

## FORM 38

Rule 60(2)

### FINDING INTO DEATH WITHOUT INQUEST

*Section 67 of the Coroners Act 2008*

**Court reference:** 324/09

In the Coroners Court of Victoria at Melbourne

I, PETER WHITE, Coroner

having investigated the death of:

**Details of deceased:**

Surname: IEREMIA

First name: JENNINA

Address: 18 Glynda Street, Dandenong, Victoria 3175

without holding an inquest:

find that the identity of the deceased was JENNINA IEREMIA  
and death occurred on 20th January, 2009

at Mordialloc, Victoria 3195

from

1a. DROWNING .

Pursuant to Section 67(2) of the **Coroners Act 2008**, an inquest into the death was not held and the deceased was not immediately before the person died, a person placed in custody or care; but there is a public interest to be served in making findings regarding the following circumstances:

1. Jennina Ieremia was a healthy 4 year old girl, born on the 12th of February 2004 at the Dandenong Hospital. Her parents, Peisi and Ieremia 'Junior' Ieremia, are of Samoan descent and immigrated to Victoria from Samoa, via New Zealand, in 2002.
2. At the time of her death, Jennina was the fourth of six children to her parents. Her siblings were all male; Jonathon (11 years old), Joshua (8 years old), Jeremiah (7 years old), James (3 years old) and Jerry (15 months old). Mrs Ieremia was pregnant with John, who was born in February 2009.
3. The family lived in Dandenong. Jennina was enrolled to begin school at Dandenong South Primary in 2009.
4. At approximately 6.00pm on Tuesday the 20th January 2009, the family arrived at the Mordialloc beach for an evening of beach activities.

## **Mordialloc Beach**

5. Mordialloc Beach is the southern section of a 4 km long beach running from Mordialloc Creek to the bluffs at Mentone. The beach has three sections, each with a lifesaving club, at Mordialloc, Parkdale and Mentone. The Mordialloc section is backed by an extensive foreshore reserve, that has a number of facilities including the pier, a large car park, park and picnic areas. It also has a curving promenade running behind the beach from the pier to the lifesaving club and beyond. The good access, car parking and other facilities, make this a very popular beach.<sup>1</sup>

6. The Mordialloc section is 1 km long, faces the south-west and extends to the north of the 300 m long Mordialloc pier and adjacent drain entrance wall. The beach is fronted by two bars: the inner bar usually attached to the beach, with rips cutting it every 150 metres; with a deeper trough separating it from the outer bar.<sup>2</sup>

7. Surf Life Saving Australia have provided Mordialloc Beach with a general beach hazard rating of 3 out of 10, which is within the 'least hazardous' rating.<sup>3</sup>

### **The family's activities**

8. The family travelled from Dandenong to Mordialloc. The family car was parked in the Peter Scullin Reserve carpark at Mordialloc. They set up on the beach just north of the Mordialloc Pier around 6.00pm. The beach was busy as the weather was warm, in the high 30's. Mrs Ieremia cooked some food on the foreshore barbeques, while the rest of the family went down to the water's edge. When the food was cooked, Mrs Ieremia brought it down to the sand and the family ate.

9. After they finished eating, Mr Ieremia along with Jennina, Jonathan, Joshua and Jeremiah, returned to the water. The water was rough and the children stayed close to the shoreline. Mrs Ieremia remained sitting on the sand with James and Jerry.

10. Mr Ieremia then left the water to check on his car. Mrs Ieremia stayed on the sand and watched the children. When Mr Ieremia returned to the water, Jennina was playing in the water, with the water below her knees. Mr Ieremia then called to Jennina to sit on the beach with Jonathan, Joshua and Jeremiah while he went to see a game of beach volleyball. He told the children to stay on the sand.

11. Mr Ieremia had been away for around 10 to 15 minutes, when he saw Mrs Ieremia and James walking towards him. Mrs Ieremia asked him where Jennina was, and Mr Ieremia responded he

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<sup>1</sup> Surf Life Saving Australia, Mordialloc Beach Profile  
<<http://www.slsa.asn.au/default.aspx?s=beachprofile&beachid=vicP045A>> accessed 7 October 2010.

<sup>2</sup> Surf Life Saving Australia, Mordialloc Beach Profile  
<<http://www.slsa.asn.au/default.aspx?s=beachprofile&beachid=vicP045A>> accessed 7 October 2010.

<sup>3</sup> Surf Life Saving Australia, Mordialloc Beach Profile  
<<http://www.slsa.asn.au/default.aspx?s=beachprofile&beachid=vicP045A>> accessed 7 October 2010.

thought Jennina was with her. Mrs Ieremia thought Jennina had followed her dad to the volleyball.

### **The search**

12. The family started searching for Jennina around 7.30pm. Mrs Ieremia asked other beach goers if they had seen her daughter. Mr Ieremia went down to the water and started calling for Jennina. There was a man who was standing in water up to his knees with his daughter. Mr Ieremia asked the man if he had seen Jennina. The man responded that Jennina was there a moment ago. Mr Ieremia started walking around the beach looking for Jennina. He walked to the pier, to the car, to the playground and to the toilets, but he could not find her.

13. At approximately 8.00pm Mr Ieremia approached Senior Constable Adam Kane in the car park in the Peter Scullin Reserve. Senior Constable Kane was conducting patrol duties with Leading Senior Constable Mayne in an all terrain vehicle (ATV) in the area. Mr Ieremia informed Senior Constable Kane that Jennina was missing. Leading Senior Constable Mayne remained in the carpark to request more units attend the beach, while Senior Constable Kane accompanied Mr Ieremia to the location where Jennina was last seen.

14. Mr Ieremia showed Senior Constable Kane the place where Jennina had been with her brothers. Mrs Ieremia confirmed that she had last seen Jennina paddling in the shallows. Mrs Ieremia was instructed to stay at the location with the children while Mr Ieremia and Senior Constable Kane continued to search for Jennina. Dozens of beach goers were informed that Jennina was missing and provided with a description.

15. Leading Senior Constable Mayne patrolled the beach in the ATV, searching the scrub area, foreshore and water line up to Parkers Road. A number of beach goers also searched for Jennina. A helicopter also joined the search, patrolling the surrounding area.

16. The wind strengthened. The sea was quite rough and the tide started to rise. Senior Constable Kane accompanied the family back to their car. It was beginning to get dark and several other police units had arrived to assist with the search. At approximately 10.15pm, police units and SES members involved in the search attended the Command Post located at the rotunda in Peter Scullin Reserve. It was determined that it was most likely Jennina was still near the beach area, but she may have wandered into nearby commercial areas. Police members accompanied SES members on designated searches of the surrounds. Police tracking dogs conducted a search of the ti-tree between the foreshore and Beach Road. Senior Constable Kane remained with the family at their car.

17. Leading Senior Constable Mayne was designated a patrol area north of the pier. At approximately 11.05pm Leading Senior Constable Mayne and Sergeant Sharpe located Jennina's body, face down on the waters edge, swaying with the tide. The location was opposite Parkers Road, approximately 1.5km north of where Jennina was last seen, consistent with the tidal and wind conditions at the time.

18. Leading Senior Constable Mayne and Sergeant Sharpe moved Jennina's body to the dry sand. Leading Senior Constable Mayne checked for a pulse, but couldn't find one. It was obvious that she was not breathing and that she had passed away. Shortly after discovering the body, Leading Senior Constable Mayne transmitted a radio message that he had located a body matching Jennina's description in the water at Parkdale beach.

19. Other police officers attended the scene, followed by the Metropolitan Fire Brigade Rescue Unit from Mentone. The MFB members also checked for signs of life. Metropolitan Ambulance Service members attended a short time later and confirmed the child to be deceased. She was wrapped in a blanket and carried on a stretcher to an ambulance on Beach Road near the Parkdale Kiosk.

20. Jennina's clothes and body appeared intact, apart from some slight swelling and broken skin over her left eyebrow area. There was a white discharge around her mouth and nose area. The family did not notice the eyebrow injury before she went missing, however I note that the injury could have been sustained during the period Jennina was missing due to wave action.

21. The family, who were still waiting in the car park, were informed of Jennina's death and arrived at the location at approximately 11.55pm. Mrs Ieremia travelled with Jennina's body in the ambulance to the hospital, where the death was certified by doctors.

#### **Water safety in the region**

22. Jennina's death was one of several resulting from drowning that occurred along the eastern seaboard of Port Phillip Bay over the Summer of 2008-2009.<sup>4</sup> The region, which is easily accessed from the surrounding south-eastern suburbs, has seen a large influx of people from migrant backgrounds with little or no previous swimming ability.

23. Jennina had no prior swimming lessons and had only been swimming at the beach on three previous occasions. Her older brothers had begun swimming lessons as part of their education at school.

24. Mr Ieremia commented that the family had been at the same part of the beach the evening before (Monday the 19th January 2009). He was swimming out to fetch a ball when he realised he was in deep water and could not stand. Mr Ieremia initially panicked and thought he would drown. He eventually swam back to the shore. On the Tuesday, he avoided going past waist-deep in the water due to this experience.

25. Since 2001 Surf Life Saving Australia (SLSA) have produced a National Coastal Safety Report each year. SLSA provide that the majority of coastal drowning deaths in the year 2007-2008 occurred less than 1km from a lifesaving service. A key trend identified by SLSA provides

<sup>4</sup> On the 14th of January 2009 a 16 year old boy drowned at nearby Edithvale beach. A man drowned at Mordialloc beach on 4th February 2009: Jesse Wray-McCann and Wes Hosking, 'Man drowns in Port Phillip Bay at Mordialloc' *Mordialloc Chelsea Leader*, 4 February 2009.

that swimming and wading are the most dangerous activities around the coast. In rare events, rip currents can drag a person standing waist deep in water out into deeper waters.

26. SLSA's current Australian Water Safety Strategy 2008-11 sets the foundation to achieve a 50% reduction in drowning deaths by 2020: Priority area one within the strategy is to adopt a life stages approach for children under 5 years of age.

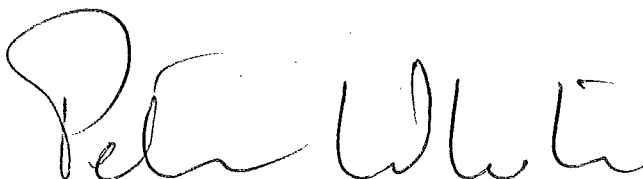
27. At the time of Jennina's disappearance, the three life saving clubs in the area, (Mordialloc, Parkdale and Mentone) were not operational. The clubs rely on volunteers to provide patrols on weekends and designated public holidays.

### Comments

28. I note that the original description broadcast by Leading Senior Constable Mayne at approximately 8.00pm provided the missing girl, Jennina, was 3 years old, wearing a blue t-shirt top and blue shorts. The description was later amended around 9.00pm by a Senior Constable Kane to a tall 4 year old with a blue top and pink shorts. I do not find that this affected the search effort. The search effort was thorough with a large number of concerned members of the public also assisting with the search along the beach and the nearby commercial area.

29. The SLSA have identified swimming and wading along shore lines as a dangerous activity. In these circumstances, an evening of beach recreation turned into a tragedy. The number of people on the beach and various other distractions made it simple for a child to wander off unnoticed. The importance of supervision, especially for children under five years of age, is highlighted by this case. SLSA have recognised this as a priority and are addressing this through public awareness and education.

Signature:



Peter White  
Coroner  
Date:

15/10/2010

