

CORONERS FINDINGS AND DECISION

NAME OF DECEASED - Karl Peter SPERLING

PLACE OF DEATH - Nambour General Hospital

DATE OF DEATH - 21 November 2000

HOW DEATH OCCURRED

Master Sperling was a member of the South Burnett Army Cadet Group and was attending an end of year camp at the Bjelke-Peterson Dam situated on Haagar Drive Moffetdale via Murgon. He was 13 years of age. Master Sperling and a number of other youths arrived at the camp on Friday 17 November 2000. A number of activities had been organised for the youths and were to be supervised by a number of adults at the camp. On Saturday the 18 November 2000 Master Sperling participated in an orienteering exercise and as part of the exercise formed into a group of 6 to 8 youths to work as a team. Master Sperling's group were to arrive at the dam edge and wade out to where a small boat was anchored and retrieve a clue to continue the orienteering exercise. Master Sperling had boots on during the exercise. The group linked arms and entered the water and became entangled in thick duck weed about 10 metres out. At this stage a number of cadets were in difficulty and requiring assistance. The group made it back to shore and noticed that Master Sperling was not with them. An immediate search was made and he was found submerged and not breathing. He was immediately brought back to shore where resuscitation attempts commenced. QAS and Paramedics were called and took over resuscitation attempts. He was airlifted to Nambour General Hospital in a critical condition. He was placed in the Intensive Care Unit on life support where extensive tests were conducted over the next 3 days. These tests indicated that his brain had been damaged beyond repair and he was "Brain Dead". At 11.30 hours on the 21 November 2000 his life support systems were turned off after his parents were consulted and he died a short time later.

The medical cause of death was by way of drowning.

Several witnesses confirmed this account of how the accident occurred and I find accordingly.

In relation to the lack of signage at the dam warning of the risk of weed entanglement Sunwater, the controlling authority of the dam have placed a sign at the entry to the Dam with other warning signs. It states:

Signage: Swimming Risk Caution – Submerged Weeds – Submerged weeds in the areas may make swimming difficult and lead to drowning.

A Military Board of Enquiry was held in relation to the death of *Karl Peter Sperling*. A copy of the *Report of the Board of Inquiry into the Death of Cadet KP Sperling arising from an incident at Bjelke-Petersen Dam on 18 November 2000* dated 18 January 2001, a copy of the 'Findings, Action and Implementation Plan' by Brigadier, RB Retter, Chief of Staff, Headquarters Training Command- Army' dated 19

February 2001 and a letter dated 19 August 2005 from Lieutenant Colonel Ryan to the investigation officer Sergeant Slatter which address the recommendations relevant to matters affecting the death of Karl Peter Sperling was made available to myself.

The army has advised to what extent the recommendations have been implemented as follows:

- a. *Recommendation 268 d. The medical standards applying to asthmatics wishing to join the ACC be reviewed with the view to them conforming to Army standards.*

This recommendation was not implemented. Specialist medical staff advice has indicated that there was no evidence to link the death of Cadet Sperling to his asthmatic condition. Adult soldiers entering the Army must be fit for training and subsequent deployment on operations. There is no need for the same standard to apply to cadets who only need to be sufficiently fit to undertake limited rigorous activities.

- b. *Recommendation 268e. The regional 'Application for Activity Approval' form be revamped and issued nationally as part of the ACC Policy Manual. Mandatory headings in the form should require detailed and comprehensive explanations of the activities proposed, a risk assessment, details of risk reduction, safety issues, staff qualifications, equipment required and a medical plan.*

This has been implemented and the relevant policy is contained in current Australian Army Cadets Policy Manual (HQ AAC Policy Manual) Volume 3 Chapter 1.

- c. *Recommendation 268 f. The 'Application for Activity Approval' form be forwarded through the cadet unit's foster unit with provision for their comments. This application is then forwarded to the Regional Training Centre for consideration. On approval or rejection, a copy of the activity approval form should be returned via the foster unit who should confirm the availability of requested equipment and other support.*

The form 2 has included a 'Foster Unit Action' section. Due to the command of cadets moving from TC-A to AAC, the form is now forwarded to HQ AAC rather than Regional Training Centre, which belong to TC-A.

- d. *Recommendation 268 g. Supervision of ACC activities involving increased risk be provided by ARA/GRES personnel. This supervision be provided by cadet wings and/or foster units and they be resourced to provide this function.*

This recommendation has been implemented by HQ AAC Policy Manual Volume 3 Chapter 1 which mandates 'use hierarchical control structure to minimise risk (to acceptable level)'.

- e. *Recommendation 268 i. The AAC Policy Manual be amended to state that for deep water activities, cadets are not to wear boots. If protective footwear is required, light running or sports shoes are to be worn. If extenuating circumstances exist requiring the wearing of boots, flotation aids are to be worn by the participants wearing boots.*

This recommendation has been implemented in HQ AAC Policy Manual Volume 3 Chapter 1, Paragraph 1.53 which states that cadets engaged in swimming or water based activities are not to wear boots.

- f. *Recommendation 268 j. The ACC Policy Manual be amended to include requirements, responsibilities and qualifications required for safety officers involved in cadet activities. These amendments should reflect that safety officers should not have other supervisory responsibilities during the conduct of activities.*

This recommendation has been implemented by the provisions in HQ AAC Policy Manual Volume 3 Chapter 1, paragraphs 1.35-1.42.

- g. *Recommendation 268 k. A specific Critical Incident Management Plan be drawn up for the ACC to detail actions required as a result of a critical incident. This Critical Incident Management Plan should include details of unit and superior HQ responsibilities, outside support organisations and contact details and a step by step sequence of actions leading up to any formal inquiry.*

This recommendation has been implemented by management of reportable incidents provisions at HQ AAC Manual Volume 1 Chapter 8.

- h. *Recommendation 268 n. The ACC Policy Manual be amended to reflect the requirement in more definitive terms for all activities with an increased level of risk to be trialled by staff under actual activity condition to ensure that activity is practical and safe for cadets.*

This recommendation has been implemented by the requirement stated in HQ AAC Policy Manual Volume 3 Chapter 1, paragraph 1.33.

- i. *Recommendation 268 o. IOC (Instructors of Cadets) be trained in first aid to the same standard as an OOC (Officer of Cadets) and all OOC/IOC be given annual refresher training as required by St John Ambulance or similar organisations.*

This recommendation has been partially implemented by HQ AAC Policy Manual Volume 3 Chapter 1, paragraph 1.32 which requires activity leaders to have completed the OOC/IOC First Aid Course. Further, HQ AAC have been allocated additional funding for the Financial Year 05/06 for provision and renewal of civilian senior first aid level qualifications for OOC and IOC. From 1 Jul 05, HQ

AAC Policy Manual will require all OOC and IOC maintain a current senior (or higher) first aid certificate at all times while undertaking their duties.

- j. *Recommendation 268 p. The swimming capabilities of cadets be ascertained by test or parent's declaration and this information be recorded and maintained on cadet files.*

The AAC Policy Manual at Volume 3, Chapter 1, paragraphs 1.54-1.58 require that Army Cadets undertake a swimming test prior to each and every swimming or water-based activity. This requirement is more stringent than the BOI's recommendation that a one-off test be recorded on a cadet's file.

- k. *Recommendation 268 q. The specific duties and responsibilities of an IOC need to be comprehensively detailed in the ACC Policy Manual to ensure that there is no confusion regarding their employment.*

This recommendation has been implemented by the IOC duty statement appearing at HQ AAC Policy Manual Volume 1 Chapter 5.

In addition Brigadier Miller has provided further information on some of the additional action that have been implemented to improve the safety of AAC members:

1. Amendments to AAC policy

The policy and procedures relating to the planning, approval and implementation of Cadet activities, especially water-based activities, have been amended since the death of Karl Sperling. The ongoing review of these procedures is a standard activity within the AAC organisation and occurs at least twice per year at national AAC conferences and again as a result of the submission of Post-Activity Reports following major AAC activities.

2. Amended Defence Force Cadets (ADFC) Occupational Health and Safety (OHS) Policy and Procedures

The AAC has implemented most of the requirements of the ADFC OHS Policy and continues to work towards full implementation of the policy. Some of the activities undertaken so far to implement this policy include:

- Establishment of Army Cadets Unit and Regional (State) level OHS Committees;
- Appointment of Regional and National OHS coordinators;
- Appointment of Safety Coordination in Army Cadets Units; and
- Conduct of briefings for all members of the AAC on the requirements of the OHS policy on an annual basis and at the commencement of each major AAC activity.

3. Review of the training content and standards for Army Cadets Staff (ACS).

Adult staff of the AAC are required to undertake training courses conducted by the Australian Army. These courses total up to 11 days for the basic level Officer of Cadets. Further training of an additional 16 days is provided for adult staff seeking appointment to the position of Officer Commanding an Army Cadet Unit or senior staff positions in Regional and National AAC headquarters. The content of these courses is undergoing extensive review with the intent of ensuring that ACS are provided with the skills and knowledge necessary to be able to plan and safely conduct AAC training activities.

3. Cadet Safety “STOP, STOP, STOP” tool

The AAC has implemented a tool by which cadets of any rank or level of experience may call for an activity to cease in the event that they perceive elements of the activity to be unsafe. Upon any member of the AAC calling “STOP, STOP, STOP” the Officer in charge of the activity is required to consider the person’s safety concerns before either proceeding with or cancelling the activity.

4. Additional Army personnel allocated for duty in the AAC organisation.

In the past two years, the Australian Army has progressively allocated to the AAC organisation additional full-time and part-time Army personnel positions to ensure the effective administration, training and safety of the AAC.

5. Incorporation of the AAC into the “ArmySAFE” Project.

The Australian Army continues to work towards embedding Army Cadets safety into the Army-wide OHS project titled “ArmySAFE”. This project is being managed by the Director of OHS- Army and involves extensive liaison with COMCARE. The “ArmySAFE” team has commenced their consideration of the requirements for Army Cadet safety. This consideration has already resulted in the inclusion of Army Cadets in the new Chief of Army Policy on Heat Injury Management and the purchase of Heat Stress Monitors for use during AAC activities. Further benefits for Army Cadets safety will continue to flow from the inclusion in the “ArmySAFE” project.

In view of the implementation by the Australian Army in relation to their Board’s findings and the Australian Army’s additional action to improve the safety of cadets I do not propose to make any further recommendations.

I find no person should be committed for trial for any offence in connection with this death.

CAUSE OF DEATH -

I find the deceased died as a result of drowning.

This Inquest is now closed.

J. DALEY
CORONER 13 /02/06