'd) When the meanings of theatre or public hall, public entertainment and entertainment in Section 4 of that Act are examined it appears that the Ghost Train is a theatre of public hall and subject to the Act and Regulations. Whether this is so or not, a place such as the Ghost Train has historically and administratively never been regarded as being subject to that Act. I recommend that consideration be given to extending the scope of the Theatres and Public Halls Act and Regulations to buildings of public resort for amusement such as the Ghost Train, they would come under examination by Inspectors of the Department of Services and in Country districts, Police Officers.

Luna Park was held under lease from three different Government bodies, the Department of Main Roads, the Public Transport Commission and the Maritime Services Board, North Sydney Council's notice to carry out works related in part to a place called the Palais Ballroom which is on a pontoon floating in the harbour the company successfully took the point that this was outside the Municipality and the jurisdiction of the Council. I mention this by way of illustration of the difficulties of having fragmented enforcement bodies and the need for State wide policy and control by a body such as the Fire Brigades, the Department of Services or both. I recommend that any further lease of the Luna Park area should contain stringent conditions for the safety of the public.

I come now to my formal findings. I find that John Robert Godson, Damien Paul Godson, Craig Godson, Jonathan Shaun Billings, Richard Charles Carroll, Michael David Johnson, Shamus Patrick Rahilly died on the 9th June, 1979 at Luna Park, Milson's Point from carbon monoxide poisoning and burns or in one case burns only and in my written findings they will be specified and they are as stated in the respective Medical reports in evidence accidentally received when the Ghost Train building caught fire.

As to the fire enquiry, I find that on the 9th June, 1979, the property known as the Ghost Train at Luna Park,

1090

20/2/3 = EM

3rd September, 1979.

BENCH: (Cont'd.) Milson's Point, was destroyed by fire which originated in the vicinity of an imitation fire place but how the fire was ignited the evidence adduced does not enable me to say.

1049
266/79

CORONERS ACT, 1960

FIRE INQUIRY BEFORE CORONER SITTING ALONE

New South Wales, } 44-46 Parramatta Road, GLEBE
To Wit. }

INQUIRY held at the CORONER'S COURT
at 44-46 Parramatta Rd GLEBE in the State of New South Wales,
this 13th-29th / ~~27th-29th~~ day of August 1979 & 3rd day of September 1979,
before me Kevin Sidney ANDERSON

one of the Coroners of Our Sovereign Lady the Queen for the State aforesaid being
charged to inquire (on the part of Our said Lady the Queen) into the cause and origin of
a fire by which certain property to wit Amusement ride known as 'Ghost Train'
and portion of 'Wild West' 'River Caves' 'Big Dipper'
situated at LunaPark (N.S.W.) Pty Ltd Olympic Drive in the Complex
MILSONS POINT
METROPOLITAN Police District in the said State, and then

Strike out
necessary
ords.

~~occupied by~~ *occupied by Luna Park (N.S.W) Pty Ltd Olympic Drive
of MILSONS POINT and owned by
Luna Park (N.S.W) Pty Ltd
of Olympic Drive, Milsons Point was on
the 9th day of June, 19 79,

~~damaged~~ or destroyed (as the case may be). And having made such inquiry, I, as such
Coroner, do declare and find that On the 9th June 1979 the property known
as the Ghost Train at Luna Park, Milsons Point
was destroyed by fire which originated in the vicinity
of an imitation fire, but how the fire was ignited
the evidence adduced does not enable me to say.
GIVEN under my Hand and Seal at GLEBE this 3rd

day of September, 19 79



Coroner
(K.S. ANDERSON) pms..

1056
1979

CORONERS ACT, 1960

INQUEST BEFORE CORONER SITTING ALONE

New South Wales, 44-46 Parramatta Road, GLEBE
To Wit.

INQUEST held at the CORONER'S COURT
at 44-46 Parramatta Rd in the State of New South Wales,
on the 13th-29th day(s) of September, 1979,
and 3rd day of September 1979
before me Kevin Sidney ANDERSON one of
the Coroners of Our Sovereign Lady the Queen for the State aforesaid concerning the
death of DAMIEN PAUL GODSON
hereinafter called the deceased.

And I, as such Coroner, being charged to inquire (on the part of Our said Lady the Queen) when and where the deceased came to his death and the manner and cause of his death, and having made such inquiry, declare and find that the deceased on the
* 9th day of June, 1979,
at † Luna Park, Milsons Point
in the METROPOLITAN Police District,
in the said State † died from whole body burns and carbon
monoxide poisoning accidentally suffered
when the Ghost Train building caught fire.

* Insert date and
† place of death,
and
‡ finding.

GIVEN under my Hand and Seal at GLEBE this 3rd
day of September, 1979.

Coroner
(K.S. ANDERSON) pms..



[Handwritten signature]

CORONERS ACT, 1960

INQUEST BEFORE CORONER SITTING ALONE

New South Wales, } 44-46 Parramatta Road, GLEBE
To Wit. }

INQUEST held at the CORONER'S COURT
at 44-46 Parramatta Rd in the State of New South Wales,
GLEBE
on the 13th-29th day(s) of August, 19 79,
and 3rd day of September 1979
before me Kevin Sidney ANDERSON one of
the Coroners of Our Sovereign Lady the Queen for the State aforesaid concerning the
death of CRAIG ~~XXXXXXXXXX~~ GODSON
hereinafter called the deceased.

And I, as such Coroner, being charged to inquire (on the part of Our said Lady
the Queen) when and where the deceased came to h is death and the manner and cause
of h is death, and having made such inquiry, declare and find that the deceased on the

* Insert date
and
† place of
death,
and
‡ finding.

* 9th day of June, 19 79
at † Luna Park, Milsons Point
in the METROPOLITAN Police District,
in the said State ‡ died from whole body burns following
carbon monoxide poisoning accidentally
suffered when the Ghost Train building
caught fire.

GIVEN under my Hand and Seal at GLEBE this 3rd
day of September, 19 79.

Coroner
(K.S. ANDERSON) pms..



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CORONERS ACT, 1960

INQUEST BEFORE CORONER SITTING ALONE

New South Wales, } 44-46 Parramatta Road, GLEBE
To Wit. }

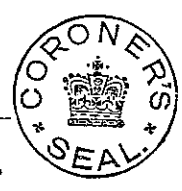
INQUEST held at the CORONER'S COURT
at 44-46 Parramatta Rd in the State of New South Wales,
on the 13th-29th day(s) of August, 19 79,
and 3rd day of September 1979
before me Kevin Sidney ANDERSON one of
the Coroners of Our Sovereign Lady the Queen for the State aforesaid concerning the
death of JOHN ROBERT GODSON
hereinafter called the deceased.

And I, as such Coroner, being charged to inquire (on the part of Our said Lady the Queen) when and where the deceased came to h^{is} death and the manner and cause of h^{is} death, and having made such inquiry, declare and find that the deceased on the
* 9th day of June, 19 79,
at † Luna Park, Nilsons Point
in the METROPOLITAN Police District,
in the said State ‡ died from whole body burns accidentally
suffered when the Ghost Train building
caught fire.

* Insert date and
† place of death,
and
‡ finding.

GIVEN under my Hand and Seal at GLEBE this 3rd
day of September, 19 79.

Coroner
(K.S. ANDERSON) pms..



CORONERS ACT, 1960

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1053
8/19

INQUEST BEFORE CORONER SITTING ALONE

New South Wales, } 44-46 Parramatta Road, GLEBE.
To Wit.

INQUEST held at the CORONER'S COURT
at 44-46 Parramatta Rd in the State of New South Wales,
GLEBE
on the 13th-29th day(s) of August, 19 79,
and 3rd day of September 1979
before me Kevin Sidney ANDERSON one of
the Coroners of Our Sovereign Lady the Queen for the State aforesaid concerning the
death of RICHARD CHARLES CARROLL
hereinafter called the deceased.

And I, as such Coroner, being charged to inquire (on the part of Our said Lady
the Queen) when and where the deceased came to h^{is} death and the manner and cause
of h^{is} death, and having made such inquiry, declare and find that the deceased on the

* Insert date
and
† place of
death,
and
‡ finding.

* 9th day of June, 19 79,
at † Luna Park, Milsons Point
in the METROPOLITAN Police District,
in the said State ‡ died from carbon monoxide poisoning
accidentally suffered when the Ghost
Train caught fire.

GIVEN under my Hand and Seal at GLEBE this 3rd
day of September, 19 79.

Coroner
(K.S. ANDERSON) pms..



1052
8/29/79

CORONERS ACT, 1960

INQUEST BEFORE CORONER SITTING ALONE

New South Wales, } 44-46 Parramatta Road, GLEBE
To Wit.

INQUEST held at the CORONER'S COURT
at 44-46 Parramatta Rd in the State of New South Wales,
on the 13th-29th day(s) of August, 1979,
and 3rd day of September 1979
before me Kevin Sidney ANDERSON one of
the Coroners of Our Sovereign Lady the Queen for the State aforesaid concerning the
death of JONATHON SHAUN BILLINGS
hereinafter called the deceased.

And I, as such Coroner, being charged to inquire (on the part of Our said Lady
the Queen) when and where the deceased came to h^{is} death and the manner and cause
of h^{is} death, and having made such inquiry, declare and find that the deceased on the

* Insert date
and
† place of
death,
and
‡ finding.

* 9th day of June, 19 79,
at † Luna Park, Milsons Point
in the METROPOLITAN Police District,
in the said State‡ died from carbon monoxide poisoning
and severe whole body burns accidentally
suffered when the Ghost Train building
caught fire.

GIVEN under my Hand and Seal at GLEBE this 3rd
day of September, 19 79.

Coroner
(K. S. ANDERSON) pms..



CORONERS ACT, 1960

8/19
(51)

INQUEST BEFORE CORONER SITTING ALONE

New South Wales, } 44-46 Parramatta Road, GLEBE
To Wit.

INQUEST held at the CORONER'S COURT
at 44-46 Parramatta Rd in the State of New South Wales,
GLEBE
on the 13th-29th day(s) of August, 19 79,
and 3rd day of September 1979.
before me Kevin Sidney ANDERSON one of
the Coroners of Our Sovereign Lady the Queen for the State aforesaid concerning the
death of MICHAEL DAVID JOHNSON
hereinafter called the deceased.

And I, as such Coroner, being charged to inquire (on the part of Our said Lady
the Queen) when and where the deceased came to h^{is} death and the manner and cause
of h^{is} death, and having made such inquiry, declare and find that the deceased on the

* Insert date
and
† place of
death,
and
‡ finding.

* 9th day of June, 19 79,
at † Luna Park, Milson's Point
in the METROPOLITAN Police District,
in the said State ‡ died from carbon monoxide poisoning and
severe whole body burns accidentally
suffered when the Ghost 'rain building
Caught fire.

GIVEN under my Hand and Seal at GLEBE this 3rd
day of September, 19 79.

Coroner
(K.S. ANDERSON) pms..



8/31/79
1050

CORONERS ACT, 1960

INQUEST BEFORE CORONER SITTING ALONE

New South Wales, } 44-46 Parramatta Road, GLEBE.
To Wit.

INQUEST held at the CORONER'S COURT

at 44-46 Parramatta Rd in the State of New South Wales,

GLEBE
on the 13th-29th day(s) of August, 19 79, & 3rd day
of September 1979

before me Kevin Sidney ANDERSON one of

the Coroners of Our Sovereign Lady the Queen for the State aforesaid concerning the
death of SHAMUS PATRICK RAHILLY

hereinafter called the deceased.

And I, as such Coroner, being charged to inquire (on the part of Our said Lady
the Queen) when and where the deceased came to h.is death and the manner and cause
of h.is death, and having made such inquiry, declare and find that the deceased on the

* Insert date
and
† place of
death,
and
‡ finding.

* 9th day of June, 19 79,

at † Luna Park, Wilson's Point

in the METROPOLITAN Police District,

in the said State ‡

died from carbon monoxide poisoning and ~~XXXXX~~
severe whole body burns, accidentally suffered
when the Ghost Train building caught fire.

GIVEN under my Hand and Seal at GLEBE this 3rd
day of September, 19 79.

Coroner
(K.S. ANDERSON) pms..

