

IN THE CORONERS COURT
OF VICTORIA
AT WANGARATTA

Court Reference: COR 2010 004123

FINDING INTO DEATH WITHOUT INQUEST

Form 38 Rule 60(2)

Section 67 of the Coroners Act 2008

I, STELLA MARIA STUTHRIDGE, CORONER, having investigated the death of EILEEN KAYE MCINNES

without holding an inquest:

find that the identity of the deceased was EILEEN KAYE MCINNES

born on 30 August 1951

and the death occurred 27 October 2010

at 12695 Murray Valley Highway, Towong Victoria 3707

from:

1a CHEST AND ABDOMINAL INJURIES

Pursuant to section 67(2) of the **Coroners Act 2008** there is a public interest to be served in making findings with respect to **the following circumstances:**

Mrs Eileen Kaye McInnes was 59 years old. She lived and worked on farming property in Racecourse Road, Towong with her husband Ron and son, Aaron. The family also leased a farm in Murray River Road, Towong.

On Wednesday 27th October 2012, Mrs McInnes was working on the Murray River Road property. Mr Aaron McInnes travelled over to the Murray River Road property to collect a forklift for use at the family farm. When Aaron arrived, he found his mother in the shed area of the farm. The Massey Ferguson 6265 Tractor was parked facing forward into the shedding and had a bulka bag of calf pellets on the forks on the tractor. Mrs McInnes asked Aaron to move the calf pellets to another area before he took the tractor.

Aaron got into the tractor and raised the bulka bag approximately 50 centimetres off the ground using the forks and the front-end loader. Aaron stated he always carried the bags in this way. This method of carrying the bag is the recommended way to carry the bag on the Australian Standards label 3668 attached to the bag. Lifting the bag this way restricts the driver's forward vision.

Aaron backed the tractor around and commenced to drive towards the gateway leading to the paddock. Aaron states he was travelling at approximately 12-14 kilometres an hours. Information received from the Major Collision Investigation Unit corroborates this speed.

Aaron states that as he got into the tractor he saw his mother walk off, away from the direction he was to drive the tractor. Aaron travelled approximately 50 meters towards the paddock when he noticed 'a flicker of a red shirt, possibly highlighted against the white Bulka Bag'. Aaron states he immediately believed it was his mother in front of the tractor crouching between the bulka bag and the front wheel of the tractor. Aaron had not sighted his mother before this point. He immediately applied the brakes.

When the tractor stopped, Aaron found his mother lying on the ground between the front and rear wheels of the tractor, with her head closest to the front wheels. Aaron immediately sought the assistance of his father and ambulance. Mrs Eileen Kaye McInnes died shortly after of injuries sustained in the accident.

Sergeant Brady, Victoria Police and Mathew Read, Work Safe Investigator extensively investigated the accident. The evidence suggests Mrs McInnes has changed her direction of travel and moved into the area where the tractor was operating. It appears the right hand side of the bulka bag has struck Mrs McInnes and then either in the process of falling or getting up she has been run over by the front wheel of the tractor.

I am satisfied Mr Aaron McInnes is an experienced tractor driver, and had used this tractor since 2002. Further, he was using the tractor in the manner described in the accepted Australian Standards Label 3668.

In the interest of prevention of a similar death, I note that during the investigation, Mr Kevin Simmonds of Worksafe undertook an extensive review of the scene and provided a report to the Coroner. Mr Simmonds expresses the opinion that despite the Australian Standard, the safest system of operating the tractor with a bulka bag on board would have been to operate the tractor in reverse, possible with the rear window open. I agree with this assessment.

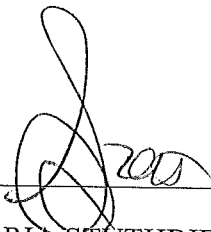
RECOMMENDATIONS

Pursuant to section 72(2) of the **Coroners Act 2008**, I make the following recommendation(s) connected with the death:

I recommend that Worksafe review the contents of the 'Safe use of Tractors with Attachments' handbook to reflect the above recommendation.

In all the circumstances I am satisfied Eileen Kaye McInnes died as a result of injuries sustained in a farming accident (tractor).

Signature:



STELLA MARIA STUTHRIDGE
CORONER

Date: 6 August 2012

