
**FINDINGS and COMMENTS of Coroner Andrew McKee
following the holding of an inquest under the *Coroners Act*
1995 into the death of:**

DALE ROBERT WOOLLEY

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Record of Investigation into Death (With Inquest)

*Coroners Act 1995
Coroners Rules 2006
Rule 11*

I, Andrew McKee, Coroner, having investigated the death of Dale Robert Woolley, with an inquest held at Launceston in Tasmania, make the following findings.

Hearing Dates

5 & 6 October 2020

Representation

Counsel Assisting the Coroner: Ms E Bill

Introduction

1. Mr Woolley was employed as a full time farm hand, predominantly as a machinery operator at Ten Mile Creek Farm, situated at 609 Ten Mile Track, Springfield (the farm). The farm was owned and operated by his employer, Riverdale Dairies Pty Ltd.
2. The directors of Riverdale Dairies Pty Ltd are Rodney and Katrina Gofton. Riverdale Dairies owned and undertook farming operations on a number of parcels of land. The company employed two full time employees including Mr Woolley and four casual employees.
3. The farming land, which is the subject of this inquest, is clearly identified in an aerial photograph tendered at the inquest through Mr Gofton as exhibit C11A.
4. Mr Gofton, in his evidence, indicated that the area shown in the aerial photograph was bounded by fixed fencing. The area within the fixed fencing was divided into paddocks by electric fences. The paddocks were then further divided into blocks for feeding purposes by temporary electric fences. Mr Gofton has marked the various paddocks in black. The paddocks are identified by a number. The incident occurred in paddock 74A. An area depicted by a hatched curving line crossing a number of paddocks represents the flat portion at the top of the hill, referred to as the 'ridge' at the inquest. The area in general was known as Anyons Hill. The laneway which allows access to the top of the hill is identified by two black lines.
5. Mr Woolley had worked at the farm for approximately two years, with his employer for six years, and in the farming industry for 15 to 18 years. He was an experienced and competent machinery operator.

6. On 13 July 2017 at approximately 8.30am, Mr Woolley, Mr Hextall and Mr Gofton met at the dairy of the property to discuss the allocation of daily tasks. Mr Gofton instructed Mr Woolley to “feed out” due to the prospect of inclement weather. This was a task regularly undertaken by Mr Woolley.
7. “Feeding out” is the process of distributing hay around the property to feed cattle. The task is performed by transporting hay bales to a central location and then distributing the hay by use of a feed out trailer. The feed out trailer is towed by a tractor.
8. The trailer is capable of carrying two bales of hay. One in the body of the trailer and one attached to spikes fitted to the rear of the trailer. The feed out trailer is shown in photographs 44 and 45 of exhibit 20 (WorkSafe Tasmania photos). Each dry bale of hay weighs approximately 450 kg.
9. Mr Woolley loaded a truck with eight to 12 bales of hay. The tractor and trailer were loaded with bales. The tines at the front of the tractor had a bale attached, and the trailer was carrying two bales of hay (one in the trailer and one attached to the tines at the rear of the trailer).
10. They left the dairy, Mr Woolley driving the truck and Mr Hextall driving the tractor towing the trailer.
11. The intended destination was the ridge on top of the hill, identified in exhibit C11A. Mr Woolley drove the truck to the top of the hill and onto the ridge via the laneway. Mr Hextall followed behind in the tractor.
12. Mr Woolley drove the truck as Mr Hextall was not confident in his abilities to drive the laden truck up the laneway. Once they reached the ridge at the end of the laneway, the truck was unloaded. Mr Woolley then drove the truck back down the laneway with Mr Hextall following in the tractor. Mr Woolley then drove the tractor back up the laneway while Mr Hextall drove the truck back to the dairy to collect more hay.
13. Mr Woolley commenced the feeding out process whilst Mr Hextall was reloading the truck. It was agreed that once Mr Hextall reached the laneway with the loaded truck he would contact Mr Woolley and Mr Woolley would drive down to meet him and drive the loaded truck back up the laneway.
14. Mr Hextall’s evidence was that the process of returning to the dairy, reloading the truck and returning to the bottom of the laneway took approximately 20 to 30 minutes.

15. Mr Hextall had been at the bottom of the laneway waiting for Mr Woolley for about 10 minutes before he realised he could not hear the tractor operating.
16. At this point he made multiple efforts to contact Mr Woolley but was unable to reach him. After another 10 minutes he contacted Mr Gofton.
17. He first contacted Mr Gofton at 11.42am and then again at 12.13pm. Mr Gofton then drove to where Mr Hextall was situated. At approximately 12.15pm they travelled to the area where they expected Mr Woolley to be feeding out.
18. When they arrived at that area they observed the tractor on its right side. The tractor's cab had been crushed. Mr Gofton located Mr Woolley lying behind the trailer. The trailer had become disconnected from the tractor and was found lying in front of the tractor.
19. The paddock on which the incident occurred was steep with a gradient of 18 to 19 degrees. The tractor being utilised by Mr Woolley was relatively new, and Mr Woolley was familiar with its operation.
20. As Mr Woolley died in the course of his employment, an inquest, subject to an exception in the *Coroners Act 1995*, was mandatory.¹

Scope of the Inquest

21. I determined that the inquest should focus on the following issues:
 - (1) The sequence of events and circumstances that led to Mr Woolley's death, including:
 - a. What task(s) he was undertaking immediately prior to his death;
 - b. Why Mr Woolley was not wearing a seatbelt; and
 - c. The sequence in which:
 - i. the tractor rolled;
 - ii. the trailer dislodged;
 - iii. the hay bale was removed; and
 - iv. Mr Woolley became dislodged from the tractor.
 - (2) What caused the tractor to imbalance, including:
 - a. It's load and the trailer's load, and how they were loaded;
 - b. How the tractor and trailer were being operated;

¹ Section 24 of the *Coroners Act 1995*.

- c. Whether there were any environmental factors, including the weather and surface it was being operated on; and
 - d. If there were any mechanical faults that contributed.
 - (3) The duration of time that Mr Woolley was injured and unattended, and the effect of a failure to render immediate assistance, or to alert emergency services earlier.
 - (4) The existence and adequacy of Riverdale Dairy's workplace supervision, instruction, training and policies including:
 - a. The supervision and instruction provided to Mr Woolley, and other employees, regarding the safe operation of the tractor, including the use of a seat belt;
 - b. General supervision of activities at the site; and
 - c. Processes and procedures to ensure Mr Woolley, and other employees, complied with safe work practices in respect of tractors.
22. My role under the *Coroners Act 1995* (the Act) is to make factual findings surrounding Mr Woolley's death in accordance with Section 28 of the Act.
23. At the inquest, seven witnesses gave evidence, they included Mr Hextall and Mr Gofton; police officers who investigated the incident; Ms K Neilson, a former workplace investigator with WorkSafe Tasmania; and Mr Johns, a former workplace investigator with WorkSafe Tasmania.
24. In making my finding below I am satisfied that this matter has been comprehensively investigated and the relevant issues have been fully explored. I have taken into account and considered the evidence tendered at the inquest, namely:
 - Police Report of Death;
 - Life extinct and identification affidavits;
 - Autopsy report prepared by Forensic Pathologist, Dr D Ritchey, who conducted the post-mortem examination and a subsequent affidavit sworn 3 August 2020;
 - Toxicology report prepared by Forensic Scientist, Ms M Connor;
 - Affidavit of Constable A Purcell;
 - Video demonstration of Constable A Purcell;
 - An annotated photograph by Constable A Purcell;
 - Affidavit of Mr B Spencer;
 - Affidavit of Mr P John, Safe Farming Tasmania;
 - Summary of experience of Mr P John, Safe Farming Tasmania;
 - Affidavit of Mr R Gofton;
 - Map of the farm with annotation, Mr R Gofton;

- Affidavit of Ms Josephine Coker-Williams;
- Affidavit of Mrs M Cohen;
- Affidavit of Mr J Parry;
- Affidavit of Senior Constable Andrew Lusted;
- Affidavit of Constable L Hooper;
- Affidavit and photographs taken of the scene by Constable B Tyson;
- Traffic crash report, Tasmania Police;
- Receipts of Gaffney Machinery;
- The whole of the WorkSafe Tasmania file;
- A whiteboard map diagram drawn by Ms K Nelson, WorkSafe Tasmania;
- New Holland Tractor instruction manuals;
- WorkSafe Tasmania record of interview with Mr R and Mrs K Gofton;
- WorkSafe Tasmania record of interview with Mr N Hextall; and
- A whiteboard map diagram drawn by Mr N Hextall.

Mr Woolley's Background

25. Dale Robert Woolley was born in Scottsdale on 21 April 1966 and was 51 years of age at the date of his death. Mr Woolley was the third of six children born to the relationship of Leon Woolley and Marlene Cohen. Mr Woolley has two brothers and three sisters.
26. Mr Woolley attended the Winnaleah High School, completing his formal education in the first term of grade 8. At the conclusion of his formal education Mr Woolley commenced working for his grandfather in the timber industry, driving bullocks. For a period of time he worked in Launceston at Hunters Products P/L in the warehouse stacking chemicals.
27. Mr Woolley then obtained employment at French's sawmill. In 2004 Mr Woolley commenced working with Mr Dale Mott using an excavator planting trees. Mr Woolley then commenced working on farms. Prior to his death Mr Woolley was employed by Riverdale Dairy's Pty Ltd as a farm hand. His major duties were as a machine operator.
28. Mr Woolley married Sharon Rainbow in 1995. Their marriage did not produce any children. They separated in 2002 and divorced in 2004.
29. Mr Woolley first met his current partner, Ms Josephine May Coker-Williams, when they both worked at French's sawmill. After Mr Woolley's wife left him, Ms Coker-Williams provided support to Mr Woolley. Their relationship commenced in late November 2002.

30. As part of Mr Woolley's employment he was provided accommodation. At the beginning of their relationship Ms Coker-Williams' home was situated in Scottsdale. Quite sensibly they maintained separate residences in case Mr Woolley's employment arrangements changed. The couple spent most weekends together.
31. Based on the evidence before me it is apparent that Mr Woolley and Ms Coker-Williams were in a committed and loving, long term relationship.

Events Leading to Mr Woolley's Death

32. On the morning of his death, Mr Woolley met with Mr Gofton and Mr Hextall to discuss the allocation of daily tasks to be performed on the farm. Mr Hextall and Mr Gofton are the only witnesses who could give evidence regarding these issues.
33. Mr Hextall gave affirmed evidence at the inquest. He confirmed that the contents of a record of interview he had participated in, between himself and workplace inspectors, K Neilson and P Kitchener, as true and correct.
34. Mr Hextall's recollection of his and Mr Woolley's movements on the morning of 13 July 2017 are outlined in his answer to the following question he was asked in the record of interview between himself and workplace inspectors:

'Ms Neilson: So what were you actually doing on the day of the incident?

Mr Hextall: Oh well um we left here— I got here at 9 o'clock. So I've been starting a bit later cos of the frosts, and we left here and went up to — up to Rodney's there — oh Rodney's other house where Dale lived and we had the truck and tractor there so then we had to take it up on top of the hill there and load bales on the truck and we had a load on the tractor and the [indistinct word(s)] (the indistinct word was a reference to the trailer) was on the back of the tractor. So then we went up and we dumped the load of bales. So then cos I don't drive — like I'll drive the tractor up the lane there where we had to go up but I wouldn't drive the truck so Woolley brought the truck back down. So then I had to take the truck and load it again. So I had half an hour to like Woolley said — give me half an hour and then give him a ring cos he was up on the hill with the tractor and I had the second load a bales to go up there for him to feed out. So then when I got cos back there I'd been a good half an hour so I'd to ring him and couldn't get hold of him so I left it probably 10 minutes and rang him again and couldn't get hold of him so then I was thinking it was a bit strange cos I was standing out of the truck and oh well it's not that far over the hill and you can hear the tractor and — normally up on top of the hill so I couldn't hear that so then I rung Rodney the first time and I said I can't get hold of Woolley and I'd been back there a good 20 minutes — half an hour then. So it had been an hour since I'd spoke to him — yeah

so then Rodney said — oh well — cos we thought it might a been his phone cos normally like he'd get in places and his phone would 't work properly. So we thought it might a been that so that's why we didn't rush over there the first time. And then Rodney thought well we'd better come and have a look cos I was there with the truck. Like if I had a walked up — see I was going to walk up over there cos I was getting worried but then I was told to stay with the truck so I thought I'd better stay there and when Rodney turned up we went over the back — we went up over — well we still couldn't see the tractor and we were like we kind a knew there was something wrong then. Then as we got down to the bottom and that we could see the tractor all smashed up in the paddock. Well then we drove up to the tractor — not real close but well like I seen Woolley on the ground but I didn't go near him. So Rodney went over to him and yeah made sure he was — yeah whatever and then he rung the ambulance and the police. So then Rodney took me from there back over to the bottom of the hill and then Kate, his wife, picked me up and then I went home. Yeah. So.'

35. His evidence at the inquest was consistent with his answers to questions in the record of interview.
36. Mr Gofton gave affirmed evidence at the inquest. He confirmed the contents of the record of interview he had participated in between himself and workplace inspectors, Ms K Neilson and Mr M McLean, as being true and correct. He confirmed the contents of the affidavit he swore as part of the Coronial investigation as being true and correct.
37. Mr Gofton's evidence at the inquest was consistent with the contents of his affidavit and the record of interview.
38. Mr Gofton's recollection of the meeting and events leading up to the discovery of the tractor are outlined in his affidavit as follows:

'On Thursday 13 July 2017 at about 8:30am I was at the cow shed at 771 Ten Mile Track with Nathan Hextall and Dale talking about what we were going to do for the day. We spoke about what he had done yesterday and what needed to be done today. Dale said he wanted to get all the feeding done today to get it out of the way because of the coming rain. The forecast said it was going to rain from this afternoon until Tuesday 18 July. The feeding normally takes an hour to do three bales of hay. He was going to start at 609 Ten Mile Track and then head to our other property at 34585 Tasman Highway, Tonganah to feed there. The feeding would have taken him all day and he normally works an eight hour day, but he manages that himself.

Dale loaded a truck with 12- 1500mm x 1200mm bales of hay for feeding and drove the truck to a lane through our farm behind the house. Dale had planned to take the truck to top of Anyons hill to drop the bales off on top. Anyons hill is what we call the paddock at the rear of the

property at 609. The paddock on the hill is quite steep and you wouldn't want to drive a tractor on it.

Nathan and Dale would have had to take the truck together with a tractor in case the truck got bogged. After that Nathan was planning to knock off for the day. Nathan went and did some fencing at the property and planned to meet up with Dale to drive the truck up the hill afterwards. I had just finished milking so I went home and had breakfast and began setting up fences at the Tonganah property.

At 11:42am Nathan called me and said he couldn't get hold of Dale and that he had been waiting for half an hour. I tried calling Dale at 11:44am but he didn't answer. I made a few more phone calls and Nathan called me back at 12:13pm and said that he still hadn't heard from Dale. I tried Dale again at 12:15pm and he didn't answer so I drove from Tonganah to Ten Mile Track. I went over the back of the hill and went along and saw the tractor on its side down the hill from a distance. It had obviously rolled over at least once.

I drove up to the tractor and saw Dale lying face down behind the feedout buggy which is normally towed behind the tractor, but it was disconnected and in front of the tractor. I felt Dale's back and I couldn't feel him breathing. His hands were all white and there was a mark on the top of his head. I realised he was deceased and I called 000.'

39. Mr Gofton's recollection of the meeting, as recorded in the record of interview, are as follows:

'Mr Gofton: No well I talked to him that morning. We'd been — on the Wednesday we'd been away and we like for the full day and the Wednesday he was supposed to feed — we feed out four or five days in advance. It just depends on weather. So on the Wednesday he'd fed up and I talked to him that morning and just said to him how he'd gone and he said he'd sort a got fed up and I said well it's going to rain Monday and Tuesday — we really need to feed another couple a days — like this was on the Thursday so...

Mrs Gofton: To try and avoid the rain.

Mr Gofton: To avoid the weather, so we yeah so we sort a discussed that he'd go and feed another two or three days on top of it to probably a week out. So yeah he — he loaded the tractor and the truck up and him and another bloke took the truck and tractor to the top of the hill and — do you want me to go through the whole of it —'

40. Mr Gofton described the process of loading and transporting the hay bales to the ridge as follows, commencing at line 339 of the record of interview:

'Mr McLean: Where did he load it up from?

Mr Gofton: From the dairy.

Mr McLean: Okay.

Mr Gofton: Yeah on the 10 Mile Track. So he had three bales on the tractor. There was one on the front forks and one on the forks on the buggy and one in the buggy. Like its — and then he put oh I don't know — 12 bales 12 — probably 12 — 10 or 12 bales on the truck. So he'd finished that by half past eight. He started at eight and the other worker hadn't come to work yet and so Dale said he'd go and feed three bales out and he said it would take him an hour to do that so he went up and fed them out and the other worker come and he went and done a little bit of fencing waiting for Dale so then Dale come back and — after he'd fed up and got another three bales on the tractor and trailer and so then they to the took the truck and the tractor and they had to go up the bank which is steep on the western — opposite side to the accident...'

And then further at line 366

'...He was on the opposite side and they took the truck up — Dale drove the truck and Nathan followed with the tractor and the idea was if the truck didn't get up the hill — it's just straight — like there's a little bit of a pinch at the end but — that Nathan would follow him up with the tractor and help the truck up the hill but as it was the truck went straight up the hill...'

And finally at line 403

'...Yeah okay I didn't realise — yeah — so yeah that track that's where they come up and then dumped the hay on the flat up the top and then Dale took the truck half way back down the hill and then Nathan took over the truck and took the truck back to the shed to load up again and then Dale was going to feed the three bales he had on the tractor. The reason being that Dale took the truck back down the hill cos Nathan's just a bit unsure you know like'

41. Based on the evidence of Mr Hextall and Mr Gofton, I am satisfied that it was Mr Woolley's intention to commence the feed out process and to meet Mr Hextall after he had secured a second load of hay bales and returned to the laneway.
42. I am satisfied that Mr Woolley had commenced the feed out process prior to the incident. Attending police officers, WorkSafe inspectors and Mr Gofton observed that hay had been distributed evenly across the ridge above paddock 74A leading towards a tree at the far end of the paddock. (Exhibit 17A, photos 11-14).
43. The presence of hay on the ridge of the hill is consistent with Mr Gofton and Mr Hextall's evidence regarding the feed out practice for that area.

What Caused the Tractor to Rollover?

44. When Mr Hextall was unable to contact Mr Woolley he made contact with Mr Gofton and together they travelled to paddock 74A.
45. Their observations of what they observed upon their arrival appears at paragraphs 34 and 38-40 above. Mr Gofton located Mr Woolley deceased behind the feed out buggy. (Exhibit 17A, photographs 31-33.)
46. Mr Gofton has contacted Tasmania Police and they, along with officers of WorkSafe Tasmania, have attended the scene.
47. Senior Constable A Purcell, who has received training in crash investigations, attended the scene. He gave evidence at the inquest and confirmed the contents of an affidavit he swore as part of the coronial investigation as being true and correct. His evidence was largely consistent with the contents of his affidavit. In his evidence in chief, he expressed the opinion that the tractor rollover occurred once the tractor and trailer had separated.
48. He made the following observations of the tractor and trailer when he attended the scene: (The references referring to photographs comprising exhibit 17A have been inserted by myself.)

I accessed the paddock from Johnsons Road, observing a blue, 2017 New Holland 4wd Tractor, registration number F73JC, laying on the right side, facing in an easterly direction. A mechanical round bale feedout trailer was in front of the tractor, also facing in an easterly direction. The tractor and trailer was situated in a grassed paddock on a steep decline. (Photographs 1-7)

Directly behind the trailer, resting against the wheels, was a male, apparently deceased. He was laying face down, body facing in a southerly direction. (Photographs 31-33)

I spoke to attending officers, including Forensic Officer, IIC Constable B. Tyson, and two Workplace Standards Officers, also in attendance.

I noted the tractor was laying on the right side, the left rear tyre had run off the bead and was deflated. The right arm of the front forks has buried into the ground and appears to have assisted in stopping the tractors slide, abruptly. (Photograph 6)

I also noted the roll over protection, provided by the enclosed cab had suffered crush damage. The windows had smashed and the top of the cab had been dislodged and was laying to the south of the tractor. (Photograph 1) The lap seat belt was retracted and appeared to have not been used prior to the crash. (Photograph 29-30)

All four tyres had near new tread and appeared to be in good condition.

I walked the scene with I/C Constable Tyson and the Work Place Standards Officers.

Walking up the hill to the ridge, I observed smashed glass from the tractor, slide marks in the grass. At the top of the ridge I noted fresh tyre marks where the tractor has been travelling in a northerly direction and had commenced rolling hay from the trailer. (Photographs 10-14) I located the point where the tractor has turned down the hill from the ridge, at which point I observed a pair of tyre skid marks as the tractor has commenced sliding down the hill. (Photographs 8, 15 and 18) The skid marks were from locked wheels.

I took some measurement of the scene.

The tractor was 129.5 metres from the fence line on Johnsons Road.

From the point of rest, at the rear of the tractor and ascending the hill, I located 3 holes, 3.3 metres. These holes were consistent (sic) with the tow bar and three point linkage arms burying into the ground. (Photograph 27) There was dry dirt in the attachment points on the linkage arms and the tow bar. These marks indicate the tractor had sat on its rear, after rolling, and before landing on its right side and coming to final rest.

I next located the impression of the mudguard and rear wheel 6.3 metres from the rear of the tractor.

I noted that from the rear of the tractor, the marks extended for 101m, ascending the steep grass paddock. In that distance I noted straight tyre skid marks on the grass surface, gouge marks in the grass and also side slip marks from the tractor tyres. There was also glass debris from where the tractor had rolled.

The trailer had spread hay during the descent until the trailer rolled, dumping the remainder of the hay, becoming detached from the tractor.

It would appear that Woolley had commenced feeding out hay from the trailer while travelling north along the top of the hill, which is flat. The trailer has a mechanical action which rotates the bale of hay, spreading an even row of hay from the side of the trailer. I believe a second bale was on a pair of spikes on hydraulic arms at the front of the tractor.

For reasons unknown, the tractor has turned right and commenced descending the hill. The tractor has commenced slipping on the wet grass and it would appear that brakes have been activated, locking the wheels, causing the rear of the tractor to slide left, out of control. It would appear that Woolley has attempted to regain control of the tractor, the tractor commenced to

straighten, then the rear has slid right, the rear tyre becoming disengaged from the rim, deflating the tyre and the rim digging into the ground.

The tractor has rolled, flipping the trailer and depositing the remainder of the bale. At about this point the pin locking the trailer to the tractor has dropped out, releasing the trailer, the trailer has continued rolling down the hill. The tractor has continued to rotate, 'standing' on the rear, before (sic) landing on the right side of the tractor, the hydraulic arms burying into the soft ground and bringing the tractor to a sudden final rest, throwing the deceased through the front of the tractor. The deceased has landed in front of the tractor (sic), at the rear of the right wheel of the feed out trailer, which had rolled to a stop, ahead of the tractor.

A second bale was found at the bottom of the hill, near the entrance to the paddock, appearing to have come dislodged from the front of the tractor during the roll over.

I had noted that the tractor was fitted with a lap seat belt, which was not being worn, and appeared to have been in working order. While there is no certainty that Dale Woolley would have survived the crash if he had been wearing his seat belt, it is certain he would not have been thrown around the cab, while the tractor rolled, and he would not have been thrown (sic) out of the tractor when it stopped.'

49. The investigating officer, Constable Hooper, requested that Mr P John, a former inspector with WorkSafe Tasmania, review the tractor rollover. Mr John gave evidence at the inquest. He confirmed that the contents of an affidavit he had sworn as part of the coronial investigation was true and correct.
50. I am satisfied that Mr John is qualified to express the opinions that he did in his affidavit and sworn evidence. I note that the opinion he expressed in his affidavit and sworn evidence was based upon viewing photographs taken at the scene and photographs of the tractor and trailer post-accident.
51. Mr John gave the following description of the incident in his affidavit:

'Looking at the photographs, it appears to me that the tractor began feeding out near the top of the hill with a bale of hay on the feed out trailer and the possibility of a bale of hay on the front forks of the tractor. The tractor has turned right off the top of the ridge and headed directly down the slope.

The tractor appears to have lost traction and started the sequence of events that followed. I would say that a combination of the dampness, the lushness of the grass and the gear selected at the time (which is unknown) may have caused the loss of control. When a tractor loses traction downhill gravity takes over and the combined weight of the tractor trailer and load would increase

speed and steering becomes difficult to control. In order to overcome the loss of traction and regain steering ability the driver of the tractor would have to increase the gear selection to a higher gear to allow the wheels to turn at the correct rate to be able to maintain control and steer effectively. The photos appear to show that the operator has possibly lost control once the tractor started to slide on the surface which is consistent with the skid marks and broken surface.

Further down the hill it would appear that the combination of tractor and trailer has jack-knifed and the trailer has become separated from the tractor. The jack-knifing effect could possibly start the rollover sequence and looking at the marks on the inside of the left rear tyre it would appear that the trailer has come into contact with the left rear wheel once separated. This action may assist the tractor to roll over.

The feed out would possibly have continued until the tractor and trailer were separated.

The bale feed out line to the left of the tractor appears as though it has been rolled out from the top of the hill. It does not look like a feed out trailer has been used to roll that particular bale out.'

52. There is no real dispute between Senior Constable Purcell and Mr John as to the path the tractor travelled prior to rollover. The major differences in the opinions they expressed is that Mr John believed the trailer jack knifed. Senior Constable Purcell does not believe the trailer jack knifed, rather, it disengaged from the tractor and then the tractor rolled over. Constable Purcell was of the opinion that the trailer was not causative of the rollover.
53. Where there is a difference of opinion, I prefer the evidence of Senior Constable Purcell, for the following reasons:
 - a) He is an experienced crash scene investigator; and
 - b) He attended the scene thus had the forensic advantage of walking the scene, observing skid marks and disturbances to the ground, first hand.
54. In preferring Senior Constable Purcell's opinion over Mr John, I am not being critical of Mr John. His opinion was well reasoned, but in my view, lacked the forensic advantage of attending the scene enjoyed by Senior Constable Purcell. He was entirely reliant upon photographs to form his opinion.
55. Based on the evidence of Mr Hextall, Mr Gofton, and Senior Constable Purcell, I make the following findings of fact:
 - a) At approximately 8.30am, Mr Woolley, Mr Gofton and Mr Hextall met and it was agreed that Mr Woolley would distribute hay in the paddocks near Anyons Hill.

- b) Mr Woolley and Mr Hextall loaded a truck with eight to 12 bales of hay.
- c) The tractor had a bale of hay attached to the front tines. It was towing a trailer capable of distributing hay. Two bales of hay were on the trailer. One in the body of the trailer and one on the rear tines attached to the trailer.
- d) Mr Woolley drove the truck and Mr Hextall drove the tractor (Mr Hextall was not confident in his ability to drive the truck up the laneway due to its gradient and the laneway being slippery).
- e) When they reached the flat area at the top of the hill (as identified by Mr Gofton in exhibit C11A), the truck was unloaded.
- f) Mr Woolley drove the truck back down the laneway followed by Mr Hextall in the tractor.
- g) An arrangement had been made for Mr Hextall to return and collect more hay. He was then to drive back to the laneway and contact Mr Woolley who would once again drive down the laneway with a view to driving the truck back up the laneway to deliver the second load of hay bales.
- h) Mr Woolley has commenced the process of feeding out the hay whilst travelling in a northerly direction along the flat section of the hill. Photograph 14 of Exhibit 17A depicts the hay that had been spread out along the top of the hill.
- i) Mr Woolley has made a right hand turn and commenced to head down paddock 74A.
- j) As the tractor has been descending the hill it has commenced to slip on the wet grass.
- k) The brakes have been activated which has resulted in the wheels locking causing the rear of the tractor to slide left, out of control.
- l) Mr Woolley has attempted to regain control of the tractor, the tractor has commenced to straighten then slid to the right, causing the rear tyre to disengage from the rim.
- m) The tyre has deflated and the rim has dug into the ground.
- n) The trailer has become separated from the tractor and travelled on a different path to the tractor.
- o) The tractor has then rolled.
- p) The trailer has continued to roll down the hill.

- q) The tractor has rotated “standing” on the rear, before landing on the right side of the tractor.
- r) The hydraulic arms of the tractor have become buried in the soft ground bringing the tractor to a sudden stop.
- s) At this point, Mr Woolley has been ejected through the front of the tractor.
- t) Mr Woolley was not wearing a seatbelt that was fitted to the tractor.

As to what actually caused the tractor to lose control I cannot make a precise finding, but I am satisfied, on the balance of probabilities, that a combination of factors contributed to the loss of control. Those factors are as follows:

- a) The nature of the slope itself, including the steep gradient, uneven, slippery and wet surface;
- b) The weight of the trailer and any load within it. I note the evidence of Senior Constable Purcell and Mr John that the trailer was not fitted with brakes and the weight of the trailer and its load would have pushed the tractor forward or could have pushed it sideways and contributed to the tractor’s loss of control;
- c) The speed at which the tractor was travelling as it continued down the slope; and
- d) The tractor appeared to have been in 2wd not 4wd.

What Caused Mr Woolley to Turn Right?

56. A number of hypotheses were presented at the inquest as to why Mr Woolley turned right and commenced to drive down the hill in paddock 74A. I am not in a position to make a precise finding as to why Mr Woolley turned right and commenced the descent down the hill.
57. The hypothesis that were advanced were as follows:
- a) That Mr Woolley when tipping out a bale of hay to roll down the hill turned right to roll the bale and has been too close to the edge of the ridge; or
 - b) That a bale of hay either rolled or came loose from the tractor or trailer and rolled down the hill knocking over the electric fences, and Mr Woolley has chosen to drive the tractor down to the fences.

58. Unfortunately, as I previously stated, whilst both hypotheses are plausible the evidence is such that I cannot make a precise finding as to why Mr Woolley chose to turn right on top of the ridge.
59. I note that a few days post the incident Mr Gofton and Senior Constable A Lusted discovered additional tyre marks in the paddock. These tyre marks were photographed by the WorkSafe inspector. They appear to have been made by the tractor. The additional tyre marks were located 40 metres from the incident scene. They descended down the same slope. No one else had driven a tractor on the paddock after Mr Woolley's death. I am satisfied it was Mr Woolley who drove a tractor in the area making the additional tyre marks. Mr Hextall gave evidence that he had observed Mr Woolley drive down the slope in summer but not in winter. Based on Mr Woolley's past practices in relation to safety issues, I can only assume that if he deliberately turned right he made a decision that it was safe to do so and that he could descend the hill of paddock 74A.

Mr Woolley's Cause of Death

60. A post-mortem examination was conducted by Forensic Pathologist, Dr Donald Ritchey.
61. Dr Ritchey provided the following opinion as to Mr Woolley's cause of death:

'The cause of death of this 51 year old man, Dale Robert Woolley, was blunt trauma of the head, neck and chest sustained in a tractor crash (rollover).

Mr Woolley's body was found face down adjacent to the overturned tractor that he had been driving. Evidence at the scene suggests that he was thrown from the windscreen as the tractor overturned on a very steep wet hill.

The autopsy revealed a normally developed, obese (obesity defined as a body mass index of greater than or equal to 30kg/m²) adult Caucasian man with severe blunt injuries of the head, neck and upper chest. Lacerations, abrasions and contusions on the left side of the face overlain blood trapped within the subarachnoid space around the brain. There were basal skull fractures and there was complete transection of the cervical vertebral column from the thoracic vertebral column that also severed the spinal cord at this location.

These injuries were confined to the left side of the head, neck and left upper chest and shoulder and would have resulted in rapid death.'

62. I accept Dr Ritchey's opinion as to Mr Woolley's cause of death.

63. I note that Dr Ritchey provided a supplementary statement on 3 August 2020. In that statement he opined that Mr Woolley's injuries were such that his death was unavoidable and would have occurred irrespective of earlier medical attention or assistance of others. This supplementary affidavit to a large degree addresses point 3 of the scope of the inquest. The scope of the inquest was drawn prior to Dr Ritchey's supplementary affidavit being received.

Mr Woolley's Training in the use of the Tractor and Generally

64. I am satisfied that Mr Woolley was a competent farm hand and a safe machinery operator. It is clear, from the materials before me, that Mr Woolley had worked in a variety of industries, that he had worked as a farm hand for an extensive period, and that he had experience with a variety of machinery.
65. I am satisfied that Mr Woolley had performed the function of feeding out hay on numerous occasions. It was a task he was familiar with and capable of performing unsupervised.
66. Based on the evidence of Mr Hextall and Mr Gofton, I am satisfied that Mr Woolley was conscious of his own safety and the safety of others working with him. Mr Hextall had worked with Mr Woolley. In his evidence, he commented that Mr Woolley would not rush into a job and would take time to consider the appropriate and safest way to perform a task.
67. I am satisfied that Mr Woolley received appropriate training from Mr Gofton in the use of the tractor he was driving on the day of the incident. In any event, the evidence before me would indicate the essential controls of the tractor were similar to tractors Mr Woolley had previously used. The evidence establishes that the tractor had a number of safety features.
68. I am also satisfied that Mr Woolley had been directed by Mr Gofton not to drive tractors down the hill in paddock 74A, in winter.

Condition of the Tractor and Trailer

69. The tractor and trailer were examined by Mr Barry Spencer, a transport inspector employed by the Department of State Growth. I am satisfied that Mr Spencer is qualified to express the opinions he expressed in his affidavit sworn 9 August 2017. Mr Spencer expressed the opinion that the tractor would have been in good operating condition prior to the incident. He was unable to locate any defects or faults that would have caused or contributed to the incident. He expressed similar views in relation to the feed out trailer.
70. I accept his opinion and make a finding that the condition of the tractor or trailer did not, in any way, cause or contribute to the incident.

Comments and Recommendations

71. I note that WorkSafe Tasmania have provided instructions as to the safe use of tractors. I repeat the instructions below and **recommend** that all persons using tractors refer to those instructions:

‘Tractors are heavy and powerful machines that can lead to a serious injury or death through only a minor mistake. Consider each type of tractor hazard and associated risk. Control measures should be chosen, implemented and regularly reviewed to ensure the health and safety of tractor operators. Guards should protect the operator or any other person from parts of the tractor which are potentially hazardous, either when the tractor is in normal operation or undergoing routine maintenance.

Safe use:

- *Never dismount from a moving tractor or adjust or work on implements while they are in motion.*
- *Always use 3 points of contact when getting on and off a tractor.*
- *Look up for overhead and look down for underground clearances of power lines.*
- *Do not use or attach implements unless the power take-off (PTO) shaft is guarded.*
- *Always start a tractor from the driver’s seat, not from the ground.*
- *Make sure the park brake is engaged and operating effectively before leaving the driver’s seat.*
- *Do not park a tractor on a steep slope.*
- *Remove the key when the tractor is not in use.*
- *Make sure all operators are trained and competent to safely use tractors.*
- *Wear a seat belt where fitted.*

Rollover Protective Structures (ROPS):

Don’t use the tractor unless it is fitted with a ROPS. A plate or decal confirming compliance should be attached to the ROPS’s frame or inside the tractor’s cabin. Suppliers must fit a ROPS to tractors weighing between 560 kilograms and 15,000 kilograms. It does not matter whether the tractor is new or second hand. A farmer who sells a tractor privately must also do this. If you use a tractor under trees (for example, in an orchard) or somewhere too low (within a building), it may not be practicable to work with an approved ROPS fitted. In this case, you can lower or remove the ROPS and ensure the tractor is operated with due care; you must return the ROPS to its normal operating position immediately afterwards.’²

² <https://worksafe.tas.gov.au/_data/assets/pdf_file/0006/545244/Farming-Safely-in-Tasmania.PDF>, page 53.

Formal Findings

72. I find, pursuant to Section 28(1) of the *Coroners Act 1995*, that:
- a) The identity of the deceased is Dale Robert Woolley;
 - b) Mr Woolley died as a result of blunt trauma of the head, neck and chest sustained in a tractor crash (rollover);
 - c) The cause of Mr Woolley's death was blunt trauma of the head, neck and chest; and
 - d) Mr Woolley died on 13 July 2017 at Springfield, Tasmania.
73. I extend my appreciation to Counsel Assisting, Ms Emily Bill, and to Sgt Genevieve Hickman, for their thorough preparation of the file for inquest.
74. I convey my sincere condolences to the family and loved ones of Mr Woolley.

Dated: 19 November 2020 at Hobart in the State of Tasmania

Andrew McKee
Coroner