



DEPUTY CHIEF MINISTER  
ATTORNEY-GENERAL AND MINISTER FOR JUSTICE

Parliament House  
State Square  
Darwin NT 0800  
Minister.Paech@nt.gov.au

GPO Box 3146  
Darwin NT 0801  
Telephone: (08) 8936 5688

## REPORT TO THE LEGISLATIVE ASSEMBLY

Pursuant to section 46B of the *Coroners Act 1993*

In the matter of the Coroner's Findings and Recommendations regarding the death of  
Baby Croker

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Pursuant to section 46B of the *Coroners Act 1993* (the Act), I provide this report on the findings and recommendations of Local Court Judge Elisabeth Armitage, Territory Coroner, dated 21 September 2023, regarding the death of Baby Croker (the Deceased) (Attachment A refers).

The report includes the responses to the recommendations of the Territory Coroner from Mr Andrew Kirkman, previous Chief Executive Officer (CEO) of the Department of Infrastructure, Planning and Logistics (DIPL) (Attachment B refers), Professor Marco Briceno, CEO of the Department of Health (DoH) (Attachment C refers), and Ms Emma White, CEO of the Department of Territory Families, Housing and Communities (DTFHC) (Attachment D refers).

The Deceased, a two year old girl, died at approximately 2.30 pm on 2 April 2023 at a private residence in Katherine. The cause of death was accidental drowning.

### Recommendations of the Coroner

At paragraphs 79 to 82 of the Coroner's Findings, the Coroner made the following formal recommendations in regards to the death of the Deceased:

- '79. The Northern Territory Government ensure that the *Swimming Pool Safety Act 2004* incorporates best practice to appropriately mitigate risks arising from private pools, and should consider: the adequacy of current penalties, the adequacy of the current pool fencing standards, the removal of exemptions, and the implementation of a scheme for regular pool fence inspections.
80. The Swimming Pool Safety Authority appropriately mitigate risks arising from private pools by establishing policies and guidelines concerning enforcement, and enforce the provisions of the Act when appropriate.

81. The Department of Health assist the Swimming Pool Safety Authority to appropriately mitigate risks arising from private pools by taking all reasonable steps to ensure the Authority receives and has dates on all non-fatal swimming pool drowning presentations by children at public hospitals in the NT to facilitate the Authority's investigation, compliance and enforcement of the provisions of the Act.
82. The Northern Territory Government ensure the Northern Territory Water Safety Strategy is updated and includes strategies for best practice mitigation in respect of private pools.'

### **Responses to coroner's recommendations**

A copy of the Coronial Findings was provided to the CEOs of DIPL, DoH and DTFHC on 4 October 2023, in accordance with section 46A(1) of the Act.

A written response was received from the previous CEO of DIPL, dated 21 December 2023, as required by section 46B(1) of the Act, advising that:

(a) Recommendation 79

DIPL notes jurisdictions, including Victoria and the Australia Capital Territory, have progressed legislative reforms for swimming pool safety.

DIPL will gather information on the matters recommended by the Territory Coroner for consideration by the Minister for Infrastructure, Planning and Logistics.

(b) Recommendation 80

DIPL will undertake a review of the policies and operating procedures concerning enforcement.

The Pool Fencing Unit within DIPL will also continue to work with other organisations, and maintain active representation on the Northern Territory Water Safety Advisory Council, to prevent drowning deaths in the Northern Territory.

A written response was received from the CEO of DoH, dated 22 December 2023, as required by section 46B(1) of the Act, advising that:

(c) Recommendation 81

DoH is implementing reporting to the Swimming Pool Safety Authority for non-fatal swimming pool drowning incidents involving a child who presents to a Northern Territory Public Hospital.

DoH is also implementing bi-annual de-identified reporting to the Northern Territory Water Safety Advisory Council of all non-fatal drowning presentations to Northern Territory public hospital Emergency Departments.

A written response was received from the CEO of DTFHC, dated 12 April 2024, as required by section 46B(1) of the Act, advising that:

(d) Recommendation 82

The Northern Territory Water Safety Advisory Council (NTWSAC) finalised the Northern Territory Water Safety Strategy 2030 in September 2023 which identified a target of “Towards a Territory free from drowning” and corresponding enablers of ensuring policy and practice is evidence-informed, and developing, implementing and evaluating public policy.

The findings of the coronial inquest were tabled at the NTSWAC meeting on 28 November 2023 and an action item proposed to develop an action plan for best practice risk mitigation in respect of private swimming pools.

NTWSAC also wrote to the Hon Joel Bowden MLA, Minister for DIPL on 28 November 2023, with support from the Hon Kate Worden MLA, Minister for Sport, seeking an immediate review of the *Swimming Pool Safety Act 2004*.

I am satisfied that the CEOs of DIPL, DoH and DTFHC have considered the recommendations of the Territory Coroner and that they are taking necessary steps to implement the recommendations.

DATE: - 2 MAY 2024



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CHANSEY PAECH