

Australian coroner: Chinese student killed in building fire because laws violated

By Richard Phillips
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More than three years after the tragic death of Pingkang “Connie” Zhang, 21, in an apartment fire in the Sydney working-class suburb of Bankstown, the New South Wales Coroner’s Court released its findings last Friday.

The Chinese student and her friend Yinuo Jiang, 27, were forced to jump from a window ledge of their fifth-floor apartment on September 6, 2012 in a desperate attempt to escape an intense fire which had begun on the balcony of their flat. Zhang died from multiple injuries while Jiang spent a year in hospital and now suffers from long-term disabilities.

Black smoke from the fire engulfed the 10-floor Euro Terraces building, trapping scores of people who had to be rescued by fire crews. Many residents were rendered homeless for over two months, forced to find their own accommodation and bear the financial cost of restoring their lives.

Handing down the inquest findings, Deputy State Coroner Hugh Dillon stated the obvious—that Zhang would still be alive and the entire tragedy averted if the Euro Terraces’ developer and builder Silky Constructions had installed a sprinkler system in the building. Water sprinklers rapidly reduce fire temperatures, prevent the spontaneous ignition of synthetic materials and give firefighters time to contain building fires.

Dillon said the inquest had been unable to discover how the fire started, but the most likely cause was an unextinguished cigarette from Jason Zeng, one of the tenants in the apartment. This is believed to have ignited petroleum-based fluid in a bin on the balcony, which spread to an air conditioner, causing a power failure and an explosion.

Alerted by the power cut and the noise, Zeng unsuccessfully attempted to extinguish the flames and then fled the building, leaving the balcony and apartment front doors open. The open doors created a wind tunnel effect with “flashover” temperatures of about 600 degrees centigrade spontaneously igniting furnishings. The synthetic material generated thick black smoke and intense flames that

blocked any safe escape for Zhang and Jiang.

Zeng gave a statement to police a day after the fire. A few weeks later he was deported by the then federal Labor government on the grounds that his visa had expired. No attempt appears to have been made by the coroner’s court to interview Zeng since his deportation.

The Euro Terraces block was riddled with safety problems and had numerous unauthorised modifications, including an atrium roof and additional bedrooms in several apartments, including where the Chinese students lived. Fire safety defects also included insufficient numbers of fire extinguishers, faulty smoke alarms, inadequate water hydrant pressure and other problems.

It was a disaster waiting to happen. Like scores of other new buildings across Australia, the apartment block was below the building code’s 25-metre height rule—just 10 cm short—thereby allowing the developer not to install sprinklers and cutting construction costs by about \$3.7 million.

The presence of a central atrium inside the building, however, legally required Silky Constructions to install sprinklers. This requirement was ignored by the developer and the private building certifier. In 1998, the New South Wales state Labor government introduced private certification in the lead-up to the 2000 Sydney Olympic Games. This work had previously been done by local councils.

In addition, the developer added a louvred poly-carbonate ceiling over the atrium after the building was completed without seeking approval from the Owners Corporation, the Bankstown Council, Fire and Rescue NSW (FRNSW) or any other relevant authority.

Asked during last month’s hearings why he had not sought permission, Silky Constructions director Ray Finanos, who has worked in the industry for over two decades, said, “I didn’t think it was significant enough to warrant approval.”

The atrium ceiling resulted in a massive build-up of toxic black smoke during the fire, blocking the escape of many residents and leading to the hospitalisation of scores of

people suffering smoke inhalation.

Assistant State Coroner Dillon told the court that the Bankstown tragedy occurred because the laws regulating safe building and inspection standards had “failed.”

These were caused in part “by the fact that the Bankstown City Council section responsible for following up safety orders was under-resourced; in part by what appears to have been lax or incompetent management by the strata agent; and in part by what appears to have been an insouciant attitude to fire safety on the part of the developer.”

The findings detailed a two-year “paper war” between the strata manager and Silky Constructions, on the one hand, and the council and FRNSW, on the other, over safety violations at the building. Compliance orders were resisted or ignored until the fire erupted on September 2012.

As the findings state, “The various orders and checks and annual fire safety statements were regarded by all involved as a form or regulatory homework rather than as a tool for improving the actual safety of residents in the buildings. Inconvenience rather than mindfulness of risk itself was the uppermost consideration.”

Euro Terraces owner occupiers and those renting apartments, however, were never informed by any of those involved in the so-called paper-war that their building was unsafe and legally required sprinklers.

The coroner’s findings concluded with recommendations to the state government and Australian Building Codes Board for new building and fire safety laws. This included a call for compulsory sprinkler systems in all new multi-level residential premises and that government assist in offsetting installation costs, and the introduction of a new system of fire safety checks in which certifiers are properly qualified and independent of developers and builders.

These appeals will be ignored by local, state and federal government authorities who represent the multi-billion dollar banking, finance, property and real estate industries and serve their interests. The response of the corporate media to the coroner’s findings was indicative. There were brief reports on the coroner’s findings on television, radio and in the print media and within 24 hours total silence.

Moreover, the coroner made no call for any legal action against Silky Constructions or the private certifier who declared the apartment block was safe when it was completed, or the Bankstown City Council and other authorities legally bound to enforce building safety rules.

All the ingredients that played a part in the Bankstown tragedy are already replicated in many multi-residential buildings across Australia, potentially endangering thousands of lives.

A report for Engineers Australia in June on new apartment buildings in NSW, states that 85 percent of strata units are

defective at completion. These problems, the report says, are not just restricted to waterproofing, fire and structure but permeate almost every facet of many new buildings.

As one of the report’s authors Robert Hart told the *Sydney Morning Herald*, “I’m waiting for a major fire to happen in one of these buildings... I wish I could say it won’t, but it will... and when it does, it will be the NSW government that has blood on its hands for its total failure to provide a proper system of certification for the building industry.”

The inquest did not, however, probe into the underlying economic and social reasons behind this “total failure” that lie in the profit drive by the banks, property developers and the real estate industry at the expense of safety. Nor did it examine the pro-developer decisions made by state and federal governments, Labor and Liberal alike, that have run-down building safety and inspection standards throughout Australia.

As the Socialist Equality Party’s initial assessment of the disaster explained in September 2012, “Every aspect of the Bankstown fire points to the subordination of the interests of the working class to the profit requirements of big business. Cheap, shoddily-built apartment complexes have sprung up in working class suburbs throughout Sydney and around the country during the past decade...”

“Safe and affordable housing is a basic social right, along with high quality public education and health care for all. Under the capitalist profit system, however, the most basic and fundamental social needs of the vast majority are routinely sacrificed on the altar of the private profits of an ultra-wealthy few.”

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