

Australia hostel fire trial: Who was really responsible?

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The recent trial of Robert Long on arson and murder charges in the Queensland Supreme Court has raised numerous questions about the circumstances that led to the tragic death of 15 young tourists in the Palace Backpackers Hostel fire two years ago. The backpackers—seven British, three Australians, two Dutch and one each from South Korea, Japan and Ireland—were killed when the hostel, located in the town of Childers, 300 kilometres north of Brisbane, caught fire after midnight on June 23, 2000.

Long, a 38-year-old poverty-stricken fruit picker, was found guilty of arson and the murder of two of the victims last month and sentenced to a 20-year jail term. But the evidence advanced for his conviction during the four-week jury trial was highly circumstantial.

Defence barrister Terry Martin argued that the prosecution was unable to prove that the blaze had been deliberately lit and that some witnesses had embellished their evidence during the case. One witness claimed to have seen Long pouring a clear liquid into a burning rubbish bin at the top of the stairs, but a US expert told the trial that the fire started on the ground floor and that no accelerants were used. Police claimed that Long confessed when captured, but Martin accused them of fabricating this evidence in order to deflect attention from their brutal treatment of the fruit picker.

A deeply troubled man, Long, who had been arrested previously for assault, suffered bouts of deep depression. Prior to the fire, he falsely claimed to be dying from lung cancer and that his ex-wife had been involved in a car accident, which had killed his two daughters. He left suicide notes at the Childers hotel and under the office door at the backpackers hostel. He was not provided any treatment for his unstable behaviour and psychological problems, however, but left to his own devices.

Concerned that he would be blamed for the inferno, Long fled the town after the blaze, attempting to hide out in nearby bushland. The police, who discovered him five days later, set a dog on him and then shot him in the chest. Police claim that Long confessed after they shot him. His admission—"I am dying anyway. I started that fire"—was written on the back of a \$10 note by a police officer. This evidence, however, was contradicted by Long's not guilty plea in the trial.

But even if Long did light the fire, and this has not been

definitively proven, it does not automatically follow that he was guilty of murder. To obtain a conviction on this charge requires proving beyond reasonable doubt that he intended to kill or cause grievous bodily harm by his actions. This is highly problematic, given that no one, apart from the hostel managers, knew that the building's fire alarms were not working or understood how rapidly the building would be engulfed. In any case, Long was certainly not to blame for the death-trap conditions in the building and could not have foreseen the horrendous consequences of a fire in the hostel.

The overcrowded two-storey, highly flammable building was typical of the numerous cheap accommodation facilities that have sprung up around Australia over the past few years to profit from growing numbers of young travellers and low-paid itinerant workers. The 98-year-old former hotel had been refitted to house 88 people in two and three-tier bunk-style accommodation, but had no operational smoke detectors or extinguishers. In fact, management had disabled the smoke detectors a month before the fire.

With no alarm system to alert them, residents were woken by the sound of breaking glass and the screams of other occupants and had to crawl on their hands and knees through thick smoke to escape. The building was engulfed in flames within minutes of the fire starting on the ground floor. Temperatures, according to estimates by one expert, would have reached 450 degrees Celsius at the height of the inferno.

Even though fire fighters arrived a few minutes after receiving an emergency call they could do little to rescue those caught inside. Fourteen of the victims were trapped in two adjoining rooms whose only exit led to a smoke-filled narrow staircase. Bunks blocked another exit and the windows had metal bars preventing any escape.

Hostel co-manager John Dobe told the trial that the smoke detectors had been turned off. He said there had been a series of alarm malfunctions in November 1999 but repairs had failed to rectify the fault. He and fellow manager, Christian Atkinson, called an electrician to fix the system but it broke down again and so they decided to turn it off.

In what can only be described as an act of criminal negligence, they failed to inform any of the residents, for whose care and safety they were responsible, that the smoke detectors

were not operating. Under cross-examination, Dobe admitted that a surviving British backpacker confronted him during the fire and angrily demanded why the smoke detectors were not working.

Atkinson also revealed that he and Dobe had not organised any safety inspection when they took over the property in 1999, or since. He claimed that an inspection was planned with local volunteer firefighters in early June but he cancelled it because “unfortunately we had visitors.”

Hostel receptionist Jacqui Nelson told the court that she had never advised residents of fire procedures when they checked in. During the two and a half months she worked at the facility, the management had not instructed her to do so.

While the media has made much of the guilty verdicts handed out to Long, it has deliberately diverted attention from the obvious issue—that if there had been alarms, a sprinkler system, adequate well-lit escape routes and no bars on the windows, hostel residents could have safely evacuated the building without any loss of life.

A state coroner’s inquiry into the tragedy is due to start in the next few weeks and a civil suit has been launched against the hostel owners and management by one of the parents of an Australian backpacker who was killed. There has been virtually no publicity about these cases, in contrast to sensationalist media reportage from newspapers such as Brisbane’s *Courier Mail* and the Sydney-based *Daily Telegraph*, which demonised Long and falsely claimed he had been previously sentenced to four years jail for attempted murder charges. While the coroner’s investigation may provide more information about hostel management culpability and could recommend charges, it is unlikely to highlight the state government’s role.

Prior to June 2000, a virtual free-for-all existed in budget accommodation and the backpacker hostel industry. There were no state laws requiring fire safety inspections of budget accommodation in buildings constructed before 1974, safety requirements on new premises were minimal and sprinkler systems were not compulsory. In fact, the lack of an operating fire alarm at Childers was not illegal.

According to a state government Fire Safety Taskforce hastily convened after the Childers inferno, there were hundreds of unsafe and sub-standard budget accommodation facilities operating throughout the state in 2000. Seven of the 1,500 premises inspected were so bad they had to be shut down immediately. Many others had locked exit doors, no early warning alarm systems, emergency lighting, exit signs or fire evacuation plans, and staff were not trained for emergencies.

Of the 614 boarding houses inspected only 58 percent had smoke detection systems and the majority of these were of the individual 9-volt battery-operated type. Only 25 percent of these inadequate sub-standard alarms were operational. Emergency lighting only existed in 206 or 34 percent of premises, exit signs in 323 or 53 percent (and only half of these were illuminated), and only 49 percent of premises had fire

separation of rooms.

Inspections of 111 backpacker facilities showed that more than a third were considered “high risk” to occupants. Twenty-one had no smoke alarms and 42 of the 90 with detectors had 9-volt battery alarms, but only 30 percent of these were operational. Less than half of the backpacker premises had emergency lighting or fire separation of rooms and only 57 percent had exit signs.

None of these facts were revealed in Long’s trial. Instead, they were swept under the carpet as both the media and the state government continued with their efforts to demonise Long.

Following the guilty verdict, crown prosecutor David Meredith presented the court with “victim impact” statements from 11 families who lost children in the fire and called for Long to be sentenced for all 15 deaths, with a non-parole period of 25 years. Although the judge rejected this, state Attorney General Rod Welford announced an appeal against the 20-year jail term, declaring that it did not reflect the “gravity of the offence” and would not act as a “deterrent to other arsonists”.

The government’s decision to appeal was made after Childers mayor Bill Trevor was prominently featured on national television denouncing the sentence as too “lenient”. “Long could be walking the streets of Childers in 20 years time,” he told the *Sunrise* program. “I think that the parents around the world and across Australia will be extremely disappointed that their children were taken away from them in such a horrific fashion and yet Long has been dealt with pretty leniently.”

Welford’s and Trevor’s calls for a longer jail sentence will not bring back the victims or do anything to ease the emotional losses of the families whose children were killed. The aim of these vengeful demands is to simply deflect attention from the government’s own responsibility in the disaster.



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