



# Coroners Court of Queensland

## FINDINGS OF INVESTIGATION

**CITATION:** **Non-inquest findings into the death of Duncan Cameron Wilmott**

**TITLE OF COURT:** Coroner's Court

**JURISDICTION:** Brisbane

**DATE:** 8 June 2018

**FILE NO(s):** 2016/477

**FINDINGS OF:** Christine Clements, Brisbane Coroner

**CATCHWORDS:** CORONERS: Drowning, 16 year old male, disused quarry "Greenlakes", Collingwood Park

## INTRODUCTION

1. Duncan Cameron Wilmott lived at Elmore Street, Redbank Plains in Queensland. He died at a disused quarry site filled with water and colloquially known as Green Lakes at Collingwood Park. He died on 25 January 2016 due to drowning and his death was reported to the coroner.
2. Duncan Wilmott was in company with his friend Shane Alston who was two years older. Shane told police he was with Duncan at Aqua Lakes, which was the name he referred to the quarry by. They had been swimming and jumping off the ledge and then sitting down for about 10 minutes. Shane then jumped at a lower part into the lake and got out before they went a bit higher to jump. Duncan ran past him and did a front flip into the water. When Duncan surfaced he made a moaning gasp sound. Shane saw him turn and roll onto his side and then start to go under the surface. He immediately jumped into the water and swam to the spot where he last saw Duncan. He dived as deep as he could, but could not find his friend. He resurfaced and started screaming for help. He then rang Duncan's mother and then called for the ambulance.
3. Shane made his way to the street near Gibbs Avenue to give the QAS operator a street name and then guided them back to the site.
4. A search was conducted by police divers and State emergency services. The body of Duncan Cameron Wilmott was located in the early afternoon on 3 February 2016.
5. He was retrieved from a depth of 32.6 metres of fresh water some 59 metres from the shoreline. The water temperature at that depth was 11 degrees Celsius. There was nil visibility at that level due to rock and silt.
6. Police subsequently spoke with Shane again.
7. A more detailed description from Shane about how Duncan entered the water. Shane said Duncan landed about two or three metres out from the ledge. He got a good run up and then did a front flip, but he didn't tuck his legs up. They were almost straight out. Shane thought it looked like his tailbone hit the water first. His comment was 'It just didn't look right.' When he resurfaced he was head-first and not very far from where he had jumped in.
8. Shane thought he looked fine and was swimming towards the bank. His head was up and his left arm out of the water. He did a couple of strokes with his left arm, then he made a noise and Shane knew that something was wrong. He said his eyes were open but he did not look at Shane, who asked him 'Are you alright man?'
9. Duncan then rolled face-first and started to sink.
10. Shane immediately tucked his legs up and did a bomb dive into the water. He kept following the air bubbles down until he could not go any further and ran out of breath.
11. He told police it was Duncan's first jump of the day. Shane had jumped from a lower part previously. They had a drink of water and a ham and cheese sandwich that his mother had prepared.
12. Shane had jumped from that same spot many times and nothing had ever happened. He had also jumped from the other side of the lake. He thought that Duncan had been at the lake before, but it was not with him.

13. Duncan wanted to go to the lake before starting work at Woolworths at Mount Ommaney later that day.
14. Shane described Duncan as a pretty good swimmer who went to regionals when he was at school.
15. Shane denied that either of them used drugs or alcohol that day.
16. He said his friend did not slip and had done a perfect run up and the jump looked fine, but he just didn't land right.
17. Autopsy examination was conducted on 5 February 2016 by the forensic pathologist Dr Milne.
18. Externally there were no signs of injury.
19. CT imaging showed fluid and free air in the pleural cavities. This is a non-specific finding which could be the result of decomposition. No injuries were identified. There was however fluid levels evident in the cranial sinuses.
20. Internal examination did not reveal any injury. Toxicology testing showed a blood alcohol concentration of .033%, but this was likely to be due to decomposition. The active constituent of cannabis, THC was detected.
21. Dr Milne concluded having regard to all of the information, including the witness' account, that the most likely cause of death was drowning. The only positive evidence for drowning was the sinus fluid on CT imaging and possibly some fluid in the lungs. There was no other alternative cause of death.
22. It remains unclear why he drowned. No injuries were identifiable at post-mortem examination.

## PUBLIC SAFETY ISSUES

23. The location where Duncan Wilmott and his friend were swimming is a disused mine site used by a business trading generically as 'Cleanaway Waste Management'. That operator is licensed under Commonwealth occupational health and safety legislation (Work Health and Safety Act 2011 Commonwealth). The business owns the land and premises and the area forms part of its water management plan. It is not an active work area and was purchased as a buffer. Any active plant or equipment is fenced.
24. The police description of the area is as follows –

'Green Lakes is a disused quarry on private property owned by Transpacific Industries. The lake is approximately 80 metres deep at its deepest point and is filled with water from a mostly artesian source. There is a 25 metre cliff along one side of the lake, however it is accessible via bushland from Collingwood Park, Riverview and Dinmore.

The lake and smaller surrounding lakes have been used as a swimming hole by residents in the area for many years. This is not with the consent of the property owners, however attempts at keeping civilians out of the area have been unsuccessful.

Fencing has been erected around most parts, however these have been damaged and pulled down at various points. Boulders have been placed around the more accessible areas in an attempt to prevent access, however civilians continue to use the area.

Access from the main site of Transpacific at Dinmore is prevented by fencing and the presence of workers.'

25. The regional manager for Cleanaway Solid Waste Pty Ltd, Douglas Hughes provided a statement. He confirmed the change of name of the company from Transpacific Waste Management Pty Ltd. The site was purchased in 2007 but has had a landfill licence since the early 1990s. The operational portion of the site is a former open Mine which is being remediated through landfill. The buffer land holding, where the drowning occurred, has a large void filled with water. The company has improved and extended fencing since the time of purchase. Currently the site contains six void areas which are bodies of water, ranging dramatically in size. Three of these water sites are within the operational area which is fully fenced. One water area is on the western side of the property and only contains water during rain events. Two water areas are located within the buffer land holding. This includes the site of the fatal incident and is referred to by the company as Void 10.
26. Colloquially, the water areas have been described as Green Lakes, and Aqua Lakes.
27. The portion of the property currently containing active landfill has been fully fenced recently. The buffer land holding which includes Void 10 is not actively used. There are numerous fire trails through the area. Trespassing by motorcycles, four wheel drive vehicles and individuals occurs regularly despite the efforts of the company to prevent access. The Lakes in particular are used for recreational purposes.
28. There is some fencing around Void 10, on the southern and eastern portions and the high wall was already there. The company also created numerous rough barriers and structures to limit access in areas. Signs have also been erected, especially around the Six Mile Creek area and fire trails which are commonly used to gain access.
29. Despite fencing, barriers and signs trespassers persist. Trees have been cut down, large rocks moved and sections of fence have been cut and poles ground off. Wire fencing has been cut and rolled back and signs damaged and completely removed.
30. Signs warn it is private property with no access, no swimming, no drinking etc. The signs are constantly graffitied and removed. The company also patrols on an irregular basis, particularly during summer months. People are asked to move on and if a problem arises, the Police called.
31. Some areas of Void 10 are impractical to be fenced in as Void 10 flows into Six mile Creek. Any barrier would impede the watercourse.
32. Void 10 contains approximately 2000 mega litres (or 2 gigalitres) of water. At its deepest point it is believed to be 50-60 metres. It is 425 metres long and the widest portion is 200 metres wide with the narrowest 0.80 metres wide. The void sits below the water table and any attempt to drain it will cause water to draw from a larger water body further to the south. The water drained could potentially cause flooding as drainage would flow to Six mile Creek which runs through a residential area and major roadways.
33. The entire buffer land holding area is difficult to fence due to a power line easement along the entire southern end of the property. It dissects the property and is unable to be blocked in any way.

## Conclusion

34. Sixteen year old Duncan Cameron Wilmott died due to drowning on 25 January 2016. He was in company with another young man who were both accessing the disused quarry site for swimming. They had no permission to do so. Duncan Wilmott jumped into the water from an elevated position in an awkward manner. His friend saw him come back to the surface before sinking. He could not be found for nine days until deep water divers retrieved his body.
35. Duncan was not the first young man to die due to drowning at this site. On 11 December 2009, a 22 year male was swimming in company with his brother when he got into difficulties and subsequently drowned.
36. The land holder has made repeated efforts to restrict access to the site. The natural flow of water from Void 10 into a creek makes it difficult to fully fence that particular site. On the information available it is not possible to fully drain these voids. Nor can the entire land-holding be fenced due to an easement to access the power lines which run along the southern boundary. Existing fencing is continually damaged and breached by the people intent on accessing the site. There is signage warning that the land is private property and there is no access, and no swimming. Signs have been repeatedly damaged and removed.
37. Sadly, even the publication of information about these tragic deaths may not deter young people from swimming in these areas which are clearly unsafe for such purposes.

Chris Clements

Coroner