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REPORT  
OF THE  
STARDUST VICTIMS' COMPENSATION TRIBUNAL

Dublin

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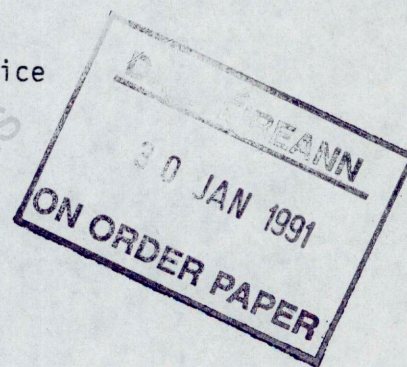
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REPORT OF THE STARDUST VICTIMS' COMPENSATION TRIBUNAL

1. On 25th September, 1985 the Attorney General, Mr. John Rogers, S.C. issued a Statement on Behalf of the Government announcing that, having considered ways in which they might act to alleviate the terrible ordeal of the victims of the Stardust Disaster and their families, and having consulted with some of the interests involved, they had decided to set up a Tribunal with powers to award ex gratia compensation assessed under the provisions of the Civil Liability Acts, 1961 and 1965.

The text of the Statement is included in Appendix 1.

2. The "Scheme of Compensation for Personal Injuries suffered at the Stardust, Artane on 14 February 1981", hereinafter referred to as 'The Scheme', was drawn up and was laid before each House of the Oireachtas on 22 October 1985. It established the "Stardust Victims Compensation Tribunal", hereinafter referred to as "the Tribunal", and appointed The Honourable Mr. Justice Donal Barrington as Chairman and Mr. Hugh O'Flaherty, Senior Counsel, and Mr. Noel Smith B.A., Solicitor as members to administer the Scheme.

The text of the Scheme is set out in Appendix 2.

The Tribunal's Secretariat was based On St. David's

Secondary School Artane and these premises were chosen for the convenience of applicants, the vast majority of whom resided locally.

On 23rd October, 1985 we inserted advertisements in the the four national daily newspapers and in a local paper circulating in the Coolock area, announcing the commencement of the Tribunal's work, giving our address in Artane and telephone numbers and indicating that copies of the Scheme and application forms were available on demand. The Secretary to the Tribunal was available on a full time basis to deal with all enquiries from victims and their legal advisors.

#### THE SCHEME

3. The Scheme provided that the Tribunal would assess compensation in accordance with the Scheme and that the State would pay ex gratia. Compensation was to be paid "in respect of personal injury and loss which is attributable to the fire which occurred at the Stardust, Artane on 14 February 1981".

Paragraph 2 of the Scheme provided that the Tribunal would be entirely responsible for deciding in any particular case whether compensation was payable under the Scheme and, if so, the amount. It also provided that there would be no appeal against or review of a final decision of the Tribunal.

Paragraph 3 of the Scheme set out the categories of persons entitled to make claims for compensation to the Tribunal.

Under Paragraph 4 of the Scheme, if the Tribunal, having heard the evidence with regard to any claim, decided to make an award the claimant could either accept or reject that award. If applicants decided to reject awards, they were free to prosecute, in the Courts, any pending proceedings which had been instituted in respect of their injuries and/or loss. If it was decided to accept the award, then the applicant was obliged to discontinue the pending proceedings, and was entitled to be paid the taxed costs of those proceedings up to a date in November 1985. Nobody claiming to have suffered injury and damage in the fire was obliged to submit a claim to the Tribunal, and all such persons were entitled to proceed with their actions pending in the ordinary courts instead of so doing.

Paragraph 5 of the Scheme provided that, with certain limitations and restrictions, the compensation to be awarded by the Tribunal would be on the basis of damages awarded under the Civil Liability Acts except that compensation would not be payable by way of exemplary, vindictive or aggravated damages or, where the victim had died, for the benefit of the victim's estate.

Paragraph 7 provided that compensation would be payable by way of a lump sum and empowered the Tribunal to make

an interim award if necessary. No interim award was made by the Tribunal.

Paragraph 9 of the Scheme obliged the Tribunal to take into consideration in their assessment of compensation

- (1) the value of the entitlement of the victim or claimant to social welfare benefits payable as a result of the injury and,
- (2) the entitlement of claimants to receive under their conditions of employment, wages or salary while on sick leave as a result of their injuries.

Paragraph 13 of the Scheme empowered the Tribunal to draw up instructions considered necessary for the proper administration of the Scheme. However, the Tribunal, after consideration, decided not to draw up any instructions, in order to keep procedure as informal as possible.

Paragraph 14 of the Scheme dealt with the actual written applications to the Tribunal for compensation, and provided that the last date for the receipt of such claims was 31st January, 1986. However, a significant number of eligible applicants for compensation failed to make application by the prescribed date, and following representation to the Attorney General, Mr. John Rogers S.C. by local representatives, the Government, for humanitarian reasons, extended the date for making application to the 20th June, 1986 on certain

conditions. On 22nd May, 1986, we publicised details of this extension in the four national daily newspapers.

Paragraph 15 obliged the Tribunal's staff to examine the written applications and to make such enquiries as were relevant to those applications.

Paragraph 16 of the Scheme set out the Tribunal's procedures in dealing with claims submitted to it. An applicant was obliged to make his case to the Tribunal, submitting all relevant medical and other reports as required. The Tribunal for its part was required to make all information before it available to applicants.

Paragraph 17 of the Scheme provided that applicants would be entitled to be represented by legal advisors or other persons, and, where the award of the Tribunal was accepted, the State undertook to pay the costs of legal representation before the Tribunal (including the costs of a Counsel) as considered appropriate. Reasonable witnesses expenses, as assessed by the Tribunal, were also allowed.

Paragraph 18 of the Scheme provided that the hearings before the Tribunal would be in private.

In accordance with Paragraph 19 of the Scheme, applicants were obliged not to divulge the amount of any award made to them unless that award was accepted, and

the Tribunal was empowered to withdraw the award for breach of that undertaking.

The standard of proof applied by the Tribunal in their determination of claims was the balance of probabilities.

Applicants were obliged to accept or reject awards made to them within one month from the date of receipt of notification of the award.

Paragraph 22 of the Scheme empowered the Tribunal to make any arrangements which they considered desirable for the administration of monies awarded by them as compensation.

Paragraph 23 of the Scheme provided that the Tribunal had no power to deal with the costs of the Civil Proceedings referred to in Paragraph 4 of the Scheme.

#### PROCEDURE

At a preliminary meeting we decided that it would be in the interests of all applicants to see each one individually, to hear their oral evidence, and also the oral evidence of their medical advisors where considered appropriate.

We were also conscious of the importance of viewing the scars of all physically injured applicants. The Tribunal's procedure was non adversarial. Witnesses

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appearing before the Tribunal were not sworn, written medical reports were accepted as well as oral testimony of doctors and there was no cross-examination of the persons appearing, either the claimant or witnesses on his behalf. We accepted both hearsay and opinion evidence.

At a special sitting of the Tribunal held in Artane on 16 December, 1985, we heard the oral medical evidence of

- (1) Consultant Chest Specialists, who dealt with the damage to lungs caused by the inhalation of smoke and toxic fumes and
- (2) a Consultant Psychiatrist and a Consultant Psychologist both of whom dealt at great length with the psychological trauma suffered by victims who had been involved in the fire. These consultants gave their evidence on the basis, inter alia, of their examinations of very many Stardust victims.

We had the advantage of reading in advance of each hearing the applicants' accounts of their involvement in the disaster and their allegations about their injuries sustained, loss of earnings and out of pocket expenses. This procedure proved useful and expeditious especially where applicants were emotionally upset at the recall of the memories of that horrific happening. We also had the opportunity of reading medical reports, correspondence with employers about loss of earnings and

correspondence with the Departments of Social Welfare and Health about benefits, together with correspondence with applicants' legal representatives relating to any of these matters.

We also had the benefit of reading beforehand the statements of applicants made to the Gardai in the immediate aftermath of the fire in February/March, 1981. Where necessary we sought from victims and their legal representatives oral clarifications of the written evidence submitted.

We were empowered by Paragraph 22 of the Scheme to make any arrangements we considered desirable for the administration of awards made to victims. We made condition of awards made to minors that they be made Wards of Court. In all other cases we discussed with victims and their legal advisors the importance of having their awards properly safeguarded.

The decision of the Tribunal in each case was given on the day of the hearing, and payment of the award was usually made within three weeks from the date of acceptance.

#### VOLUME OF WORK

We received 626 applications for compensation by 31st January, 1986, the closing date prescribed by the Scheme. Fifty of these were in fatal cases (forty-eight

victims lost their lives in the tragedy, and the parents of two victims, although not at the Stardust on 14 February, 1981 died as a result of shock caused by the involvement of their children in the fire).

A further 327 non fatal applications were received by the 20th June, 1986 under the extension of the period for making application already mentioned, making 953 applications for compensation in all.

As the applications were fully documented they were listed for hearing on dates drawn up in advance and notification sent to legal advisors. The interval between the completion of documentation in any particular case and the hearing of that application was usually about one week. In all we sat on 49 days to hear applications, assess compensation and make awards, the first meeting being held on 4th November, 1985 and the last meeting on the 8th December, 1986.

Because of the distressing circumstances surrounding the fatalities caused by the Stardust Disaster, in all fatal applications applicants were awarded the maximum amount for mental distress provided by Part IV of the Civil Liability Act, 1961 as amended. Sixty six applicants were refused compensation, and sixty four applicants withdrew their applications.

Awards of compensation were made to 823 applicants (some of the awards were made jointly to members of the same

family), and the total amount of compensation paid to victims was £10,458,115.00.

All awards made were accepted.

An analysis of the awards made is as follows:-

£		£			
	Up	to	1,000	..	20
	1,001	to	5,000	..	164
	5,001	to	10,000	..	262
	10,001	to	15,000	..	131
	15,001	to	20,000	..	109
	20,001	to	25,000	..	41
	25,001	to	30,000	..	32
	30,001	to	35,000	..	17
	35,001	to	40,000	..	12
	40,001	to	45,000	..	4
	45,001	to	50,000	..	7
	50,001	to	55,000	..	3
	55,001	to	60,000	..	5
	60,001	to	65,000	..	1
	65,001	to	70,000	..	6
	70,001	to	75,000	..	2
	80,001	to	85,000	..	1
	85,001	to	90,000	..	1
	100,000	to	200,000	..	<u>5</u>
					<u>823</u>

The Tribunal were not satisfied in three cases that applicants had suffered any injury or loss.

Of the 953 applications received, 195 were made by persons who, although not present in the Stardust on 14th February, 1981, claimed that they were victims as defined in the Scheme, by reason of the fact that they had suffered nervous shock or mental trauma, far in excess of the mental distress provided for in Part IV of the Civil Liability Act, 1961 as amended, because children or brothers or sisters had died in the fire or had been very seriously injured. The Tribunal heard submissions on behalf of these applicants and also on behalf of the Attorney General with regard to the general nature of its approach to these claims. It was conceded on behalf of the Attorney General that he would not oppose the Tribunal approaching that problem in the light of the decision of the House of Lords in McLoughlin .v O'Brian (1983 Appeal Cases) and, in particular, in the light of Lord Wilberforce's judgment in that case. The Tribunal having regard to that concession decided that it was not necessary for them to determine whether the decision in McLoughlin .v. O'Brian was one which should be followed by the Courts in this country and without so doing concluded that it should approach the claims for damages for nervous shock in accordance with that decision and in particular with that judgment. Accordingly, on that basis awards for mental trauma were made in 68 of the 195 applications mentioned (this figure of 68 is of course, included in

the figure of 823 already mentioned). Sixty three applicants for compensation for mental trauma and nervous shock were refused awards, and 64 such applicants withdrew their applications.

One applicant for compensation for nervous shock was Mr. John Keegan, who lost two daughters in the fire. A third daughter was very seriously injured. He and his wife and family applied to the Tribunal for compensation for nervous shock and mental trauma and awards were made to his wife and three of his children. His application was considered in the light of very extensive written medical evidence and the oral evidence of a psychiatrist who had submitted a written report. The applicant himself also gave oral evidence. Having heard the submissions of counsel for the applicant, the Tribunal was not satisfied that he had suffered mental trauma of the kind contemplated in Lord Wilberforce's Judgment and made no award of compensation in his favour. Applicant applied to the High Court for and was granted a Conditional Order of Certiorari seeking to quash the Tribunal's Order. However, the cause shown against making absolute that Conditional Order was allowed and the Conditional Order discharged. Applicant appealed to the Supreme Court against this decision, and the appeal came on for hearing on 14 October, 1986. The appeal was disallowed and the order of the High Court confirmed. The case is reported: See The State (Keegan and Eoin Lysaght) .v. The Stardust Victims Tribunal (1987 I.L.R.M. p. 202).

The Keegan case illustrates one of the problems which confronted the Tribunal even in attempting to apply the liberal approach towards mental trauma contained in Lord Wilberforce's judgment in the case of McLoughlin .v. O'Brian. Even following that judgment one could not award compensation for mere grief however intense. Under the Civil Liability Act the Tribunal could of course award damages for mental distress and did award the maximum amount of £7,500 in respect of each death in every case including the Keegan cases. But if a child had not been killed in the fire but injured the statutory provisions for compensation for mental distress did not apply. Yet the mental trauma to a parent could be immediate and obvious as in the tragic case of the mother who had a heart attack and died after hearing that her son had been injured in the fire. The Tribunal had no difficulty in awarding compensation in such cases. Much more difficult however was the case where a parent's grief at hearing of the death or injury of his or her child or children was so intense that it passed the border between grief and illness. The Tribunal, in applying Lord Wilberforce's judgment, took the view that it could compensate for illness resulting from mental trauma but that it could not compensate for grief. This involved it in the invidious task of attempting to draw the line between grief and illness resulting from mental trauma. This was particularly invidious in the case of parents where one parent appeared to be able to support the grief and the other appeared to find it insupportable. It was not that the

Tribunal did not respect the grief of both parents but that the law did not allow it to award compensation in the former case while it did in the latter. This was the problem which confronted the Tribunal in the Keegan case. Because of this difficulty the Tribunal, in later cases, where appropriate, asked the parents, before making its award, if they would be prepared to accept a joint award, and, with their consent, made a joint award where either of the parents appeared entitled to recover compensation under the head of mental trauma.

#### GENERAL CONCLUSIONS

It remains to consider if there are any general conclusions which can be drawn from the Tribunal's experience and which might be of assistance to the Government in coping with such a disaster in the future. We are not here concerned with the causes of the tragedy or with how such a disaster might be prevented in future. These matters have already been fully analysed and discussed in the report of Mr. Justice Keane's Tribunal.

Our Tribunal was looking at the matter five years after the event. Moreover we were concerned with assessing compensation for personal injuries in individual cases. We were not concerned with the general situation and our picture of it may not be correct. Nevertheless our conclusions may be of some value.

We were struck by the devastation which the tragedy

appeared to have caused to a local community. A particularly poignant aspect of the tragedy was the extreme youth of many of the victims. One young girl who, fortunately, was not very seriously injured, gave us a particularly vivid description of the events of the evening. She wrote as follows:

"At the age of sixteen, I suppose I was like most of my friends at the time; completely wild, outgoing and very hopeful for the future, never really having encountered any major crisis in my life. I believed in God, went to mass, helped my mother and fought with my father about staying out late, just like everyone else I knew.

And that was what I was doing on 13th February 1981.

The week previous to that, I had arrived home quite late from the Stardust and was told that that would be my last visit there until I "pulled my socks up", as he put it.

Anyway, after pestering the life out of my mother for the entire week following that night, my mother finally agreed to talk my father into letting me go (had I known what would happen that night I would quite happily have taken my punishment). So after a lot of pleading from both myself and my mother, I was finally allowed to go.

I remember that night very clearly; I remember the panic I got into over trying to find something to wear;

finally, after a lot of searching, I found something I ~~was~~ satisfied with.

Anyway, having arrived late (as usual) at my friend's house, the crowd of us set off. It was somewhere between 9.00 and 10.00 p.m. We arrived at the Stardust about twenty minutes later, excited about our night out and nervous in case they wouldn't let us in because we were all under age.

Lucky for us they let all of us in with no problems at all. Looking back now, I am sure I must have looked even younger than sixteen but they didn't seem to mind, so I didn't. I just felt grateful that these fools had let me in and so many other young people into an "over twenty one's club".

After getting inside, we found a nice seat right beside the stage with a good view to the dance floor and anything else that might have been going on.

Anyway, after seating ourselves with drinks in front of us, we sat back happily to enjoy our night having assured ourselves that it would be a good one, mainly because our friend Paula McDonnell was dancing in the competition later that night and we fully expected her to win (which she did). Even though none of us were drunk, we were all a little high on the excitement of it all. After all, this was our main highlight of the week for which we had begged, borrowed and stole.

Sometime during the course of the evening, I met a friend of mine called \_\_\_\_\_ whom I hadn't seen in quite a while. We went up the back of the club for a while because we couldn't hear ourselves speak where I was sitting (this is how I came to notice the locks on some of the exit doors). After a while, we heard the D.J. announcing that the competition was about to begin so we both went down to our tables having said that we would see each other later.

She won. We had a great time cheering her on and later yelling at the tops of our voices as she went on the stage to collect her prize. The whole place was in an uproar of excitement. After a while, we all started to drift back to our tables for a drink and to talk about what a great competition it had been.

Just then, I saw a friend of mine on the other side of the floor and I decided to go over and talk to him as I had known him for years but hadn't seen him in a while. Somewhere during that conversation for some reason or other I happened to look up at the ceiling. At the time, I was taking a fag from him. Anyway, as I looked up I saw sparks coming directly at us followed by flames licking their way across the ceiling. Without hesitation, I jumped up and started to run in the direction of my seat. It was then that I noticed that everyone in the place was in the same state of panic that I was in. Funny, but I had not noticed it before I had seen the flames.

As I was making my way back to my table, I heard the D.J. announcing everything was under control and not to panic, but as far as I was concerned, everything couldn't have been more out of control. Half way across the dance floor, the lights went out and the place started to fill up with thick heavy black smoke. It seemed thicker than a strong mist. Instantly, as soon as it hit me, I began to cough, at the same time stumbling to where I thought my jacket must be.

I remember thinking, this is it, I will never get out of here alive, never. At this stage, having found my seat and jacket, I had completely lost my sense of direction and I hadn't a clue where I was going. I couldn't scream because I couldn't get in enough air to scream. At this stage, I was beginning to feel like I was going to pass out. It was becoming nearly impossible to breathe. I couldn't see at all. My eyes just wouldn't open.

At one stage, I almost gave in to the fact that I wasn't going to get out of there alive. I mean, what on earth could I do, everyone around me was screaming and panicking and I remember thinking why can't I scream. I thought of my parents and how they would feel but the worst thing was thinking I am going to die in this horrible place and there isn't a damn thing I can do about it. What on earth had I done to deserve this from God.

After what seems like years, I heard someone calling my name and he grabbed me by the arm, although how he found me I will never know. I remember grabbing hold of him, thinking at least I am not on my own.

He started pulling me over to the left where he said there was an exit door. At the time, I wasn't aware there was one there. Instead, I thought he wanted to pull me into some corner to wait until it was all over and as far as I was concerned, it nearly was. Not even my jacket pushed up to my face was helping me breathe any more.

He pulled, I pushed, I kicked him, hit him, did everything I could to try and get away from him to the main exit door, even though I didn't have a clue as to where it was. Eventually, after a lot of pulling on his part, he managed to get me through this door which lead into a small hall. There was a door at the other end and he ran ahead to open it. Somewhere between that time and the time we came through the first door, he fell and I lost him. I barely croaked out his name and started feeling all around for him. After a few seconds, which seemed like hours, I felt his shirt and pulled. With an effort, he got back on his feet and then he tried for the second door. How he opened it, I don't know but he did. He came back for me and had to carry me out. I had just about had it at this stage, breathing was almost impossible.

There was a blue Hiace van parked right up against the steps blocking our way out so he lifted me over the railings.

Still choking and coughing (he wasn't much better at this stage) I started to breathe in the cold air. How to describe that feeling is beyond me. The closest I can get to it is by saying it was like a life jacket to a drowning man. I never thought I would love cold air as much as I did that night.

He came over to me and put his arms around me. We stood like that for a few minutes, hardly believing we were still alive. I don't know about him but my mind was going round and round. I couldn't gather any of my thoughts together.

We stood there and watched as people ran around in circles, some of them with flesh hanging from their bodies and faces, probably not even aware of how they looked.

The scene I saw that night of the poor, young, panic stricken people I will never forget. To try and explain what I saw would keep me writing for hours if I even could at all, which I doubt.

A man who lived near the Stardust came over to us and spoke to . I don't know what he said, my mind was blank.

He took us back to his house and sat both of us down. He kept asking me if I wanted to go to the hospital because by this time I was shaking from head to foot, totally unable to stop it. He gave me some sort of tablets, what they were I don't know, but they didn't work. I kept shaking for a good hour or more after them.

If anyone was to ask me today what the Stardust did to me, I would say firstly it opened my eyes and made me grow up. For the first time, I was discovering the world was not the nice cosy place I had always thought it was.

I definitely did change since the fire. For a start, I became a lot quieter and more reserved. I resented people asking me about the fire. I got easily annoyed at people prying, (as I saw it). For some reason, I became quick tempered and easily agitated with people not only about the fire but about anything I felt was private and personal to me. I wasn't like that before the fire.

I began to smoke a lot going from about ten a day (before the fire) to twenty and more if I had them. Whether it was nerves or not I don't know.

I also felt and still do feel very nervous in clubs or pubs, always looking for exit doors and completely refusing to sit in a pub unless I know where the doors are. It was in fact a while before I went to a club

after the fire but when I did, I always remained on edge during the time I spent there.

I still feel the same and get very nervous when I find myself in a position where I am in a crowded pub or club. I don't think I will ever lose that fear of being caught in a fire again.

My employment hasn't been very good either. I don't think this is because of my lack of performance but mainly because I lost my temper far too easily with the people I have worked with and with customers. Almost every job I have had has been where I have dealt with the public and there has been more than one occasion where I have blown it with a customer.

Maybe I should put this all down to nerves which is most likely what it is.

On the 13th of next month it will have been five years since the fire and in another five years it will have been ten years but no matter how much time goes by I will never forget the fire or the people who died in it. I certainly won't forget the effect it had on me as a teenager."

The author of this account was one of the lucky ones who emerged from the Stradust fire comparatively unscathed. Yet in the last seven paragraphs of her statement she describes a very mild form of symptoms with which we became all too familiar as the Tribunal proceeded.

Indeed at the commencement of the hearings, three eminent specialists who had seen a number of the victims explained to us the kind of complaints we could expect to hear and their significance. This general evidence was of great help to us in our work.

The principal kind of injuries we had to consider were the following -

- (a) Burns. These injuries were, of their nature acute, and, if they did not kill, responded fairly quickly to medical treatment. Some of the victims received ghastly burns and one man's survival was described to us as "a miracle of medical science". In a number of cases the burns left the survivors with crippling disabilities and very significant cosmetic disfigurement.
- (b) Other physical injuries occasioned by falls or being crushed or trampled on as people attempted to escape from the fire.
- (c) Damage to throat and lungs caused by the inhalation of black smoke and fumes. These injuries could be very serious. Professor Muir is

Fitzgerald explained to the Tribunal that a few minutes inhaling the black smoke at the Stradust fire could do more damage to the lungs than a lifetime smoking cigarettes. These injuries were also insidious in that the victim might not be aware that he had suffered damage to his lungs until he had an asthmatic attack. Many victims found themselves subject to an unusual number of chest infections and found themselves short of breath on running without realising that their lungs had been damaged.

- (d) Damage to vocal chords. The inhalation of smoke and fumes also affected some victims' vocal chords. In most cases they recovered full control over their voices. But a very small number of victims could still only speak at a whisper and quite a number claimed that their voices were now several degrees lower than they had been before the fire.
- (e) Skin rashes. A large number of victims claimed to have developed skin rashes of one kind or another as a result of their experience. A small number claimed to have developed psoriasis. These claims caused the Tribunal some difficulty as no dermatologist was prepared to state positively that exposure to the Stardust fire could lead to a skin rash or to psoriasis. Nevertheless these complaints were so numerous that the Tribunal

became convinced that there was a causal connection between them and the fire. Some victims complained that the rash developed whenever they were under stress and in two cases the members of the Tribunal actually witnessed rashes develop on a victim's face and neck while the victim was giving evidence before us.

- (f) Post-traumatic stress syndrome. Nearly all of the victims suffered, in greater or in lesser degree, from psychological problems which are apparently common among survivors of a disaster. One of these was a feeling of guilt at having survived the disaster where others perished. This became all the more acute when the victim could find some semblance of a rational justification for it, for example, a case where the victim had persuaded a friend to go to the Stardust in defiance of the friend's parents wishes and the friend had perished in the disaster.

Very common was a feeling of claustrophobia where people, who before the fire, had been extroverted and full of fun would be afraid to go into a dance-hall, a pub or even a bus and who, if they did, would be on edge and would want to sit nearest the door so as to be able to run out in the event of a fire.

Many of the victims suffered from nightmares and vivid horrible dreams. As a result they were afraid to go to

sleep at night and insisted on the light being left on in their bedrooms all night. One young man gave us an example of such a dream. He was a young man who had arrived late at the Stardust just as the disco competition was reaching its climax. He stood on the dance-floor, still wearing his hat and coat, and must have presented an incongruous picture. A young girl ran up behind him grabbed his hat and ran away with it. He turned to follow her. Just then the alarm began and he succeeded in getting out of the complex. He joined the rescue workers and behaved with conspicuous bravery in carrying out injured victims and the bodies of some who had perished. For years afterwards he was haunted by a dream in which he saw a stretcher covered in black plastic with one charred arm dangling down beneath the plastic. The hand was clutching the burnt remains of his hat.

Most of the victims had no family doctor and received no medical treatment of any kind. They could not sleep, became cranky and difficult. Many suffered from enuresis. Some fought with their employers and with their families, some threw up good jobs for no reason that they could explain. Many told us that they were easily annoyed and were "on a short fuse", some left home because another member of the family with whom they had to share a bedroom objected to the light being on all night. Some thought themselves impossible to live with because they would wake up at night screaming or in a cold sweat.

Some took to smoking very heavily though this was one of the worst things they could do particularly if their lungs had been damaged.

Some took to drinking heavily. Fortunately most of those who did had the good sense to give it up after a few months and set about re-organising their lives. Others, unfortunately did not and added heavy drinking to their other problems. A very small number took to drugs.

Many suffered from depression and a few committed suicide.

We got the impression that those of the victims who consulted general medical practitioners fared better than others. The general medical practitioners had, of course, no more experience than anyone else of dealing with a disaster of these proportions. But they were experienced men or women from outside the family who could give the victims good advice and who knew when it was necessary to take sedatives, sleeping tablets or other medication and when it was necessary to stop. Unfortunately not many of the victims had family doctors. While those who were acutely injured received expert medical attention in hospital in the days and weeks following the disaster many received no adequate medical support after their discharge and many others received no medical treatment or support of any kind. In many cases the victims' parents were driven to

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distraction in attempting to cope with the victim's apparently erratic behaviour and many employers found it difficult to understand their touchiness and irascibility.

One result of the establishment of our Tribunal was that Solicitors preparing applicants' claims, referred the applicants to medical specialists for assessment and report. They were able to do this confident in the expectation that the Tribunal would pay the cost of the examination and report. In many cases this was the first time the victim had been seen by any doctor and this was four to five years after the disaster. If a Solicitor was not dealing with many claims before the Tribunal he might not realize the significance of some of his clients' complaints and might fail to consult the relevant specialist. In a number of cases where the Tribunal feared that the symptoms of which the applicant complained might be more significant than he or his Solicitor realized, the Tribunal adjourned the hearing with a suggestion that the applicant be examined by a general practitioner or by a specialist in a particular area at the Tribunal's expense. In many cases, therefore, the establishment of the Tribunal led to victims being examined and treated by doctors for the first time. In many cases the doctors were shocked - not to say indignant - that people who needed medical advice and treatment had been left without it for so many years.

In what we say we do not mean any criticism either of the authorities or of the medical profession. No one in authority had experience of a disaster on this scale and affecting so many young people. And, under our code of medical ethics, doctors must wait to be consulted and cannot thrust their attentions on people. Nevertheless we understand that the kind of symptoms which we witnessed in this case are not unusual among the survivors of a disaster and that special provision needs to be made for the medical care of survivors of a disaster and for monitoring their progress in the post disaster period.

Needless to say it is much more important to take precautions to avoid a disaster than to make plans for the care of victims after the disaster. But despite the best precautions disasters may happen and the Stardust disaster illustrates that it is important not only that the Government should have contingency plans for rescuing victims and for their treatment in hospital but also for monitoring the progress of survivors in the post disaster period.

In the aftermath of the Stardust disaster there are a group of general and specialist medical practitioners who have treated a large number of disaster victims and we think it important that the fruits of their experience should not be lost. We would therefore suggest to the Minister that the Government might form a small committee of the doctors who have had most

experience of treating Stardust victims with a view to advising the Government on the monitoring and medical treatment of survivors and victims of a disaster in the post disaster period.

#### ACCOUNTS

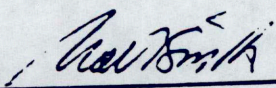
The following is a summary of the accounts of the Tribunal:-

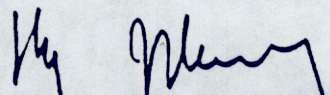
	£
Total amount of compensation paid to victims	10,458,115.00
Other expenses:	
Solicitors' fees (including VAT)	606,691.00
Counsel's fees (including VAT)	183,710.94
Actuaries' fees (including VAT)	12,648.12
Medical and other Costs	190,132.07
Fees to members and Secretary of Tribunal	130,262.50
Rent and Cleaning of Tribunal premises	11,636.65
Pay and PRSI of Tribunal staff	24,565.75
Miscellaneous	5,450.55
Total	11,623,212.58

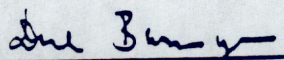
ACKNOWLEDGEMENTS

The members of the Tribunal wish to thank the Rev. Brother Superior and members of the Christian Brothers Order at St. David's School Artane for making their facilities available to us and also for their helpfulness to and concern for people appearing before the Tribunal.

The Tribunal wishes also to express its thanks to its Secretary, Mr. Desmond O'Driscoll, Barrister-at-Law whose experience and advice on practical matters were of invaluable assistance to the Tribunal. The Tribunal also wishes to thank the other members of its staff - Mr. Gerard Gavin and Miss Ann Marie Ronan - whose dedication ensured that the Tribunal's work was smoothly administered at all times.

  
\_\_\_\_\_  
NOEL SMITH

  
\_\_\_\_\_  
HUGH J. O'FLAHERTY

  
\_\_\_\_\_  
DONAL BARRINGTON  
CHAIRMAN

## APPENDIX I

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### Statement on Behalf of the Government

The Government has been considering ways in which it might act to alleviate the terrible ordeal of victims of the Stardust Disaster and their families.

As a result, and following consultations with some of the interests involved, the Government has decided to set up a Tribunal, chaired by Mr Justice Donal Barrington, which will be empowered to award ex gratia compensation, assessed under the rules of the Civil Liability Act, 1961.

Any victim who has a claim arising from the Disaster will have the right to have his or her case for damages assessed by the Tribunal and will have the right to accept or to reject the award of the Tribunal.

If a claimant accepts the award, it will be a condition of payment that they agree to discontinue any existing proceedings, and not to institute any new ones, and also that he or she withdraws any claim they may have with the Criminal Injuries

Tribunal. But he or she will also have the right to reject the amount of compensation awarded by the Tribunal and in such event he or she will of course be entitled to proceed with their legal action in the Courts in the normal way.

The Tribunal will hear claimants, unless, having considered medical reports, it considers it unnecessary to do so. It will also fix an appropriate sum for costs of the application to the Tribunal, which may include the costs of legal representation before the Tribunal including a Counsel. These costs will be paid by the State.

In the case of people accepting the award of the Tribunal the State will also pay all costs incurred by the claimants in existing proceedings up to the 15th November, 1985. (The amount of the costs will be either agreed, or taxed by the Taxing Masters in default of agreement)

It is intended that the Tribunal will begin work within three weeks. There are approximately 300 actions, and the Government is anxious that they should be assessed quickly, so that compensation can be paid as soon as possible. While the establishment of the Tribunal cannot be construed as an admission of any legal liability, the Government is determined that the agony suffered by the victims and their families should be brought to an end as soon as possible.

25th September, 1985.

Scheme of Compensation for Personal Injuries suffered at  
the Stardust, Artane, on the 14th February, 1981

1. The Stardust Victims' Compensation Tribunal established under this Scheme will assess, and the State will pay, ex gratia compensation in accordance with this Scheme in respect of personal injury and loss which is attributable to the fire which occurred on the 14th February, 1981 at the Stardust, Artane, Dublin.
2. The Tribunal will be entirely responsible for deciding in any particular case whether compensation is payable under the Scheme, and, if so, the amount. There will be no appeal against or review of a final decision of the Tribunal.
3. The Tribunal will consider claims for compensation made by or on behalf of -
  - (a) the persons who sustained the injury or loss (the victim);
  - (b) any person responsible for the maintenance of the victim who has suffered pecuniary loss or incurred any expenses as a result of the victim's injury;
  - (c) where the victim has died as a result of the injury, any dependant of the victim or, if he has no dependant, any person who incurred expenses as a result of his death;
  - (d) where the victim has died otherwise than as a result of the injury, any dependant of the victim.

4. If the claimant has suffered injury or loss in the circumstances set out in this Scheme and would be entitled to claim compensation (whether statutory or non-statutory) otherwise than under the Scheme in respect of the injury or loss, he may also claim compensation under the Scheme, but no payment of an award under the Scheme shall be made to him unless he agrees to such discontinuance of any existing proceedings or claims as is required by the State, and agrees not to institute any new proceedings or claim in respect of the injury or loss.

Any claimant under the Scheme will likewise be entitled to reject the amount of compensation awarded by the Tribunal. In such event he will be entitled to proceed with his legal action in the Courts but will not be entitled to bring a claim before the Criminal Injuries Compensation Tribunal or proceed with any existing such claim.

5. Subject to the limitations and restrictions contained elsewhere in this Scheme, the compensation to be awarded by the Tribunal will be on the basis of damages awarded under the Civil Liability Acts except that compensation will not be payable by way of exemplary, vindictive or aggravated damages or, where the victim has died, for the benefit of the victim's estate.
6. Where the victim has died otherwise than as a result of the injury the Tribunal may award compensation in respect of loss of earnings, expenses and liabilities incurred before the death but only to a dependant who would, in the opinion of the Tribunal, suffer hardship otherwise.
7. Compensation will be by way of a lump sum payment, rather than a periodical pension, but it will be open to the Tribunal to make an

interim award and to postpone making a final award in a case in which a final ~~medical~~ assessment of the injury is not yet possible.

8. The Tribunal may refuse to pay compensation, or may reduce the compensation otherwise payable, to an applicant who has not, in the opinion of the Tribunal, given the Tribunal all reasonable assistance, in relation to any medical report that it may require or otherwise.
9. Compensation will be reduced by the value of the entitlement of the victim or claimant to social welfare benefits payable as a result of the injury and will be reduced, to the extent determined by the Tribunal, in respect of the entitlement of the victim to receive, under his conditions of employment, wages or salary while on sick leave.
10. The Scheme will be administered by the Stardust Victims' Compensation Tribunal, the members of which are Mr. Justice Donal Barrington, who will act as Chairman, and Mr. Hugh O'Flaherty, Senior Counsel, and Mr. Noel T. Smith, Solicitor.
11. Compensation will be payable out of funds made available from monies provided by the Oireachtas.
12. The Tribunal will submit to the Minister for Justice a report on the operation of the Scheme together with its accounts. The reports and accounts will be laid before both Houses of the Oireachtas.
13. The Tribunal will be free to draw up any instructions it considers necessary regarding the administration of the Scheme. However, these

Instructions will be consistent with the provisions of this Scheme and with the general intention that the administration of the Scheme and, in particular, proceedings before the Tribunal, should be informal.

14. Applications should be made on the Tribunal's application form which is obtainable from the Secretary to the Tribunal. Completed application forms should be returned to the Tribunal as soon as possible and in any event not later than the 31st January, 1986. Completed forms should be accompanied by any relevant medical reports. However, where a completed application form has not been returned by that date but is returned not later than the 20th June, 1986, the Tribunal will consider the claim if the applicant satisfies the Tribunal that there was good reason why he did not make the application by 31st January, 1986.
15. The Tribunal's staff will process applications in the first instance and may seek all relevant information as to the injury or loss, either from the applicant or otherwise.
16. Proceedings before the Tribunal will be by way of a presentation of his case by or on behalf of the applicant, who will be entitled to call and question witnesses. It will be for the claimant to establish his case, and for that purpose he must, if so requested, submit himself to questioning by or on behalf of the Tribunal. All information before the Tribunal will be made available to the applicant.
17. An applicant may be accompanied by his legal advisor or other person. Where the award of the Tribunal is accepted, the State will pay such costs of legal representation before the Tribunal (including the costs of a Counsel) as the Tribunal considers appropriate, together with the necessary and reasonable expenses of witnesses as assessed by the Tribunal.