



MAGISTRATES COURT *of* TASMANIA

CORONIAL DIVISION

Record of Investigation into Death (Without Inquest)

*Coroners Act 1995
Coroners Rules 2006
Rule 11*

(These findings have been de-identified in relation to the name of the deceased and family by the direction of the Coroner pursuant to s 57(1)(c) of the Coroners Act 1995)

I, Madeleine Wilson, Coroner, having investigated the death of NQ

Find, pursuant to Section 28(1) of the *Coroners Act 1995*, that:

- a) The identity of the deceased is NQ, whose date of birth is 14 November 2010;
- b) NQ died of an out of hospital cardiac arrest due to asphyxia caused by the accidental compression of his neck by a fabric loop on a sensory swing;
- c) The cause of NQ's death was severe diffuse hypoxic brain injury; cerebral mass effect and uncal herniation; and
- d) NQ died, aged 13 years, on 12 June 2024 at the Royal Hobart Hospital, Hobart, Tasmania.

In making the above findings I have had regard to the evidence gained in the investigation into NQ's death which includes:

- Tasmanian Health Service – Death Report to Coroner;
- Police Report of Death for the Coroner;
- Affidavit confirming identity;
- Report – Dr Andrew Reid, Forensic Pathologist;
- Report – Forensic Science Service Tasmania;
- Records – Ambulance Tasmania;
- Medical Records – Somerset Medical Centre;
- Medical Records – North West Regional Hospital;
- Medical Records – The Royal Children's Hospital Melbourne;
- Medical Records – Royal Hobart Hospital;
- Affidavit – BI, sworn 23 September 2024 and 26 March 2026;
- Affidavit – OP, sworn 6 June 2024;
- Affidavit – Constable Todd Blake, sworn 20 October 2024;

- Affidavit – Detective Senior Sergeant Anthony Stewart, sworn 29 October 2024;
- Affidavit – Senior Constable Qualified Bobby Gray, Forensic Services (and photographs);
- Body worn camera footage;
- Response received from Standards Australia;
- Response received from Kids Safe Tasmania; and
- Response received from Australian Competition and Consumer Commission.

Background

NQ was born on 14 November 2010 at the North West Regional Hospital Burnie. Approximately 12 hours after he was born, NQ was diagnosed with a blocked bowel, and subsequently was flown to the Royal Hobart Hospital for surgery for Hirschsprung disease. During surgery he suffered oxygen deprivation which led to him developing Global Development Delay Brain Injury. NQ had Trisomy 21 (Down syndrome) and was non-verbal. NQ had an extensive medical history and had undergone numerous surgeries in his short life.

At the time of his death NQ lived with his mother, BI and his three siblings at Cowrie Point in North West Tasmania, at the home of OP. OP's two children also lived there part-time, but were staying with their mother at the relevant time. NQ attended the North West Support School in Burnie. He loved going to school. At the age of 10, NQ underwent testing at school and was assessed as having the mental capacity of an 18 month old. Physically, he appeared much younger than his stated age. He wore a helmet to protect his head.

The house where NQ and his family lived is a two story house. On the ground floor is NQ's bedroom, a living room, kitchen, bathroom and laundry. On the first floor are three bedrooms and a second living room which had been set up to accommodate NQ's needs. It was referred to as "NQ's creche". The room measured 4.57 x 3.75 metres and had a bolted gate for NQ's protection and a protective wooden screen separating the play area from a wall mounted television. The furniture in the room consisted of a two-seater couch that had wooden arms and fabric cushioning, two single matching armchairs, a beanbag and loose brown cushions. The height of the furniture was the same at approximately 460 millimetres when measured from the floor to the top of the seat. NQ was known to enjoy rearranging the furniture in the room.

In the centre of the room was a fabric therapy/ sensory swing attached to an adjustable position daisy chain strap which was secured to a bracket on the ceiling with a carabiner. The strap was on its fourth loop position from the top. The bracket was bolted into the ceiling using two bugle batten screws. The ceiling height in the room was 2413 millimetres at the point of the swing bracket. The height of the bottom of the swing (unladen) from the floor to the bottom of the fabric was approximately 530 millimetres and the height from the top of the swing to the ceiling where the bracket was fixed (including the rope, carabiner and bracket) was approximately 930 millimetres. The loop of the swing was approximately 950 millimetres in length from the bottom to the top when hanging (unladen). The swing was usually tucked into the top of the fabric loop when it was not in use.

On Wednesday 6 June 2024 BI kept NQ home from school so that he could attend an appointment with his general practitioner, who diagnosed him with an infected right ear and wax build up in his left ear. They returned home from the appointment at approximately 12pm.

NQ appeared to be in a good mood, he was happy.

At approximately 3:05 pm BI checked on NQ and saw that he was playing happily in the creche. She went to collect her children from school, leaving him in the care of OP. OP's bedroom was in the adjoining room, approximately 3 metres from where NQ was playing. Shortly after BI left, OP checked on NQ and saw him rearranging the furniture in his creche; he appeared "quite good". OP went and lay on his bed. After about 10 minutes, OP checked on NQ. He observed NQ hanging from the swing by his neck, which had become entangled in the fabric loop. NQ's feet were touching the ground and he appeared lifeless and was not breathing. OP rushed over to NQ and unwrapped the swing from his neck, lay NQ on the floor and commenced cardiopulmonary resuscitation (CPR). After some time, NQ began to gag and cough and a pulse was able to be detected. OP was able to leave NQ momentarily and recover his phone from his car and call emergency services, who guided OP on what to do until they arrived. NQ was treated at the scene by paramedics before being taken to the Northwest Regional Hospital. At the hospital NQ started to experience seizures and was airlifted to the Royal Hobart Hospital where he was placed in an induced coma.

NQ's condition deteriorated in the ICU and an assessment was made following an MRI brain and neurological assessment that he had an un-survivable brain injury and his prognosis was futile. Following end of life discussions with his family, investigations were commenced into organ donation.

NQ died on 12th June 2024.

I am not able to ascertain how NQ became entangled in the swing but it is possible that he stood on a piece of furniture to reach the top of the swing and loosened the fabric loop before accessing the swing.

An investigation was commenced by Tasmania Police into NQ's death. No circumstances giving rise to any suspicion were identified. I am satisfied that NQ's death was the result of an accident which occurred during a short period of unsupervised access to a fabric swing.

Fabric Therapy/Sensory/Yoga Swings

Fabric therapy/ sensory swings are trapeze like swings made of thick material and are often used as a form of therapy for children on the autism spectrum and those with sensory needs.

BI researched sensory swings online before purchasing one on Ebay in December 2021. It was installed in accordance with the instructions that came with the swing. These were unable to be located, however BI provided the Coronial Division with similar instructions that she located online. These only addressed the installation of the swing. The swing was not modified in any way and was used approximately once a week. The swing did not have a make or model number and it cannot be determined who manufactured the swing. Therefore it is not possible to ascertain what information may have been available on the manufacturer's website, if any.

The swing used by NQ was similar to a product that is manufactured by Vuly; the Vuly 360 pro yoga swing. The Vuly yoga swing was subjected to a recall in 2022 due to a near fatal incident where a 12 year old boy was entrapped in the swing in Victoria in 2020¹. The recall was issued as it was found that the fabric on the swing could wrap around the neck which may lead to strangulation and entrapment. To rectify the issue, Vuly provided a swivel mechanism which attached to the yoga swing to prevent the material of the swing from becoming wrapped or tangled. The swing used by NQ did not have a swivel attachment.

The precise nature of NQ's entanglement in the fabric of the swing is unclear. However, NQ's tragic death highlights the danger of strangulation and/or entrapment associated with fabric swings and the desirability of using a swing with a swivel mechanism that

¹ Australian Competition and Consumer Commission Product Safety, Official Recall Notice Vuly 360 Pro "Yoga Swing".

will prevent the material of the swing becoming wrapped or tangled. It also highlights the desirability of packing the swing away when not in use and/or ensuring the swing is otherwise inaccessible to children.

Responses received

I requested information from the Australian Competition and Consumer Commission, Standards Australia Limited “Standards Australia” and Kids Safe Tasmania as to whether they were able to comment on safety standards related to fabric swing sets.

The Australian Competition and Consumer Commission (ACCC) advised that the ACCC administers mandatory safety standards for some types of consumer goods, which contain particular safety or information requirements. From the information provided, they considered it unlikely that the swing set was subject to any of the mandatory standards that they administer.

Australian Standards responded to the request stating that they were unable to identify an Australian Standard that specifies requirements for fabric swings in a recreational or therapy setting. They did identify three standards that could apply to swings but do not directly mention fabric swings.² However I do not consider that these Australian Standards address the risk that arose in this case.

Comment was sought from Kidsafe Tasmania. The Chief Executive Officer, Jenny Branch-Allen advised that the swing set in use was not covered by any Australian Standards, that she was able to identify. Ms Branch-Allen identified that swing sets should be installed with a suitable space outside the swing arc, when in use. Within the impact area the swing should be free from obstacles such as furniture, walls, windows and door frames. She also recommended having impact attenuation matting on the floor beneath the swing, ensuring a minimum clearance from the floor and ensuring the swing is used, installed and supervised in accordance with the manufacturer’s instructions. In the present case, there is no evidence that the manufacturer supplied instructions with the product, other than in relation to the installation of the swing set. While these suggestions are sensible, in this particular case, I find that these measures would not have prevented NQ’s death.

² AS 4685.1:2021 *Playground equipment and surfacing, Part 1: General safety requirements and test methods* (EN 1176-1:2017, MOD) from Technical Committee CS-005, Playground Equipment; AS 4685.2:2021 *Playground equipment and surfacing Part 2: Additional safety requirements and test methods for swings* (EN 1176-2:2017, MOD) from Technical Committee CS-005, Playground Equipment; and AS/NZS 8124.6:2025 *Safety of toys, Part 6: Activity toys for domestic use* (ISO 8124-4:2025, IDT) from Technical Committee CS-018, Safety of Children’s Toys.

I also requested that the National Coronial Information System (NCIS) undertake a search and review of cases in their database to determine whether there were any recorded deaths associated with the use of a fabric therapy/ sensory swings. I was informed that no relevant cases were identified.

Standards Australia

Thereafter, a copy of my draft findings and recommendations was forwarded to Standards Australia for further comment. In her response, Christina Forsyth, General Counsel provided a useful explanation of the process that is undertaken to prepare a new, or revise an existing, Australian Standard. She indicated that any new project proposal must establish that the proposed standard will deliver an overall benefit to the Australian community and that there is broad stakeholder support for the project. Once a new project is approved, a formal process is undertaken to develop and approve the new Standard, by establishing a Constituted Technical Committee (CTC) or Project Committee (PC). The composition of a Committee is made up of relevant stakeholders and aims to ensure balanced participation by those whose interests will be significantly affected by the resulting Standard. While Standards Australia is responsible for facilitating the process of standards development, the responsibility for the technical content of the standard lies with the Committee.

Standards Australia also drew my attention to AS/NZS 8124.6:2025 *Safety of toys, Part 6: Activity toys for domestic use*, from Technical Committee CS-018, Safety of Children's Toys³ which specifies requirements and test methods for activity toys for indoor and outdoor domestic family use intended for children under 14 years, which covers products including swings (but not fabric swings), slides, climbing frames and other products often intended to bear the mass of one or more children. In addition, Clause 4.4.1 of AS/NZS 8124.6 has a requirement that activity toys are to be constructed so that any openings do not create head and neck entrapment hazards. Standards Australia expressed a willingness to work proactively with Technical Committee CS-018 and other interested stakeholders to request they consider working with Standards Australia to submit a project proposal as to whether:

- any of the aforementioned standards could be amended

³ Technical Committee CS-018, Safety of Children's Toys is currently made up of members who represent the following Nominating Organisations: Australian Competition and Consumer Commission, Australian Industry Group, Australian Toy Association, CHOICE, Consumer Affairs Victoria, Consumers' Federation of Australia, Infant and Nursery Products Alliance of Australia, Kidsafe Australia, National Retail Association Australia, New Zealand Toy Distributors Association, NSW Fair Trading, Office of Fair Trading (QLD), Retain New Zealand, SafeKids Aotearoa (New Zealand), Independent Expert.

- there is a need for the development of an Australian Standard; or
- any international or overseas standards exist that may be suitable for adoption in Australia,

to address the safety of fabric swings.

Comments and recommendations

NQ was an organ donor, a lifegiving gift for which he and his mother are lauded.

The circumstances of this tragic event highlights the importance of ensuring that strangulation hazards are removed from areas where vulnerable people such as young children and the mentally impaired may be able to access them. Measures such as removing fabric swings from the ceiling bracket when not in use and ensuring that the fabric swing is not set up in an area where furniture or other moveable items may be able to be used by vulnerable people to gain access to the fabric swing should be kept front of mind.

I make the following **recommendations** pursuant to Section 28 of the *Coroners Act* 1995;

That Standards Australia engage with Technical Committee CS-018 and relevant stakeholders to request that they consider working with Standards Australia to submit a project proposal as to whether:

- (a) any of the existing Standards could be amended; or*
- (b) there is a need for the development of an Australian Standard; or*
- (c) any international or overseas standards exist that may be suitable for adoption in Australia*

to address the safety of fabric swings.

If so, that Standards Australia work with Technical Committee CS-018 and relevant stakeholders to include in a project proposal whether a Standard should be amended, developed or adopted, to include performance-based requirements that seek to address:

- (a) requirements that fabric swings be manufactured in a way that prevents the material of the swing from becoming wrapped or tangled;*
- (b) requirements or recommendations related to swing arcs;*
- (c) requirements or recommendations related to the use of impact attenuation matting;*

- (d) *requirements or recommendations related to minimum clearance distances from the floor, and/or*
- (e) *requirements that manufacturers of fabric swings supply information with the product including instructions for assembly, how to use the product, in particular in a way that prevents the material of the swing from becoming wrapped or tangled, and warnings to not leave a child unsupervised when using a fabric swing and to dismantle the fabric swing when not in use.*

I express my gratitude to the investigating officer Constable Todd Blake for his investigation and report and to Christina Forsyth for her valuable contribution in proposing wording for the recommendations, to facilitate compliance by Standards Australia and reflect the performance-based approach to the development of any standard.

I convey my sincere condolences to the family and loved ones of NQ.

Dated: 7 July 2026 at Hobart, in the State of Tasmania.

Madeleine Wilson
Coroner