



CORONERS REGULATIONS 1996

Form 1

State Coroners Office  
57-83 Kavanagh Street  
Southbank 3006  
Telephone: (03) 9684 4444  
(All Hours)  
Toll Free: 1800 136 852  
(Only Country Victoria)  
Fax: (03) 9682 1206

11th February, 2005  
**Case No: 3509/04**

RECORD OF INVESTIGATION INTO DEATH

I, **LEWIS PHILLIP BYRNE**, Coroner,

**having investigated** the death of GORDON MAXWELL AYRE without holding an inquest, **find that** the identity of the deceased was GORDON MAXWELL AYRE and that death occurred on 3rd October, 2004 in a Farm Dam Located At Turnbull Road, Ardmona, from

1(a). **DROWNING**

in the following circumstances:

Gordon Maxwell Ayre, in the company of his parents, visited a farm occupied by family members at Turnbull Rd Ardmona. The farm property, an orchard, of approximately 70 acres contained three dams, one of which was located approximately 27 metres west of the residence. That particular dam was approximately two metres deep. Significantly, it like so many other farm dams, was not fenced off, nor was there a fence between the residence and the dam (see photograph).



After a period it was noted Gordon was missing. He was subsequently located by his father floating in the dam. CPR was immediately commenced by his father, an ambulance was called and upon arrival paramedics took over resuscitation. Gordon was conveyed to the Goulburn Valley Base Hospital where, in spite of further intensive efforts at resuscitation, he passed away.

Gordon was a boisterous, adventurous little boy who could not, at his young age, swim unassisted although, he had received a number of "swimming lessons" (water familiarisation classes). Near water he was generally always carefully supervised, however it is clear that on this day there was no contemplation that he would wander off to the vicinity of the dam. Gordon's death is yet another tragic, preventable death in a rural waterway.

The issue of drowning of toddlers (0-4 year old children) in rural waterways in Victoria has been the subject of many inquiries undertaken by the State Coroner's Office in recent years. The most up to date drowning statistics compiled by Life Saving Victoria (LSV) reveal that rural waterways, in particular dams are the most

common locations where toddlers now drown in Victoria, representing 83%. LSV advised this Office that this current death is the 25th drowning death of a 0-4 year old child in Victoria and the seventh in a dam since July 2000. This alarming statistic is summarised in Table 1.

**Table 1 - Drowning of toddlers in Victoria - July 2000 - January 2005**  
Rural Victoria Metropolitan Melbourne

<b>Dam</b> (Koondrook, Haven, Tarwin Lower, Allans Flat, Chirnside Park, Labertouche)	6	<b>Bathtub</b> (Springvale)	1
<b>Bathtub</b> (Wodonga, Invermay, Wodonga, Wondonga)	4	<b>Pond</b> (Blackburn South)	1
<b>Creek</b> (Bagshot, Arcardia)	2	<b>Private Swimming Pool</b> (St Albans)	1
<b>Pond</b> (Creswick, Yarram)	2	<b>Public Swimming Pool</b> (Footscray)	1
<b>Irrigation Channel</b> (Mildura, Shepparton)	2		
<b>Duck Bath</b> (Smith's Gully)	1		
<b>Resort Pool</b> (Kyneton)	1		
<b>Reservoir</b> (Rushworth)	1		
<b>Total</b>	<b>19</b>		<b>4</b>

Source: Life Saving Victoria and State Coroner's Office

This data also illustrates the reduction in the number of drowning deaths of toddlers in private swimming pools and spas. I note a recent report received by this office from Play it Safe by the Water titled "Making Victoria water safe: A report on toddler drownings in backyard pools and spas". The report outlines the success in Victoria of reducing drowning incidents of toddlers in private swimming pools and spas following the work of the Victorian Swimming Pool and Spa Safety Working Party. This Working Party consisted of a range of government and industry organisations collaborating to address this issue. A similar collaboration amongst relevant agencies is now required to address drowning of toddlers in rural waterways.

Research undertaken by the State Coroner's Office and Department of Human Services published in 2002 titled Unintentional Drownings: Toddlers in Dams in Victoria 1989-2001 examined this issue and identified five major contributing factors common amongst these incidents:

1. the toddler had reached a stage in their development where their gross motor skills enable them to climb and wander some distance and their social

- skills had developed to a point where they were content to play on their own. In some cases the onset of this stage in their development had been recent;
2. there was a low level of carer supervision immediately prior to the incident;
  3. the toddler was located outside the house;
  4. the dam was located in the vicinity of the house; and
  5. there were insufficient barriers between the yard and the dam.

The parallels between the abovementioned factors and the present case are inescapable. The report recognises that it is unreasonable to expect carers to constantly supervise their children. Every parent knows the impossibility of such a requirement, however, the level of supervision must necessarily increase with the degree of risk. The degree of risk in the present case was clearly extremely high, as tragically, there were no barriers between the area where Gordan was playing and the dam.

The research report also recognised the success of public awareness campaigns developed by Play it Safe by the Water in reducing incidents of toddler drownings in private swimming pools and that the requirement for adequate fencing around domestic pools was also an important factor contributing to this reduction. A number of recommendations were proposed from the findings of the research report, which included the need for future public awareness campaigns to be broadened to include safety messages that take into account the differences between urban and rural hazards. It was also recommended that such a campaign should educate carers on how quickly toddlers can get into danger. Most importantly it was recommended that a strategy of creating "child safe areas" on rural properties be widely promoted.

These recommendations have been supported by a number of Coroners since the completion of the research report. In 2003 Coroner Betts strongly endorsed the recommendations made in the research report and stated that there should be a degree of central co-ordination by the State Government. Coroner Betts forwarded a copy of the findings and recommendations to the Attorney-General for him to consider raising with the relevant Ministers of the Government (see case number 3427/2002). In November 2003 the Attorney-General advised this Office that the Minister for Sport and Recreation, the Victorian Farmers' Federation, Kidsafe, the Royal Children's Hospital, the Emergency Services Commissioner and the Royal Life Saving Society - Victoria Branch had been contacted asking them to consider the recommendations stated in the research report and endorsed by Coroner Betts. In August 2004 the State Coroner Graeme Johnstone investigated the death of another infant child in a dam. It was recommended that the findings and recommendations of the above mentioned research be supported by the relevant government and industry organisations (see case number 0432/2004). Coroner Johnstone acknowledged that since the publication of the research report the Department of Human Services had funded the FarmSafe Alliance to action the

recommendations related to public awareness of the dangers dams pose to young children and to assist with the promotion of "child safe play areas" on properties containing dams. In addition, the Rural and Regional Services and Development Committee (RRSDC) (a Joint Investigatory Committee of the Parliament of Victoria) conducted an inquiry into the main causes of death and injury on Victorian farms, including the issue of drowning of young children in dams.

Life Saving Victoria (formerly Royal Life Saving Society - Victoria Branch) has sought funding to develop and implement a campaign structured around a rural and regional version of their toddler drowning awareness program "Keep Watch". This would build on the links with Farmsafe Australia and Farmsafe Victoria and consist of materials to assist in promotion of the Keep Watch across Victoria. This proposal was not funded.

Coroner Johnstone recommended that the recommendations contained in the joint research study by the State Coroner's Office and the Department of Human Services are examples of countermeasures that should be fully supported by all relevant agencies. Coroner Johnstone also recommended that Farmsafe Victoria may need to consider supporting these recommendations in the longer term and that there may be a need to consider similar deaths associated with "hobby farms" to ensure that this sector is not overlooked in any public awareness campaign and/or other countermeasure.

I acknowledge that the some work has been undertaken to progress prevention efforts in this area. However, based on the information provided by Life Saving Victoria, it is clear that more needs to be done. The approach taken by Play it Safe by the Water in relation to toddler drowning in private swimming pools and spas appears to be a good model to address the problem of toddler drownings in rural waterways. Life Saving Victoria, were contacted by this Office to provide further information on the proposed campaign they developed for funding in 2003. LSV advised that they have developed a public awareness campaign based on the Keep Watch program around the issue of carer supervision, child safe play areas, learning resuscitation and taking children to water familiarisation classes. LSV hope to achieve this using rural and regional based media such as local newspapers, radio spots, television and billboards. LSV also propose to liaise with local Rural Safety Action Groups and attend rural and regional shows, race days and field days. Funding is urgently required to implement this strategy for the 2005/2006 summer period.

I am confident that if these strategies are pursued that a similar reduction in toddler drowning in rural waterways can be achieved like has been demonstrated in relation to toddler drownings in private swimming pools and spas. The data referred to in Table 1 demonstrates that it is important that this strategy be funded and implemented.

## **Recommendations**

I adopt and support the proposed strategy developed by Life Saving Victoria and recommend its implementation for the 2005/2006 summer period. I understand from LSV that they work closely with Play it Safe by the Water and have met with Farmsafe Victoria to seek collaboration for this strategy. I further recommend these agencies assist LSV with implementation including funding.

A copy of this finding will be sent to:

- Attorney-General
- Joint Chief Executive Officers - Life Saving Victoria
- Emergency Services Commissioner
- Manager, Play it Safe by the Water
- Chair, Farmsafe Victoria
- Manager, Injury Prevention - Department of Human Services
- Minister for Agriculture

**Phillip Byrne**  
**Coroner**