

CITATION: Inquest into the death of Hayley Lillian Rose McCURRY-PARRIMAN  
[2002] NTMC 013

TITLE OF COURT: Coroner's Court

JURISDICTION: Darwin

FILE NO(s): D0158/2001

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FINDING OF: Mr Greg Cavanagh SM

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Child drowning,

Public swimming facility, safety aspects

**REPRESENTATION:**

Counsel:

Assisting: Mr Mark JOHNSON

Department of Infrastructure, Planning and

Environment: Mr Garry SCHNEIDER

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IN THE CORONERS COURT

AT DARWIN IN THE NORTHERN

TERRITORY OF AUSTRALIA

No. D0158/2001

In the matter of an Inquest into the death of

HAYLEY LILLIAN ROSE McCURRY-PARRIMAN

ON 14 OCTOBER 2001

AT LEANYER LAKE RECREATION PARK in the Northern territory

**FINDINGS**

(Delivered 1st May 2002)

Mr Greg CAVANAGH:

1. Hayley McCURRY-PARRIMAN died at the Lake Leanyer Recreation Park at about 6.40 in the evening of Sunday, 14 October 2001. The cause of death was drowning.

2. The death is clearly a “reportable death” pursuant to section 12 of the Coroners Act. For reasons that appear in the body of these Findings, and the fact that this was the second drowning of a child at Leanyer Lake within 12 months, I decided to hold a public Inquest pursuant to section 15(2) of the Act. The holding of the Inquest (and commencement date) was advertised in the local press on 11 February 2002.

3. Section 34(1) of the Act details the matters that a Coroner is required to find during the course of an inquest into a death. That section provides:

(1) A coroner investigating –

(a) a death shall, if possible, find –

(i) the identity of the deceased person;

(ii) the time and place of death;

(iii) the cause of death;

(iv) the particulars needed to register the death under the Births, Deaths and Marriages Registration Act;

(v) any relevant circumstances concerning the death.”

4. Section 34(2) of the Act operates to extend my function as follows:

“A coroner may comment on a matter, including public health or safety or the administration of justice, connected with the death or disaster being investigated.”

5. A public inquest in this matter commenced at the Darwin Magistrates Court on 22 April 2002. Counsel assisting me was the Deputy Coroner, Mr Mark JOHNSON. I thank Mr Johnson for his very helpful assistance. Mr Garry SCHNEIDER sought leave to appear on behalf of the Northern Territory Government, specifically the Department of Infrastructure, Planning & Environment, which incorporates the Parks & Wildlife Commission. I granted leave to him pursuant to section 40(3) of the Act.

6. The senior next of kin of the Deceased was both her father, Mr Scott McCURRY, and her mother, Ms Tania PARRIMAN. Ms PARRIMAN was in attendance throughout the inquest and Mr McCURRY for some of it. They live at Tiwi in Darwin. I am aware that other family members travelled from Broome to Darwin for the inquest.

7. The court heard from four witnesses who gave evidence in the inquest. They were:

- Detective Sergeant Vincent KELLY – OIC
- Kevin Jack PARRIMAN Junior
- Suzanne PARRY
- David Dalmain HARTLEY, who gave evidence by videoconference from Sydney.

8. In addition to this evidence, a full brief of evidence was tendered by Detective Sergeant KELLY. This evidence included 7 statements from various witnesses. There was also tendered into evidence, numerous other documentary records of the Police, the Royal Life Saving Association of Australia, Northern Territory Branch, KIDSAFE, Parks & Wildlife Commission and St John Ambulance. I take this opportunity to publicly

commend the investigation that was conducted on behalf of this office by Detective Sergeant Kelly, it was of high standard.

#### CORONER'S FORMAL FINDINGS

9. Pursuant to section 34 of the Coroners Act, and upon the evidence adduced at the inquest, I find as follows:

I. The identity of the Deceased is Hayley Lillian Rose PARRIMAN, a female Aboriginal child, who was born on 31 December 1996 at Darwin in the Northern Territory.

II. The Deceased died at the Leanyer Recreation Park on 14 October 2001.

III. The cause of death was drowning in the waters of Lake Leanyer.

IV. The particulars required to register the death are as follows:

- a) The Deceased was a female;
- b) The Deceased was an Aboriginal;
- c) A post mortem examination was carried out on 18 October 2001 and the cause of death was drowning;
- d) The pathologist viewed the body after death;
- e) The pathologist was Dr Anthony ANSFORD, a locum at the Royal Darwin Hospital;
- f) The father of the Deceased is Scott Andrew McCURRY;
- g) The mother of the Deceased is Tania Marie PARRIMAN;
- h) The Deceased resided at 46 Tiwi Gardens Road, Tiwi at the time of her death; and
- i) The Deceased was not employed in any occupation at the time of her death.

#### RELEVANT CIRCUMSTANCES

Background of the Deceased

10. The Deceased was born in Darwin. She lived with her parents and siblings at 46 Tiwi Gardens Road, Tiwi. She had recently commenced at a local primary school.

#### Background of Lake Leanyer

11. Lake Leanyer is a man-made lake adjacent to Vanderlin Drive. It is located in close proximity to the suburban areas of Leanyer, Karama, and Malak. The Northern Territory Department of Transport and Works built the Lake which was completed in November 1994. The Lake is in the Leanyer Recreation Park.

12. The management of the Lake was subsequently vested in the Northern Territory Parks and Wildlife Commission, now part of the Department of Infrastructure, Planning & Environment. From June 2000, the person responsible for the management of all parks and wildlife parks in the Darwin urban and rural areas has been Mr David Dalmain HARTLEY, the Chief District Ranger, Darwin Parks District for the Parks and Wildlife Service. Leanyer Recreation Park is one such park. Mr Hartley told me in evidence that his field of expertise was in wildlife conservation “and to a certain extent natural park management”.

13. Lake Leanyer is a recreational lake measuring approximately 120 metres by 40 metres in a kidney-type shape. On the eastern side of the lake, adjacent to the ablution block, there is a series of small plunge pools, called The Cascades. The grounds are well maintained with a number of shade and bar-b-que areas around the park. In mid 2001, a skate board park was added to the southern end of the park. This skate board park is used on a daily basis by teenage and younger children.

14. Mr Hartley stated in evidence in relation to the lake (p.51):

“THE CORONER: it’s designed to attract families with children, isn’t it, that particular facility?---I believe that is the intention, yes.

Yes?---Yes, as a family recreation area.

It’s not a nature park, is it; it’s a family recreational area?---That’s correct, yes. Not a nature park.”

15. And another witness told me in respect of the lake (Ms Suzanne Parry from the Royal Life Saving Society) (p.33–34):

“And it’s used by families with kids?---Yes.

It’s not another recreational kind of lake like a waterski place or anything like that, is it? It’s there for people - - -?---No, it’s for – it’s - - -

- - - to go swimming?---And it's encouraging families because they provide the facilities to - - -

For kids?---Yes, for kids.

It was targeted for that?--- Yes, it is”

And

“THE CORONER: About three foot?---Not even that, about .7 of a metre. I think it's about that depth. So actually where the – where that mark actually is, there is a platform which comes out from the edge, which is actually that deep, and then the – it slopes down at a 45 degree angle to a 1.6 metre depth. What is misleading with signs like that, I was – if you- if you looked across and saw the water source, looked across and saw 1.6 metre depth, there is occasions where someone could go down a pathway and dive in and actually end up as a paraplegic because that water on that is only - - -

Two foot deep?---Two foot, yes because there's no – there's no logic to the signs. There's no overall view that you have of that lake when you go there without actually physically going around and doing an audit search like we did.”

16. There is unrestricted vehicle and pedestrian access to the park during the hours in which the park is open - between 8:00am and 5:00pm daily. A single driveway is provided for both the Lake and the skate park with the carpark dividing these two areas. The fencing at the park that does exist is inadequate to prevent persons accessing the Lake outside operating hours.

17. The Parks and Wildlife Commission provide no supervision at the Lake. There is water safety equipment kept at the lake. However, it is kept behind locked doors because of the fear of vandalism. Mr Hartley told me in evidence that there were “resourcing” problems in providing supervision.

18. I find that the so called “lake” is a man made artificial body of water placed within a suburban environment for recreational swimming by families and children.

19. A number of safety signs are erected at the park. These signs provide park information and safety warnings.

20. On 3 January 2001, Telvyn McKENZIE, a three-year-old Aboriginal child drowned at Lake Leanyer. The tragic circumstances of this boy's drowning were similar to those of the Deceased child who is the subject of this inquest.

Safety Report Royal Life Saving Society of Australia, NT Branch

21. Following the drowning of Telvyn McKENZIE in January 2001, Ms Suzanne PARRY, the Executive Director of the RLSSNT, conducted a safety audit of Lake Leanyer. Ms PARRY prepared a safety report, copies of which she provided to both the Territory Coroner and the Parks and Wildlife Commission. This report contained a number of recommendations in relation to improving safety at Lake Leanyer.

22. Ms PARRY subsequently met with Mr HARTLEY and discussed the issues raised in her report. Ms PARRY, in her statement to Police, stated that she only met with Mr HARTLEY on one occasion, that they did not physically attend Lake Leanyer, and the discussion only raised issues in a general fashion. No plan of action was developed.

23. On Wednesday 9 October 2001, Ms PARRY re-attended Lake Leanyer to check on what safety improvements had been made to the Park. At this time, she noted that a slide had been removed and trees had been cut down around warning signs. However, little else had been done.

24. Ms PARRY is clearly in a position of experience in the field of life saving, this by virtue of her having some 21 years involvement in life saving. She stated her opinion of Lake Leanyer as:

“The difficulty with Lake Leanyer from a water safety perspective is that it is neither a pool nor a lake. In my view, Lake Leanyer is an unsafe aquatic venue because of its safety issues, proximity to suburban areas and easy access by children.”

25. In her statement, Ms PARRY, acknowledged that:

“...there is a great deal that can be done to improve water safety and minimise risk at Lake Leanyer (but) nothing will replace proper supervision of young children near water”.

26. Ms PARRY further stated that public pools in Darwin (viz. Casuarina, Parap, Palmerston & Nightcliff) operate under the Royal Life Saving Society Australia Guidelines for Safe Pool Operation. She commented that, as a consequence of these guidelines, the safety standards of Darwin’s public pools have apparently dramatically increased. Lake Leanyer is not classified as a public pool and, certainly, not operated pursuant to the same standards.

27. Following the drowning of Telvyn McKENZIE, David Dalmain HARTLEY of the Parks and Wildlife Commission conducted an audit of safety equipment at the Lake. He found that:

- Life rings, a stretcher, and first aid kit were among this safety equipment. These were, however, locked away due to recurrent problems with vandalism.
- A slippery slide at the Lake was removed due to rust and other factors.

- Four signs were present which warned against certain types of behaviours and the fact that the Lake was not supervised.

28. Mr HARTLEY has stated that he considered the installation of a telephone. However, after discussion with senior Police, he believed the phone would be the subject of vandalism and/or misuse. As a result, a decision was made that no such telephone would be installed.

29. While the Parks and Wildlife Commission made some attempts to improve safety at Lake Leanyer, the majority of the issues raised by Ms Parry's organisation had not been actioned. I make no criticism of the officer's of the Commission. I found Mr Hartley to be a credible and well-meaning witness; he frankly admitted some safety defects at the lake. In my view, it maybe that the commission is the wrong organisation to operate what is a suburban swimming pool (with a children's skateboard facility attached). I recommend that Government consider placing the responsibility for operating the facility at Lake Leanyer into the hands of a body or organisation better suited to the job.

#### The Events of 14 October 2001

30. During the day of Sunday 14 October 2001, the Deceased child was at the home of her grandparents at 7 Dorisvale Crescent, Tiwi. During the day, Kevin PARRIMAN Junior, his wife, Melissa CLAPE, and their two children, (Brandon CLAPE, 4 years, and Kathlynn CLAPE, 18 months) also went to the home at 7 Dorisvale Crescent. The Deceased child was the daughter of Kevin PARRIMAN Junior's sister, Tania PARRIMAN, ie. the Deceased child was his niece.

31. At about 5.30pm Kevin PARRIMAN Junior, his wife, their own children and four other children between the ages of four and nine, travelled to Lake Leanyer in the family car. This group included the Deceased child. The members of the group are all related. They were:

#### Adults –

- Kevin PARRIMAN Junior
- Melissa CLAPE

#### Children –

- Brandon PARRIMAN (aged 4)
- Kathlynn PARRIMAN (aged 18 months)
- Tiarra FORRESTER- PARRIMAN (aged 9)

- Daniel WRIGHT- PARRIMAN (aged 5)
- Kevin WRIGHT- PARRIMAN (aged 4)
- The Deceased (aged 4)

32. Kevin PARRIMAN Junior, in his statement to Police, stated he did not realise that the Deceased child was among the group taken to the Lake, until after they had arrived there. By this stage, he further stated that he realised that there may have been too many kids to look after.

33. Once at the Lake, Kevin PARRIMAN Junior, his wife, and the children entered the Lake from the sandy beach area. Adjacent to this area, and part of the main body of water is a deeper area bounded by a concrete apron. There is a nearby pumping facility which would appear to hinder to some extent the line of sight between the sandy beach and parts of this concrete apron. They played and swam in this area. Kevin PARRIMAN Junior specifically recalled playing in the Lake with some of the children, among whom was the Deceased.

34. Some of Kevin Parriman's children were crying at one stage and he attended to their needs; there was some concern about some missing goggles (it was difficult to see things under water). He noticed the deceased child walking on the sandy beach, Shortly thereafter the deceased was noticed missing. Kevin Parriman told me in evidence (p.21):

"Okay. What did you do then?---I'd - I sung out to Tiara, my niece, and asked her first of all I asked my son, 'Where's Hayley?' and Melissa said, 'I don't know', and I looked and I said, 'Tiara?' I sang out to Tiara and I said, 'Where's Hayley?' and she said - she went like that to me. I said, 'Tiara, where is she?' and she said, 'I don't know', in a crying voice, you know. So I started searching the water and two girls that walked towards the water pump -they was about 13, 14, maybe 15, all right - I asked them, 'Have you seen a little girl walking around just with little shorts on?' They said, 'Nothing', and I said, 'All right then', so I started looking around. The girls went back to the - to the people that was at the tables and that, the ladies that helped us, all right. They walked back there and then the lady over there was singing out for her two kids to come back in, and I was searching through all the water with my legs and that 'cause I couldn't see along the side of the - I was in water up to about here.

You're indicating to about your waist?---Yes, and I couldn't see the bottom on that slope part. I was walking along - -

This is round past the water pump area?---Yes. All the way from the water pump, all the way along there I checked, 'cause she was along that - she was on the beach there and I thought that she might've just climbed up there and jumped back in towards the kids, you know, but that didn't happen. And I searched all through the water, looking through the water to show (inaudible) seen the bottom and then when I seen the bottom of the water,

then I started rushing through the water and that and then I went up to - I went up to - I got Melissa to grab all the children, get them out of the water. I went up to the lady and - before I went up to the lady I asked Tiara to go and run down to the BMX track and to the toilets while I went over and asked that lady over there to see if she had seen a little child walked off in any direction. And she said that she didn't see anything, so I didn't know what to do. I was thinking, 'Where could she be?' So I walked back around, round back here all the way to the bloke that was at the small swimming pool area. I asked him if he seen a little girl walk up this way and I went into the men's toilets just before that. I ran back down towards the beach where I first started off, where we first entered the water. I ran straight in to the water and I was searching the water all the way up until - you know, I was zigzagging it all the way up and down and I couldn't see anything at all in the water. I looked for splashing, I looked everywhere like that. Couldn't see anything.

You were basically searching on your own?---Yes, well Melissa had all the children. There was -

Someone had to look after the kids?---Yeah.”

And

“You indicated the upper part of your chest?---Up to the upper part of my chest.,” And I was running through the water but I still couldn't - I couldn't see down deep, but I could with my feet and I was just being careful and kind of - - -

So the visibility is not good in the deeper part, is it?---Couldn't see at all.

Yes, go on?---And as I reached towards the - the pump area, about this high of water I was, the pump area was just on my left-hand side and Tiara was coming back with Daniel and she said, 'There she is, there', like that. I said, 'Where?' I took about two or three steps out of the water 'cause I searched all along the side there and she was floating about six - six, eight metres, a little bit more over - over the front of the pump where the pump is.

This is more the deeper side from the pump?---Yeah, more to the deeper side, all right, because it bends like that and she was found right here, hands facing towards the side of the wall, 'cause it's all green - green stuff there.

How far from the edge was she when you first saw where Tiara was pointing? ---Her fingers was almost like that, touching the sides.”

35. I found Kevin Parriman to be a impressive and credible witness. I have no doubt that on Sunday afternoon, 14 October 2001 he was a caring, responsible and careful supervisor of the children. He did all he could in the circumstances.

36. Kevin PARRIMAN Junior was alerted by one of the older children to the Deceased, whom he observed floating face down in the water a short distance from where she had last been seen. He removed the Deceased from the water and commenced to give her Expired Air Resuscitation (ie. mouth-to-mouth). He was assisted by Joyce BOHME, an Aboriginal Health Worker from Maningrida, who applied Cardio Pulmonary Resuscitation (CPR). An ambulance was contacted and attended at 6:50pm.

37. The ambulance crew commenced resuscitation and transferred the Deceased to an ambulance. Attending Police then provided further assistance by driving the ambulance to the Royal Darwin Hospital while the ambulance officers continued their resuscitation attempts. Further resuscitation attempts were conducted at the hospital. However, these attempts were unsuccessful and the Deceased was pronounced dead at 7:30pm. Dr Anthony ANSFORD performed an autopsy on the Deceased at the Darwin Hospital on the 18 October 2001. Dr ANSFORD stated that the cause of death was:

“Drowning”

#### OTHER ISSUES & RECOMMENDATIONS

38. As I indicated earlier, the safety standards of public pools in Darwin suburbs have apparently dramatically increased as a result of the Royal Life Saving Society Australia Guidelines for Safe Pool Operation.

39. But, as Ms PARRY pointed out, the difficulty with Lake Leanyer, from a water safety perspective, is that it has never been classified, resourced or supervised as a suburban public pool. As a result, it became clear that it is not subject to the same safety requirements of such venues as the public swimming pools at Parap, Casuarina, Nightcliff and Palmerston.

40. I find on the evidence which has emerged from this inquest, that Lake Leanyer is a dangerous and unsafe recreational venue for young children. In so stating, I endorse the comments of both Ms PARRY and Ms Felicity CREED, the Acting Executive Officer for KIDSAFE, concerning the safety of the lake.

41. Ms PARRY’s comments on this were as follows:

“Lake Leanyer is an unsafe aquatic venue because of its safety issues, proximity to suburban areas and easy access by children.”

42. Ms CREED put similar views in her report when she wrote:

“Kidsafe asserts that there is a high likelihood of more drownings occurring at Lake Leanyer and other public recreation areas associated with water....”

43. The major areas of concern, so far as the safety aspects of Lake Leanyer, are in the following areas:

#### Fencing.

44. The bounds of the park should be properly fenced with self-closing gates, akin to the type of fencing found at public suburban swimming pools. This would clearly separate the fenced area from both the car park and the skate park, as well as from the area outside the bounds of the whole recreation park.

45. The parts of the lake on the perimeter of the deeper water should be separately fenced off so that small children could not wander into such areas and either jump, or fall into, the deeper water. This would also have the benefit of reducing the area in which the parents or guardians had to supervise the children in their care.

46. As recommended by Kidsafe, the facilities should be altered to enclose all features and amenities specially designed for younger children into a specified small area. This would especially include the plunge-pool area known as The Cascades.

#### Signage

47. This would likely be made much more effective if the fencing alterations/improvements, of which I have earlier commented, were constructed. As suggested by Ms PARRY, this fencing would channel the public through gates and would therefore allow for better and more effective placement of signs.

48. While there are some signs already in place in the park, they are not adequate.

49. The need is not so much for more signs, per se, but for more effective signs. This should include greater use of pictorial signs, simplification of signs and better highlighting of the more important messages on the signs.

#### Supervision

50. All public suburban swimming pools in Darwin have suitably qualified staff on hand to provide proper help in the situation of any emergency situation arising. As Leanyer Lake is effectively also a suburban swimming venue, it should also have the same available.

51. It could well be argued that the lake is simply too large for adults to monitor the safety of children. If so, this would surely provide an additional reason for reducing the size of the lake, or of properly dividing it by fencing.

#### The Underwater Ledge

52. It is obvious from my viewing of the Lake, and from the videotape and the still photos, that the underwater ledge is only metres away from a shallow sandy area used by toddlers. The deceased child was found floating in the area of a slippery, angled, smooth concrete underwater slope which runs off the shallow underwater ledge.

53. Ms Parry referred not only to the 45° slope coming away from this ledge, but also to the slippery, and hence dangerous, nature of the ledge itself. From my own viewing of the lake, I agree. I note that counsel for the Government (Mr Schnieder) agreed with the following summary of my visit to the lake (p.60-61):

“THE CORONER: Before you go on, I ought to say this for the record, because of course all that's been happening in this inquest has been tape-recorded and it will be on a transcript. Yesterday around lunchtime I went out to the Leanyer Lake area with Mr Schneider, counsel for the relevant Government departments, and walked around and had a view.

It's a well looked after facility in terms of the lawn and cleanliness. There's a fence on the Vanderlin Drive side which is the public entrance. It's not a particularly high fence. I would have thought young children, but not toddlers, could climb over the fence. The gates were open, but of course you'd expect that to be at midday. The entrance took us to the carpark which splits the lake from the skate arena.

The skate arena is fenced with a cyclone fence of a metre or so - a couple of metres. There is a gate. The gate - there was some rangers there and thereabouts whilst I was there.

The entrance gate to the skate arena was open; the gate was permanently wedged open and I saw, using the skate rink, little toddlers. The skate rink has a skating board area. It's about 20 or 30 metres from the lake which, of course, is unfenced. So there's easy egress and ingress from the skate park to the lake. Even if that gate was closed it's not a pool-safe gate. There's no hidden latches on it. It's got an ordinary gate latch with a wide space between the fence and the gate, such that anyone, including a 3-year old, could have opened the gate if it was closed. But as I say, it wasn't.

I then traversed the perimeter of the lake. There was an adult swimming in the centre. The water was fairly clean-looking. There was a couple of sandy areas, fairly shallow, which, no doubt, family people with toddlers would use. What surprised me was that immediately adjacent to those - to the one sandy area where I understand Hayley was playing with her relatives, there commences a concrete apron where the deep water starts; water that I'm told by a sign quite some distance around the other side is 1.6 metres deep.

The concrete apron is immediately adjacent to the sandy shore and the deep water starts almost straight away. The concrete apron has a little shelf about two feet below the surface which a toddler could stand on, no doubt, and be safe. But~, then there commences from that little shelf a concrete slope straight down to the deep water. A concrete slope that, to my eyes, yesterday was covered in algae and when someone hopped on it proved what was obvious to me by way of eyesight that it was as slippery as anything. I pause to note that it was in this immediate area that the young baby was found to be floating by her uncle.

As a matter of geography, I don't think there is any such concrete aprons and slopes at, for example, Lake Alexandra. I completed my circle of the lake with Mr Schneider. The thing called The Cascades doesn't appear to me to be - not that I'm an expert - particularly unsafe; a nice little area for toddlers. It's got some fencing, fencing it off from the deepness of the lake, although it only goes a few metres either side of The Cascades so anyone could slip around the edge of the fence. But of course, properly supervised, I would have thought that that wasn't a particularly dangerous area.

That's what I saw yesterday at lunchtime and I was with, as I say, the advocate for the NT Government and I invite him to rise if he wants to if anything I've said he doesn't agree with in terms of what I saw.

MR SCHNEIDER: No, I agree with those observations.

THE CORONER: Thank you. That's very frank, Mr Schneider. “

54. Mr HARTLEY, in the course of his evidence in this inquest, conceded that the underwater ledge around the edge of the deeper parts of the lake is the area most prone to a build up of algae (and such build up is still occurring).

55. The ledge and slope should be forthwith removed and replaced by a gently-sloping bed, constructed of material, which would not tend to slip, whether that is sand or some man-made material.

#### Water Visibility

56. While this is an area that the Parks and Wildlife Commission does appear to have addressed to some extent, the results would appear to be somewhat sporadic.

57. As Lake Leanyer is a public suburban swimming facility, the public using it should be able to expect that the water would not only be sufficiently pure, but would also look pure, ie. that it be sufficiently clear for those using it to see the bottom. Therefore, if a child was to get into problems and sink, as unfortunately does occur all too often, then that child would be visible and be able to more quickly located and rescued.

## Water Safety Council

58. The benefits of a water safety council would be to have a single body, representative of organisations such as KIDSAFE, the RLSSNT, local and Territory Governments, to look at aspects of safety, especially involving children, in all public swimming venues and waterways. I commend its formation and operation.

### Summary

59. The reality with Lake Leanyer is that it is a suburban swimming facility situated in a area, which happens to include a relatively high proportion of small children. It is not operated in the same safe way as a supervised suburban swimming pool (such as, for example, Casuarina pool). It is an unsupervised man-made swimming facility situated within suburbia for the use of the public.

60. But, as a public swimming facility in a suburban area, the public who use this facility should be entitled to expect a safety standards similar to that in other suburban public swimming facilities. That currently existing at Lake Leanyer is not satisfactory and, in my view, it is dangerous.

61. The death of Telvyn McKENZIE in January 2001 was investigated by my office. It was dealt with by way of Coroner's Reasons for Decision not to Hold Inquest by then Deputy Coroner, Mr James Stewart BROWN. In the course of his Findings into this death, Mr BROWN referred to the danger inherent in allowing children, especially those under five, and those who are non-swimmers, access to areas of enclosed water. Death from drowning can result in as little time as three minutes from the time of immersion. There is no safety practice, either currently available or ever likely to be available, which will replace the necessity for adults and those responsible for the care of young children to supervise the young and vulnerable when they are playing or swimming in the water.

62. The tragic death of Hayley McCURRY-PARRIMAN may not have been prevented by the safety improvements, which I have earlier recommended. Of that, we will never know for sure. The number of children, who were with the adult couple on 14 October 2001, made supervision of them very difficult. It was in the context of such difficulties, that the Deceased child wandered off and, very tragically, quickly drowned.

### Proposed Improvements to Leanyer Recreation Park

63. I note that Mr SCHNEIDER addressed me on some proposed improvements to the park. The main part of his submissions involved the formation by the Minister for of Infrastructure, Planning & Environment, of a Government funded body to look into improvements.

64. He informed me that this organisation would be called the Leanyer Water Park Task Force. The chair is Ms Delia LAWRIE, Member for Karama and the other members come from local government, the RLSSANT, the Skateboarders Association and the Education Department. The basic philosophy of this Task Force will be on the safety of young children and its theme will be to quite dramatically change the nature of the current park.

65. He informed me that the Task Force has been provided with funding of \$800,000 to provide an upgrade project to the existing Leanyer Recreation Park. The Task Force will be looking at creating a water park, along the same lines as that existing in The Strand in Townsville. It is not clear whether the final proposal will include any collected body of water. But, if it does, such collected body of water would be much smaller than that currently existing. I commend this idea and recommend that consultants and engineers qualified and experienced in water safety be retained.

66. Mr SCHNEIDER informed me that arrangements have already been put in place with Telstra for a public pay phone to be installed in the park. This will be installed as part of the total changes.

67. He further informed me that the Task Force would provide a preliminary report to the Minister by June of this year. This preliminary report will include details of the proposal of exactly what kind of theme park will be constructed.

68. It is pleasing to see that such constructive changes to the lake are being considered. Indeed, events subsequent to last week's Inquest hearing have occurred which show a pro-active approach to the problem.

Dated this day of May 2002.

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Greg Cavanagh

TERRITORY CORONER

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