CORRECTED TRANSCRIPT

RURAL AND REGIONAL SERVICES AND DEVELOPMENT COMMITTEE

Inquiry into cause of fatality and injury on Victorian farms

Melbourne – 20 January 2004

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Witness

Mr J. Dawson, Farmer (sworn).
The CHAIR — Welcome, everybody. Under the powers conferred on this committee by the Constitution Act and the Parliamentary Committees Act this committee is empowered to take all evidence at these hearings on oath or affirmation. I wish to advise those present that all evidence taken by this committee, including submissions, is, under the provisions of the Constitution Act, granted immunity from judicial review. I also wish to advise witnesses that any comments they make outside the committee hearing are not protected by parliamentary privilege. This is an all-party parliamentary hearing inquiring into the causes of fatality and injury on Victorian farms. We welcome you, John.

Mr DAWSON — I am John Albert Dawson of Borriyalloak, Skipton. I am a farmer. I provided some background about my connection with farming and the law and how my interest in farm safety developed. The submission I wish to make is concerned with terms of reference 5 dealing with the form of strategies suggested and how they could be implemented in order to achieve greater safety in the farming community. I am informed that you already have my submission to the review of the Occupational Health and Safety Act. Farmsafe Australia has developed its work along the lines of classical methods used in public health. The work has been guided substantially by Professor Lyn Fragar, who is to come before this committee shortly.

The first task is to find out what is occurring and then why; and if there is an available intervention to see that that is applied. Intervention, of course, is something which you do in order to change the course of events which are following, so if no known intervention is available then one needs to be found in order to improve what is happening at the time. It has to matter enough to people closely affected before any necessary action is taken to have interventions implemented. In that task Mr Graeme Johnstone, as state coroner, has made a crucial contribution. It was that system which, with a cooperative government and the Workcover Authority and the VFF fully supportive, that made the ROPS campaign to fit the protective structures on tractors the success that it turned out to be. From 1996 to today there have been in Victoria three fatalities from rollover. Before that there were three fatalities a year on average over a number of years. None of those fatalities which have occurred have been on tractors that were fitted with rollover protective structures.

It seems to me that that campaign provides a good example of what can be achieved where there is a known effective safety measure and there is at the same time full cooperation between an industry aware of the dangers and in substantial agreement, a government persuaded of its merit and an agency working willingly with resources and responsibility towards implementation, including facilitating a change in the law. That change in respect of making ROPS compulsory on all tractors came into effect on 19 November 1998. It is strange that although death by rollover was almost entirely removed from the fatality list that used to be circulated, the rate of deaths on farms from about 12 per year in the state did not change. This has been caused by a rise in the number of run-over accidents — run-overs by tractors principally — and by the increase in four-wheel motorcycle fatalities.

Run-over injury has a number of scenarios. A few years ago it was jump starting or using a metal contact when the starter motor control system was not operating and that work being carried out while working on the ground in front of the large rear wheel of a tractor. Of course if the gears happened to be engaged, as happened too frequently, the tractor took off, frequently killing the operator. A neighbour and a contemporary of my son at Glenormiston left a young widow and son in that way. It destroyed that farming family. Fortunately that has become an unpopular way of starting tractors, and more modern tractors make it less likely. A common scenario now is that brakes are not applied because it seems flat enough or the braking system is too difficult to apply or it has been too long a day. The driver gets down to open a gate or spray some weed, the tractor moves, and the driver comes to grief while trying to regain control. If there is no access to the control position by steps accessible from outside the line of the rear wheel with non-slip treads, closed sides and handrails, it is very difficult to get on to the driving seat of a moving tractor.

A retrofit design for older tractors has been available from Farmsafe Australia for more than 10 years. Some tractors have been well equipped with good access, good steps and handrails, and a stepping position from outside the line of the rear wheel. Unfortunately there are still tractors imported where the steps are deficient, and I believe a reasonable application of the law as seen in the plant regulations would see such tractors not sold until they were equipped with a safe access method as I have described. There is no prescription for such fitments, but there can be no doubt about the danger, and the design principles are well known. If the Robens-type legislation is to work, that should be enough to achieve a situation where it becomes compulsory to have a sensible access step to a tractor.

Another way for a run-over to occur is where a load on the three-point linkage or front-end loader is put on the ground to perhaps adjust the load, which is then raised by moving a control from the ground. The tractor moves because of the slope, and if no other brakes are applied the operator is knocked down and run over. This type of injury occurs to drivers and bystanders involved with forklifts, and it has a much wider application than in the
farming community. I am told that in some plants it is an offence punished by instant dismissal for a forklift driver to leave the control position without applying brakes, and particularly I know that to be the case in the Mitsubishi plant in Adelaide. While that is a sensible approach, it can never be foolproof. In my opinion an engineering control is required. In most situations where run-overs occur the engine is running and hydraulic oil under pressure is available. All that is required is that the brakes are applied automatically when the driving position is vacated and the gears are in neutral. I know of no such device having been built but can envisage an electric eye sensor and an electrically powered hydraulic control to apply the braking pressure. I believe it could be practicable, and if available it would save lives.

In the current coronial inquiry into eight deaths, six in Victoria and two in Tasmania, arising out of the use of ATVs the urgency relating to the events has all been given. Three of the deaths occurred by asphyxiation and two with complications arising from a pre-existing heart condition. This resulted from the ATV rolling over, and in each case dealt with by the coroner there was an almost full tank of spray mounted on the vehicle. Having attended one of these inquiries and read the evidence in each I was tempted to find out how these pieces of equipment were sold to purchasers of mature age, so on Friday, 6 September, in 2003 I called at Westag, the selling agents for Polaris ATVs. I explained that we had purchased a Polaris 330 Magnum and I was interested in fitting a tank and a pump. There was a 330 Magnum in the showroom fitted with a 100-litre Sprayrider tank. I asked the salesman whether the tank could be fitted to the ATV. He said, ‘Yes, it is rated to carry 80 kg on the rear carrier’, and that would carry the tank and 100 litres of water. I pointed out to him that 100 litres weighs 100 kilograms and that I was inquiring to get information from him to use in the coroner’s inquiry. He rang the manufacturer’s representative in Australia, who said that fitting of the 100-litre tank would be at the owner’s risk.

Sprayrider is made by C-Dax of Palmerston North in New Zealand. It makes a number of fitments for use with ATVs, including trailers for tanks and fertiliser spreaders and some with ATV-mounted tanks. The wick wiper for weeds on a trailer with an ATV-mounted tank appears to be what was fitted to Professor Shepherd’s ATV. The late professor met his death in an ATV rollover in Tasmania, and his is one of the rollover deaths being inquired into by the coroner. It is my personal view that mounted tanks should never be used on ATVs with anything like the maximum loads suggested, because although baffles in the tanks reduce the surging effect they do not prevent the liquid flowing to the low side when running across a hillside.

We know from survivors’ stories that it is extraordinarily difficult to get out from under an unladen ATV which has rolled. It has been impossible for three men where tanks have been fitted and almost full of liquid. In my view the combinations of the ATV and the fitted tank are items of plant covered by the plant regulations. Duties are imposed on designers, manufacturers, importers and suppliers to see that they are safe. I do not know what attempts have been made to carry out the duties imposed by the regulations in respect of ATVs fitted with tanks. I have posed this problem to the Workcover authority, which is now admitted to the coroner’s inquiry. The question of whether ATVs should be fitted with ROPS is a vexed one, about which more will be heard. ATVs are used in so many types of terrain and tree and scrub cover that until there is improved designed of ROPS shown to be of an advantage in all applications I would not urge that the fitment of ROPS should be made compulsory on ATVs. A great deal of information is being collected for the inquiry. We should all at least be better informed at its conclusion.

There are other matters relating to ATVs which are under discussion before the coroner, or will become under discussion — matters of training of drivers, servicing, driving with passengers and the design of ATVs, with suggestions for a form of vehicle which would be more appropriate for use on Australian farms. Farmsafe Australia is doing some work with reference groups to establish how they are used in agriculture and to contribute to the ROPS and design debate. No doubt Professor Fragar’s comments to you on this aspect will be valuable.

I have been critical of Workcover in the submission made by Mr Maxwell for its failure to make use in prevention measures of the information it does collect about injuries giving rise to claims for compensation, but I am far more critical of the opportunity to collect and use detailed information about injury which could provide an enormously useful contribution to the prevention of injury. The coronial database, which has information from most of the states, is an attempt to gather information of value about how they occur. These are necessary steps, in my view, towards any effective efforts to reduce the incidence of traumatic injury. The Australian Centre for Agricultural Health and Safety has produced for Farmsafe Australia’s ATV reference group a list of data requirements relating to ATV deaths on farms. It now has a large experience in collecting information of value in creating interventions useful to prevent injury. The committee should be aware of the extent of information now known to be useful in this work.
There is some work going on in relation to shearing injury, and I have some little experience in that work being done. Of course it is primarily the responsibility of Australian Wool Innovation, which has the funds to do what is necessary in this area. The basic method of shearing has not changed since the invention of the powered handpiece in the 1880s. I venture to suggest that it is about the only area of agriculture where there has been no significant change in the method of doing a job in that 124 years. It is high time that shearers were able to do their jobs standing up and had sheep delivered to them. There are people working on that, and that work ought to be encouraged. The task of going into a catching pen, rolling over a sheep, dragging it out, sitting it down on the board, picking up a handpiece and shearing a sheep must surely be some of the physically hardest and most demanding work performed in agriculture. I believe that is an area which requires attention to avoid the often very debilitating injuries that shearers suffer.

Making significant changes to the way work is done so as to make jobs safer is far more likely to produce a reduction in injury than any amount of injury awareness, publicity, campaigns against the occurrence of sprains and strains, or education and training. But I willingly concede that until safety can be engineered all those measures will continue to be necessary. That is the conclusion of the statement I wish to make to the committee about these matters.

The CHAIR — Are you presenting today in your own capacity, as an individual?

Mr DAWSON — Yes, in my own capacity.

The CHAIR — I also have to inform you that the evidence is being taken down.

Dr NAPTHINE — With respect to safe access platforms, do I gather from what you are saying that you are arguing for a program which says that all new tractors should have safe access platforms, or are you arguing for a retrofitting program, or both?

Mr DAWSON — I am arguing in view of the fact that the law requires that employers provide a safe system of work and that it is known that injuries occur because of a lack of fitments of a particular type of step. The characteristics of that step are that you ought to be able to step off the ground onto the tractor from a position outside the line of the wheel, you ought to be able to step on a step which is not of its nature slippery — it will have holes in the steel or a grating — your foot will not be able to slide through it or off it either side, and there will be a handrail. Those are common fitments seen on the best tractors that we use in Australia. They are invariably there and have been for about 10 years.

Farmsafe Australia commissioned the design of such a set of steps which could be retrofitted to older tractors. There are programs in existence in Victoria that encourage the fitting of those types of steps to tractors and Workcover is supporting that activity. But what I am saying is that since the legislation seems to require people doing the work to take all available steps which are practicable to prevent injury, the Victorian Workcover Authority could be far more active in ensuring that the tractors that we use and those which are still coming into this country are adequately fitted.

Mr WALSH — You spoke in your submission on occupational health and safety about the issue of Workcover officers giving advice to farmers.

Mr DAWSON — Yes, I did.

Mr WALSH — One of the previous witnesses today talked about this issue and said there was an issue with variation of interpretation when people start giving interpretations. You are advocating that Workcover officers should have the capacity to give advice.

Mr DAWSON — Yes.

Mr WALSH — How do we get quality control so that we do not have 10 Workcover officers and 10 different interpretations of what may be given by way of advice?

Mr DAWSON — First of all I believe the Workcover inspectors that come onto farms, generally speaking, do receive a fair amount of training. They rapidly gain a lot of experience, particularly those that are involved in assisting in the delivery of managing farm safety courses. But, of course, my comments in that case extended far beyond farming. I believe inspectors in various areas are in a position to see a large number of
enterprises and to see the best conditions and the worst and are able to express an opinion based on that experience, which is better than the experience of somebody who has not had that advantage.

In the submission to Mr Maxwell I also suggested that there should be no implication of an inspector giving advice in any legal proceedings that followed the giving of that advice, that there should be some exemption so that it was understood that all they were doing was expressing an opinion about what might best be done in the circumstance to comply with the law. Indeed that is all you can get from a consultant; that is all you can get from anyone under the state of the legislation, which I also criticised in that submission.

I believe the legislation ought to give much better guidance to people. The example that I have gone into in some depth about the steps on tractors shows that it is fairly difficult legislation to apply. All we have set out in the legislation a number of positive actions that we are required to take in order to achieve safer workplaces. The legislation itself leaves it quite open about what is done. It suggests a number of courses of action that designers and manufacturers, importers and suppliers, and indeed employers ought to take in order to achieve safety, but even when they have done that there is no positive test which will tell you with certainty that the place is safe, or that it can be regarded as legally safe, or that you will not be prosecuted. I think it is a pretty unfair piece of legislation, but that is what we have got to work with until somebody is brave enough to get something better.

Mr WALSH — So what is your definition of ‘better’?

Mr DAWSON — A piece of legislation which enables an assiduous employer to know that he has complied with it.

Mr WALSH — One of the other issues that you have not raised but one in which I know you have an interest is the issue of a reward system in the Victorian Workcover Authority premiums for those that have done farm safety programs or have implemented programs on their farms.

Mr DAWSON — Indeed.

Mr WALSH — Would you like to elaborate on that a bit for the committee?

Mr DAWSON — Yes. Because there has been developed a course called Managing Farm Safety and it is expected that in the due course of time there will be a recognition not only of having done the course but to have made the farm safe — safe in the sense that there are no obvious traps or faulty or unguarded machinery about on the farm — and the owners of such a farm could be given some sort of recognition that this is a Farmsafe farm. It would be at that stage that I would be urging that such an effort ought to enable the authorities that assess the premiums or amounts of the Workcover levies to grant some recognition to that effort. Of course I would also expect that claims experience would justify such a course.

Mr CRUTCHFIELD — At least two other presenters have mentioned the concern over the lack of data collection. I know you mentioned coronial data. Would you like to expand on other elements of data and some solutions you may have in respect of its use and dissemination, whether it be to the government or generally to the farming community as well?

Mr DAWSON — Yes. The most obvious case is the attempts by the coroners throughout some states in Australia to collect together in an orderly way the coronial information. That information is desirable because it is certainly related to significant injury. Invariably sudden death is investigated to some extent and there is an opportunity to collect the information about why it happened.

Mr CRUTCHFIELD — Does it not finally form the coronial data?

Mr DAWSON — No, but I am instancing that that provides a way in which that information can be collected, because it is difficult to collect. It is difficult to collect at hospitals because the priority is the treatment of the injured person, but at some time there will be an opportunity at least to get a narration about what happened. Frequently, from even a few lines of narration you can find out where the incident occurred, what the circumstances of the injury were, what machinery was involved and briefly how it happened. That, when it is presented to somebody who knows the data collection system, can provide enough information to be able to give some real guidance as to what the cause of injury was. That system has been attempted in a number of places. It has been attempted by the surgeon in charge of casualties at the Warrnambool hospital. It has been collected at a number of general medical practices in the north of the state along the Murray around Koondrook, and there has been extensive collection of information in the Latrobe area under the control of the Monash University Accident
Research Centre. Farmsafe Australia has been collecting information from all sorts of sources and sifting it and making it sensible for a long time.

How do we do it better? I think we need to devote the resources to speaking to people in hospitals and getting the vital information. But the other way that the Victorian Workcover Authority could do it is to design the claim forms that it puts in in such a way as to elicit the sort of information which is required to enable it not only to process the claim but to tell us something about how it occurred. While only about 15 per cent of farm injuries ever find their way onto workers compensation records, at least a large amount of injury information will be collected in that way. It would require some more effort to design forms and get information in a more detailed way, and probably some sort of follow-up system where the information was deficient, but it is certainly within the powers and within the brief of the Workcover authority to do that. It is part of its objectives. Under section 21 it has a function to initiate and encourage research to identify efficient and effective strategies for the prevention of occupational injury and disease.

The CHAIR — Thank you very much for your time and for driving all the way down here today, John. It is really appreciated, as is the time you have put into the submission.

Mr DAWSON — I am glad to be given the opportunity to speak to people who might be vaguely interested in the subject.

The CHAIR — Is there anything else you would finally like to add before we wrap up?

Mr DAWSON — No, I have thought a fair bit about what I should tell you and I think I ought to confine my remarks to those areas.

The CHAIR — You will receive a copy of the transcript in the next fortnight. You can correct any errors of fact or grammar, but obviously not change any areas of substance. Thank you.

Committee adjourned.