

Telephone: 07 3211 6991  
Reference: OOC/DN37479

- 4 APR 2011

Queensland Floods Commission of Inquiry  
PO Box 1738  
BRISBANE QLD 4001

Dear Sir/Madam

I am writing to provide a submission to the Queensland Floods Commission of Inquiry (the Inquiry). In particular, my submission relates to subsection (c) of the terms of reference which relates to all aspects of the response to the 2010/2011 flood events.

The Commission for Children and Young People and Child Guardian (the Commission) is an independent statutory body with a broad mandate to promote and protect the rights, interests and wellbeing of all Queenslanders under 18, particularly those most vulnerable. My mandate includes:

- promoting laws, policies and practices that uphold the rights, interests and wellbeing of children and young people, particularly those at risk
- administering an employment screening system (the blue card system) of certain types of child-related employment including educating the community about their obligation to comply with the Commission's Act
- conducting research into matters affecting the safety and wellbeing of children and young people
- monitoring, auditing and reviewing systems, policies and practices relating to services provided to children and young people receiving child protection or youth offending services
- administering a state-wide Community Visitor Program which independently and frequently verifies and advocates if necessary on the safety and wellbeing of children and young people in foster care, residential services, detention centres and at authorised mental health services under the *Mental Health Act 2000*
- resolving and investigating complaints about services to children and young people known to the Department of Communities, and
- maintaining Queensland's Child Death Register and supporting the Child Death Case Review Committee process.

In this submission I advise in relation to two particular matters for consideration by the Inquiry relating to:

- the value of Community Visitors being able to quickly and independently verify the safety of children and young people in out-of-home care, and
- the Commission's evidence base on the deaths of children and young people in floodwaters, including the 2010/2011 flood events.

The value of Community Visitors being able to quickly and independently verify the safety of children and young people in out-of-home care

Through Community Visitors, the Commission enables the safety and wellbeing of children and young people in out-of-home care to be independently verified quickly following critical events across Queensland.

For your information, the Commission has an active team of approximately 160 Community Visitors who regularly visit children and young people throughout Queensland in foster homes, residential services, mental health facilities and detention centres to independently verify their safety and wellbeing. The Community Visitor's role is to assess if the children feel safe and have access to services appropriate to their needs. Advocacy for these children and young people is undertaken if necessary. Community Visitors work across many different locations, including rural and remote areas. A risk-based policy approach to Community Visitor scheduling arrangements is used, which takes into account the special needs of each child, the type of care, placement stability and the capacity for the child to express preferences.

Prior to evacuation of the Commission's head office, the Commission implemented action to verify the safety and wellbeing of children and young people in out-of-home care who are visited by Community Visitors on a regular basis. On 11 January 2011 I directed Community Visitors to remain in contact by telephone (rather than try to actually visit) children and young people in out-of-home care and their carers in those areas already substantially or likely to be affected by flooding.

As the flood waters subsided, I further directed Community Visitors to continue to actively assist Child Safety Services staff through the recovery period in flood affected areas to compile an accurate profile of the safety and wellbeing of all children and young people in out-of-home care.

Since the floods subsided, Community Visitors have resumed their regular function of verifying the safety and wellbeing of children in out-of-home care and advocating for the resolution of their issues as necessary.

Deaths of children and young people in floodwaters

The Commission's child death review functions began on 1 August 2004. Under Chapter 6 of the *Commission for Children and Young People and Child Guardian Act 2000*, the Commission is responsible for:

- maintaining a register of the deaths of all children and young people in Queensland
- reviewing the causes and patterns of deaths of children and young people
- conducting broad research in relation to child deaths
- making recommendations for improvements to laws, policies, procedures and practices to help reduce the likelihood of child deaths, and
- preparing an annual report to Parliament and the public regarding child deaths.

The information held within the Commission's Child Death Register is based on death registration information received from the Registry of Births, Deaths and Marriages; police and coronial information provided by the Office of the State Coroner; and other risk-factor information obtained by arrangement with a range of other government agencies. The data in the register are able to be classified according to cause of death, demographic information and other relevant factors.

As a result the Commission holds valuable information in relation to deaths of children and young people in floodwaters, including the 2010/2011 flood events.

Attachment 1 provides a detailed analysis of the information available to the Commission and the circumstances relating to the deaths of children and young people in floodwaters, however a snapshot of this analysis is provided below.

A total of 19 children have drowned in flood related events in Queensland since 1 January 2004. It is understood that the Inquiry is specifically interested in the 2010/2011 floods and as such, the flood events of December 2010 and January 2011 have been analysed separately. Flood-related child deaths prior to the 2010/2011 events have also been analysed to provide further contextualisation of the circumstances in which Queensland children die as a result of flooding.

From the information available to the Commission, it appears that at least 5 of the 8 child deaths that occurred in the 2010/2011 Queensland floods were entirely unforeseen and did not involve risk-taking behaviour. These 5 deaths occurred in the Lockyer Valley region during January 2011. No data is available to the Commission regarding what, if any, early evacuation warnings were provided to residents in the Toowoomba and Lockyer Valley areas. However, previous Australian studies and public inquiries have identified a need to enhance the timeliness and effectiveness of disaster warnings.<sup>1</sup>

Of the 19 children who have drowned in flood related events in Queensland since 1 January 2004, use of a motor vehicle was involved in 9 of the deaths (47.4%), including 8 cases where the drivers attempted to cross flooded roadways. It is apparent that despite the public warnings, drivers often underestimate the force of flowing water and its capacity to dislodge relatively large vehicles.

A further 9 of the 19 flood-related child deaths occurred while the child or young person was swimming, paddling or wading in flooded waterways (47.4%). In 8 of these 9 cases the young people appear to have been engaged in inappropriate risk-taking.

While it is clear that the majority of the child deaths in the 2010/2011 Queensland floods were entirely unforeseen, in Attachment 1 there is evidence that risk-taking behaviour on the part of parents/caregivers and young people contributed to at least 11 of the 19 deaths of children and young people since 2004 (57.9%). It is likely therefore, that these 11 deaths could have been avoided.

From the Commission's review of child deaths in Queensland flood events between 2004 and 2011 it appears that effectively communicating the threats posed by flooding and the appropriate public response/actions needed during them may remain a challenge.

Studies have demonstrated that the effectiveness of public communication strategies and the level of community preparedness can, in part, affect the impact of natural weather events and disasters on loss of life.

While the Commission acknowledges that community flood education initiatives may remain a challenge, the Commission has no evidence regarding the effectiveness of existing community flood education initiatives. Therefore, the Commission suggests an analysis of existing community flood education initiatives may need to be

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<sup>1</sup> Cretikos, M., Eastwood, K., Dalton, C. et al. (2008) *Household disaster preparedness and information sources: Rapid cluster survey after a storm in New South Wales, Australia*, *BMC Public Health*, 8:195; Victorian Bushfires Royal Commission (2009).

undertaken to proactively ensure that coordinated statewide flood safety messages are highly visible and clearly heard by all target groups, including young people.

The Commission also acknowledges that active parental supervision typically decreases as children enter adolescence and considers that further research regarding effective means of targeting safety messages directly to young people may be required.

The Commission considers that the above measures may increase the likelihood of successfully informing people, encouraging helpful behaviours by those affected, and reducing the impact of flood events.

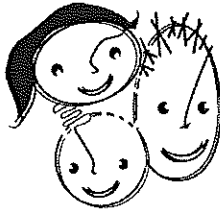
I trust this information is of assistance to the Inquiry's deliberations.

If you have any inquiries regarding this submission, please contact my Principal Advisor, [REDACTED]

Yours sincerely

[REDACTED]

Elizabeth Fraser  
Commissioner for Children and Young People  
and Child Guardian



commission for  
children and young people  
and child guardian

## **Commission for Children and Young People and Child Guardian:**

### **Comments for consideration by the Queensland Floods Commission of Inquiry**

#### **The Commission's functions in relation to child deaths**

The Commission for Children and Young People and Child Guardian is an independent statutory body charged with responsibility for protecting and promoting the rights, interests and wellbeing of Queensland children and young people under the age of 18.

The Commission's child death review functions began on 1 August 2004. Under Chapter 6 of the *Commission for Children and Young People and Child Guardian Act 2000*, the Commission is responsible for:

- maintaining a register of the deaths of all children and young people in Queensland
- reviewing the causes and patterns of deaths of children and young people
- conducting broad research in relation to child deaths
- making recommendations for improvements to laws, policies, procedures and practices to help reduce the likelihood of child deaths, and
- preparing an annual report to Parliament and the public regarding child deaths.

The information held within the Commission's Child Death Register is based on death registration information received from the Registry of Births, Deaths and Marriages; police and coronial information provided by the Office of the State Coroner; and other risk-factor information obtained by arrangement with a range of other government agencies. The data in the register is able to be classified according to cause of death, demographic information and other relevant factors.

As result the Commission holds valuable information in relation to deaths of children and young people in floodwaters, including the 2010/2011 flood events.

#### **Methodological considerations**

Data included in the following analysis has been extracted from the Child Death Register based on date of death, as opposed to date of death registration as publicly reported by the Commission in its annual reports. The figures presented below will therefore differ from those published in the Commission's *Annual Report: Deaths of children and young people*, for the years 2004–05 through to 2009–10.

## Overview

A total of 19 children have drowned in flood related events in Queensland since 1 January 2004. It is understood that the Queensland Floods Commission of Inquiry is specifically interested in the 2010/2011 floods and as such, the flood events of December 2010 and January 2011 have been analysed separately. Flood-related child deaths prior to the 2010/2011 events have also been analysed to provide further contextualisation of the circumstances in which Queensland children die as a result of flooding.

### Child deaths in the 2010/2011 floods

To date the Commission has received notification of 8 deaths of children and young people in the 2010/2011 flood events<sup>1</sup>. Table 1 below outlines relevant information held in relation to these incidents.

**Table 1: Child deaths in flood events, December 2010–January 2011**

Year	Age group	Gender	Type of incident
2010	15–17 years	Male	Swimming, paddling or wading – trapped or swept away by water
2010	15–17 years	Female	Swimming, paddling or wading – trapped or swept away by water
2011	1–4 years	Female	Swept away by water
2011	1–4 years	Male	Passenger in motor vehicle – swept from vehicle by water during rescue attempt
2011	5–9 years	Female	Passenger in motor vehicle – inundated or swept away by water
2011	5–9 years	Female	Passenger in motor vehicle – inundated or swept away by water
2011	10–14 years	Male	Passenger in motor vehicle – inundated or swept away by water
2011	10–14 years	Male	Passenger in motor vehicle – inundated or swept away by water

*Data source: Queensland Child Death Register (2004–2011)*

Six of the 8 children who drowned during the 2010/2011 Queensland floods were involved in the flash flood events that occurred in the Toowoomba and Lockyer Valley regions during January 2011.

Five of these 6 children were involved transport incidents in vehicles being driven by their parents. In four of these cases it appears that the vehicle was being used in an attempt to flee rapidly rising water due to flash flooding. This includes one case in which the child was swept from the arms of personnel attempting to rescue the family from the vehicle. In one of the flood-related drownings involving vehicles, from the information available it appears that the driver may have entered water in an attempt to cross a

<sup>1</sup> The Commission classifies the 2010/2011 floods as all flood events occurring in December 2010 and January 2011 as a result of the significant rainfall throughout the state during this period.

flooded road. One child died in the Toowoomba-Lockyer Valley flood events when swept from a parent's arms after the family home was suddenly inundated due to flash flooding.

Two of the 8 children who drowned during the 2010/2011 Queensland floods died in two separate flood events. In both cases the young people were engaged in risk-taking behaviour by swimming in a flooded, fast flowing and turbulent creek or waterhole. One death is the second child death in three years at that location. Both these locations were public recreation areas and known swimming spots, however the conditions were particularly dangerous due to being in flood from heavy rainfall. Signs warning of the dangers of swimming during flooding were in place in at one location. At the other location, signage warning swimmers of the possibility of rapidly rising water levels in the event of flash flooding has since been erected.

### **Findings and conclusions 2010/2011 floods**

From the information available to the Commission, it appears that at least 5 of the 8 child deaths that occurred in the 2010/2011 Queensland floods were entirely unforeseen and did not involve risk-taking behaviour. These 5 deaths occurred in the Lockyer Valley region during January 2011. No data is available to the Commission regarding what, if any, early evacuation warnings were provided to residents in the Toowoomba and Lockyer Valley areas. However, Australian studies and public inquiries have previously identified a need to enhance the timeliness and effectiveness of disaster warnings.<sup>2</sup>

Risk-taking behaviour on the part of young people and adults appears to have contributed to at least 2 of the 8 child deaths in the 2010/2011 flood events, resulting from young people swimming in flooded waterways for recreation.

### **Child deaths due to floods in Queensland 2004–2010**

In order to provide an evidence base regarding deaths of children due to flooding the Commission has conducted an analysis of the circumstances of child deaths occurring in flood waters between 1 January 2004 and 30 November 2010 (that is, prior to the flood events of 2010/2011). During this time a further 11 children and young people died in Queensland in flood waters<sup>3</sup>. Table 2 below outlines relevant information held in relation to these incidents.

<sup>2</sup> Cretikos, M., Eastwood, K., Dalton, C. et al. (2008) *Household disaster preparedness and information sources: Rapid cluster survey after a storm in New South Wales, Australia*, *BMC Public Health*, 8:195; Victorian Bushfires Royal Commission (2009).

<sup>3</sup> The death of one child in flooded water has been excluded as the flooding was due to a mechanical failing rather than a natural disaster or weather event.

**Table 2: Child deaths in flood events, 2004–2010**

Year	Age group	Gender	Type of incident
2004	5–9 years	Female	Passenger in motor vehicle – inundated or swept away by water
2004	10–14 years	Female	Passenger in motor vehicle – inundated or swept away by water
2004	10–14 years	Female	Swimming, paddling or wading – trapped or swept away by water
2007	15–17 years	Male	Swimming, paddling or wading – trapped or swept away by water
2008	5–9 years	Male	Swimming, paddling or wading – trapped or swept away by water
2008	15–17 years	Male	Swimming, paddling or wading – trapped or swept away by water
2009	10–14 years	Female	Swimming, paddling or wading – trapped or swept away by water
2009	10–14 years	Male	Swimming, paddling or wading – trapped or swept away by water
2009	10–14 years	Male	Swimming, paddling or wading – trapped or swept away by water
2009	15–17 years	Male	Motorcycle rider – swept away by water
2010	10–14 years	Male	Passenger in motor vehicle – inundated or swept away by water

*Data source: Queensland Child Death Register (2004–2011)*

Four of the 11 children and young people who drowned in floodwaters between 2004 and 2010 were involved in transport incidents<sup>4</sup>. In two incidents - causing three deaths - the vehicle was being driven by an adult with responsibility for the children. In one case, the young person who died was in charge of the vehicle. Three of the four drownings due to transport incidents involved the driver/rider intentionally entering water in an attempt to cross a flooded road or causeway. One driver was successfully prosecuted for his role in the deaths of two children as a consequence of intentionally entering floodwater.

Seven of the 11 deaths occurred while the child or young person was swimming, paddling or wading in flooded waterways. In all 7 cases the child or young person had been swimming in, playing near or had intentionally entered the flooded water before being swept away by the force of the water.

In 6 cases the young people appear to have been knowingly engaged risk-taking behaviour, classified as such either because the water was visibly fast-flowing and turbulent and/or the young person's peers had expressed concerns about the danger and/or warning signs were present advising against swimming during flooding.

Four of the 6 deaths involving risk-taking occurred in areas popular amongst the community as swimming or water-sports areas. The force of currents in floodwater is known to be deceiving, and it is possible that the popularity of these recreation areas

<sup>4</sup> Two children involved in transport related drownings died in the same incident.



may have lulled the young people into a false sense of security, further diminishing their appreciation of risk. In one additional case where risk-taking was identified, the young person's limited exposure to swimming or flowing water may in part explain the limited appreciation of the risks posed by flooded waterways.

The 6 children and young people who drowned in floodwater between 1 January 2004 and 30 November 2010 where risk-taking was evident were aged between 10 and 17 years. Research confirms that older children and adolescents may more frequently experiment or engage in reckless or risk taking behaviour. As such, they are likely to have a decreased appreciation of the risks posed by flooded waterways and the likely consequences of their actions and are less likely to heed warnings regarding the dangers.

### **Findings and conclusions 2004–2010 floods**

Nine of the 11 flood-related child deaths between 2004 and 2010 were associated with risk-taking. Risk-taking deaths occurred either as a result of a child or young person swimming, wading or paddling in flooded waterways, or resulted from a vehicle being intentionally driven into floodwater. The Commission considers the latter behaviour risk taking due to the known dangers associated with driving motor vehicles across flooded waterways or roadways and the consistent public warnings to avoid them. Unlike the flood events of 2010/2011, most were not suddenly trapped by floods in this period.

### **Overall findings and conclusions**

Since 2004 there have been a total of 19 deaths of children and young people in Queensland due to flooding.

Use of a motor vehicle was involved in 9 of the 19 flood-related child deaths (47.4%), including those where the drivers attempted to cross flooded roadways. It is apparent that despite the public warnings, drivers often underestimate the force of flowing water and its capacity to dislodge relatively large vehicles.

A further 9 of the 19 flood-related child deaths occurred while the child or young person was swimming, paddling or wading in flooded waterways (47.4%). In 8 of these 9 cases the young people appear to have been engaged in inappropriate risk-taking.

While it is clear that the majority of the child deaths in the 2010/2011 Queensland floods were entirely unforeseen, there is evidence that risk-taking behaviour on the part of parents/caregivers and young people contributed to at least 11 of the 19 deaths of children and young people since 2004 (57.9%). It is likely therefore, that these 11 deaths could have been avoided.

From the Commission's review of child deaths in Queensland flood events between 2004 and 2011 it appears that effectively communicating the threats posed by flooding and the appropriate public response/actions needed during them may remain a challenge.

Studies have demonstrated that the effectiveness of public communication strategies and the level of community preparedness can, in part, affect the impact of natural weather events and disasters on loss of life.

While the Commission acknowledges that community flood education initiatives may remain a challenge, the Commission has no evidence regarding the effectiveness of existing community flood education initiatives. Therefore, the Commission suggests an analysis of existing community flood education initiatives may need to be undertaken to proactively ensure that coordinated statewide flood safety messages are highly visible and clearly heard by all target groups, including young people.

The Commission also acknowledges that active parental supervision typically decreases as children enter adolescence and considers that further research regarding effective means of targeting safety messages directly to young people may be required.

The Commission considers that the above measures may increase the likelihood of successfully informing people, encouraging helpful behaviours by those affected, and reducing the impact of flood events.