



OFFICE OF THE STATE CORONER

FINDINGS OF INVESTIGATION

CITATION: **Non-inquest findings into the death of Child Z**

TITLE OF COURT: Coroner's Court

JURISDICTION: Brisbane

DATE: 13 September 2015

FILE NO(s): 2014/2407

FINDINGS OF: Magistrate O'Connell, Central Coroner

CATCHWORDS: CORONERS: Child death, drowning, cattle dip

1. On a cattle property located in Central Queensland, a happy young boy aged just 2 years and 5 months, who I simply call child Z, tragically wandered away from the fenced house yard where he had been playing, and was later found deceased in a cattle dip then full of product. There was nothing at all suspicious about the tragic death of child Z, but the circumstances are important to recognise for just what dangers can be presented to an adventurous young boy.
2. His parents have agreed¹ to my publishing these de-identified² coronial findings in the hope that greater awareness will prevent such a tragedy occurring to other parents. I am grateful that his parents allow me to publish these coronial findings.

Background

3. Child Z was just 2 years and 5 months of age and, by all accounts, a very happy, healthy, and no doubt, adventurous young boy. He lived on a cattle property in the Central Queensland region with his parents. Tragically in mid-2014 he simply wandered away from the house yard to a cattle dip some 400 metres away where he was found, immersed and unresponsive.
4. At the house yard there was established a very well-kept lawn and gardens together with ample play equipment on which a child could be entertained for hours. The yard was fenced but like nearly every fenced yard around a house it was possible for a young boy to make his way outside the fenced area.
5. On this day his parents were busy undertaking the usual tasks that occur daily on a cattle property. The father, together with their older child, left the house shortly after breakfast and went to a neighbouring property. The mother was then busy attending to some domestic cleaning duties around the house whilst child Z happily played in the house. The mother checked on him regularly whilst she undertook her activities. Just before midday she saw him playing under the stairs at the side of the house with one of his toy trucks. She then set about vacuuming a room nearby which activity in itself created noise, so she was unable to hear her son playing just outside. After a short while, merely a matter of minutes, she finished the vacuuming task and went to check on her son. She called out to him but there was no response. She then searched around the yard where he had been seen playing, but could not locate him. She then searched rooms nearby in the house, then the shed nearest the house, and finally the larger hay shed nearby. Not finding him she went back to the house and re-checked through the house again. When she could not locate him she thought that he may have wandered away from the house yard looking for his father, which he had done on previous occasions. Accordingly, with the use of a quad bike, she commenced looking in places where he may be. She checked water troughs along the fence lines, and then went to the cattle yards and dip which are about 400 metres from the house and along an unformed dirt road. Once at the cattle dip she saw her son floating on the surface of the

¹ A requirement under s. 46A (2)(a) Coroners Act, and I am grateful that the parents see the merit in permitting de-identified findings to be published

² publication of coroner's findings without an inquest is permitted under s. 46A(2) Coroners Act. De-identified findings have been utilised so as to protect the parents, and the location of the property, from any unmeritorious scrutiny, and to preserve the dignity of the memory of the child. No doubt any media reporting of these findings will be conducted with the sensitivity the circumstances deserve

full dip. He was not moving. She immediately entered the dip, retrieved her son, commenced efforts at resuscitation at the scene, before driving back at speed to the house to call 000. She continued resuscitation with the assistance of instructions from the emergency services operator, whilst an ambulance was proceeding to the cattle property located a little way outside the nearby town. Ambulance officers arrived after about 15 minutes and took over efforts at resuscitation. Tragically, child Z was unable to be revived and was declared passed away.

Police enquiries

6. In accordance with protocol the police attended the property and commenced investigations and made enquiries. The police very quickly established that the incident was nothing other than a tragic accident but it was necessary that the circumstances were investigated, established, and documented, so if possible the tragic outcome could be avoided in the future.
7. The police investigation established that the house at the property was very well-kept and there was numerous areas and locations at the property where a child could safely play. The house yard was very well-established and again presented with many safe options³ where a child could safely play and spend the day. Outside the fenced yard there was sparse native grass, it was dry, and nothing about that area made it at all attractive to a young child, especially one without shoes.
8. The police established that the cattle yards and dip were located about 400 metres from the house. Due to the topography and native trees in the area it was not readily able to be seen from the house yard. There was an unformed dirt road from near the house leading towards the cattle yards. Upon very close inspection of the road's dirt surface the police were able to locate very small footprints consistent with child Z having walked along that road, without shoes. There was no evidence to suggest that child Z had walked there with any other person, or a pet such as a dog, so it was not thought that he followed an animal to the cattle yards. The child also had to negotiate over a metal cattle grid along this road. Information to the police is that child Z had visited the yards previously (as would readily be expected) so it is possible that even though he was of a young age he may have realised that the cattle yards were a location where he had previously been with his father, mother, and older sibling.
9. At the cattle yards there were a series of pens in which the cattle were worked and there was also a cattle dip of a capacity of approximately 16,000 litres. The dip was filled with water with a chemical ratio were 500 g of Amatik⁴ powder to 700 litres of water plus a bag of Lime for each bag of Amatik powder. There is nothing at all unusual about the contents of the dip, the only important factor is that it was a body of water in which a young child could drown. By necessity a cattle dip needs to be sturdy enough to withstand the rigours of

³ In fact there were numerous playground equipment items, swings, etc, similar to what is found at a schoolyard

⁴ This is a product name. The product itself played no casual factor in the child's passing, and histology and toxicology were negative for this product

working cattle, where beasts regularly could be over 1000 kg⁵. Accordingly the concrete based dip had rails above it made of steel, of a strength to withstand the actions of cattle being worked. One must always remember that cattle yards and a dip are designed for the working of cattle, accordingly it is designed in a way to minimise injury to the beasts and allow the escape of persons working the cattle, if need be. Accordingly it has rails aligned longitudinally, with significant gaps or spacings between the rails. The dip was being kept full as it had been used in March and April, just months before, and was being kept full because it was being used regularly to dip a further cattle at infrequent intervals. I have no criticism of this whatsoever.

10. The design of this cattle yards, and the dip, are very typical of those found at many cattle properties throughout Central Queensland. There were no unusual features, or omissions, which made the dip unsafe or unusual in any way. It must always be remembered that this is a working cattle yards and dip, which is quite distinct from the circumstances surrounding a swimming pool. The nature and use of a cattle dip makes them unsuitable for any type of fencing used at a swimming pool to prevent drowning by a child.
11. It is not practical that any recommendation to be made to somehow 'childproof' a cattle dip in the way that the laws relating to swimming pools require childproof fencing. Cattle dips, by their nature, are generally located well away from any residential premises, as was this dip, but also cattle yards need to be designed in a way where persons working the cattle can quickly escape through the fence if required. They are not conducive to vertical railings with spacing in close proximity, just 100 mm as swimming pool fences are, so as to prevent climbing points for young children.

Practical solution

12. Perhaps a practical way that a cattle dip of this nature could be made safer would be for the actual dip section to have mesh on its' sides, with mesh gates at each end, so they may be 'closed off' when the dip is not in use. An example from another property is reproduced in attachment 'A'. Dips are usually concrete sided but cattle can need to be 'worked' through the dip by workers leaning in from above if need be, so they can be difficult to fully enclosed. Mesh⁶ does provide a climbing point for small children, but is more beneficial as a barrier than nothing. By no means do I profess that this is the only solution, and encasing in mesh fencing is preferable, rather it is a measure which lessens the risk and is better than no barrier at all.
13. Since all dips are different in their actual design and construction there is no universal method which could be mandated to provide adequate protection. Persons who run cattle properties, in my experience I have found, tend to be very practical, in some cases ingenious, people when it comes to workable solutions to problems. Additional regulation of this issue⁷ does not present to me as the answer, rather I hope to highlight the potential

⁵ In good condition steers regular weigh around 600kg, whilst bulls may weigh over 1000kg

⁶ Due to its cross hatched construction

⁷ and working cattle properties present many drowning risks to a two-year-old child, from dams, creeks, rivers, cattle dips, and water troughs. Clearly these risks can never be completely eliminated (how can a dam or river ever be completely fenced off?). In a practical way the best that can be strived for is that the risks be lessened until young children develop water safety

issue to cattle property owners who can then consider what are appropriate practical steps to take to lessen the risk when they have young children on that property.

14. Certain formal findings are required by the *Coroners Act*. Accordingly, in the circumstances, I find that the person who died was child Z⁸, they died due to their own curiosity and an inability to swim, they died on a certain date in 2014⁹, and at a certain rural place¹⁰ in Queensland, and that they died due to drowning¹¹.
15. It is hoped that through the tragic circumstances of the death of child Z that families of young children identify potential drowning risks and take whatever practical safeguards can reasonably be made. Of course all parents will be vigilant regarding their children's whereabouts, but I also trust that parents of young children on properties encourage, develop, and further each child's water safety and competency starting from a very young age.
16. I trust that representative bodies of primary producers highlight to their members, and the wider rural community, this message in an appropriate way¹².

Magistrate O'Connell

Central Coroner

13 September 2015

⁸ the child's name is suppressed in these published findings due to de-identification purposes

⁹ the actual date is suppressed in these published findings due to de-identification purposes

¹⁰ the actual place is suppressed in these published findings due to de-identification purposes

¹¹ the matters stated in this paragraph of the findings are necessary to state so as to comply with s. 45 (2) Coroners Act. Incidentally the chemicals contained in the dip played no part in the child's death

¹² keeping in mind appropriate sensitivity to the parents, and the extended family, of child Z, whilst maintaining the important message

Attachment A

Photos of a mesh enclosed cattle dip



