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27 October 2022

Colleen Bebbington
Senior Coroner's Registrar
Coroners Court of Victoria
65 Kavanagh Street
Southbank VIC 3006

By email: cpuresponses@coronerscourt.vic.gov.au

Dear Ms Bebbington

**Finding into death without inquest
Dominic Salvatore Mele - COR 2020 006851**

I refer to the findings and recommendation made by Coroner Hawkins on 18 July 2022, in relation to the death of Dominic Salvatore Mele.

Her Honour recommended the following:

"I recommend that WorkSafe Victoria implement a safety communication campaign specific to ride-own [sic] lawnmowers and the risk of roll-over to ensure better education and to highlight the risk to operators"

We advise that the recommendation has been implemented, and on 26 October 2022, WorkSafe published a new safety alert titled "Safety alert – Ride-on lawn mower roll over". The safety alert is available at <https://www.worksafe.vic.gov.au/safety-alerts/ride-lawn-mower-roll-over>. For convenience, a copy of it is also **enclosed** with this letter.

The safety alert contains information around the hazards that exist when operating powered mobile plants such as ride-on mowers, and recommended risk control measures.

If you require any further information, please do not hesitate to contact Bahar Arpaci, Lawyer, Health & Safety Legal on (03) 4243 8780 or at coronerscourt@worksafe.vic.gov.au.

Yours sincerely



Narelle Beer
**Executive Director
Health & Safety
Victorian WorkCover Authority**

Encl: WorkSafe Safety Alert: "Safety alert – Ride-on lawn mower roll over"

Ride-on lawn mower roll over

This safety alert is a reminder of the hazards that exist when operating powered mobile plant such as ride-on mowers on and around uneven ground such as embankments.

Last updated 26th Oct 2022

Background

A gardener lost their life while they were mowing using a zero-turn ride-on mower. At the time of the incident, the deceased was mowing near an embankment when the ride-on mower rolled over causing fatal injuries. It is understood their zero-turn mower rolled sideways down a 60-degree embankment approximately 1.94m long, pinning them under the mower at the bottom of the embankment.

The mower was not fitted with a roll-over protection device.

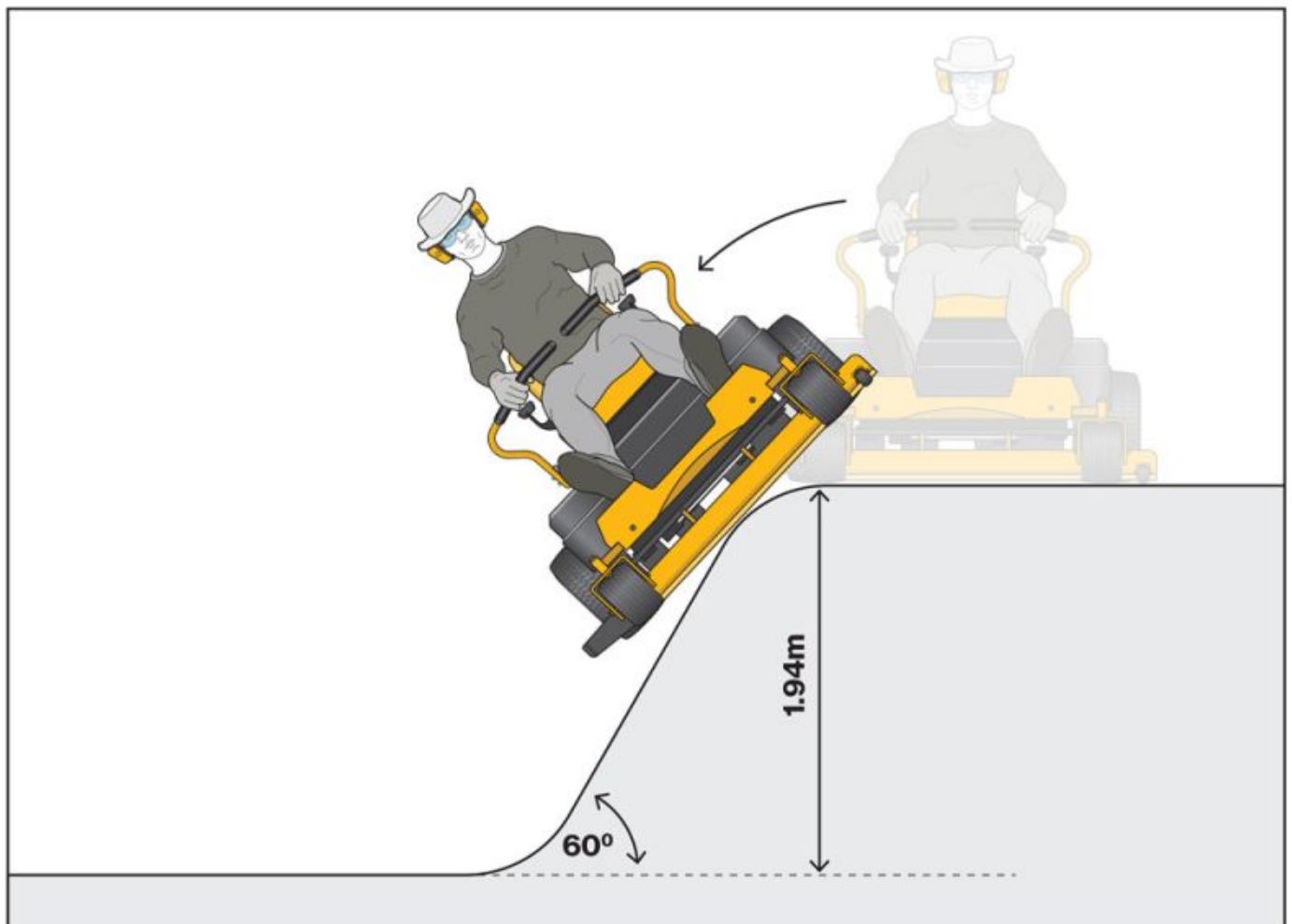


Illustration of a zero-turn ride-on mower rolling side-ways down a 60-degree embankment, 1.94m long

Safety issues

Operating a ride-on mower on steep slopes or uneven ground poses a high risk of a roll-over which could cause serious or fatal injuries.

Between 1 January 2010 and 15 May 2022, five deaths have occurred in Victoria involving a ride-on mower rolling over.

Recommended ways to control the risk of roll over

Eliminating the need to use a ride-on mower around uneven surfaces such as an embankment, steps or steep slopes is the highest level of control. Elimination could include:

- landowners converting uneven ground and steep slopes from grass to other types of vegetation that does not require mowing
- providing a fence along the edge of an embankment to prevent ride-on mowers accessing the uneven ground or steep slope
- using alternative means of mowing, for example a brush cutter, push mower or self-propelled walk behind mower

If you cannot eliminate the risk of roll-over when mowing around uneven ground and steep slopes, you should reduce it by:

- visually inspecting the ground conditions to identify and mark no-go zones such as embankments, retaining walls, steps, sink holes and other uneven ground that may be hidden by long grass (for example cutting out with a brush cutter or marking with cones or safety tape)
- planning the method of mowing to prevent turning or reversing near uneven surfaces such as embankments
- continually reviewing the environmental conditions including assessing the ground conditions including slope, wet grass, discharged cut grass and removing hidden obstacles

To minimise the risks associated with roll over

If a ride-on mower rolls over, there is a risk of serious and fatal injuries to the operator. These can occur due to being thrown from the mower or being crushed between the overturned mower and the ground.

To minimise the risks associated with a ride-on mower rolling over:

- consider using a ride-on mower fitted with a Roll-Over Protection Structure (ROPS) and seat belt
- ensure operators always wear their seat belt when the ROPS is secured in the up position

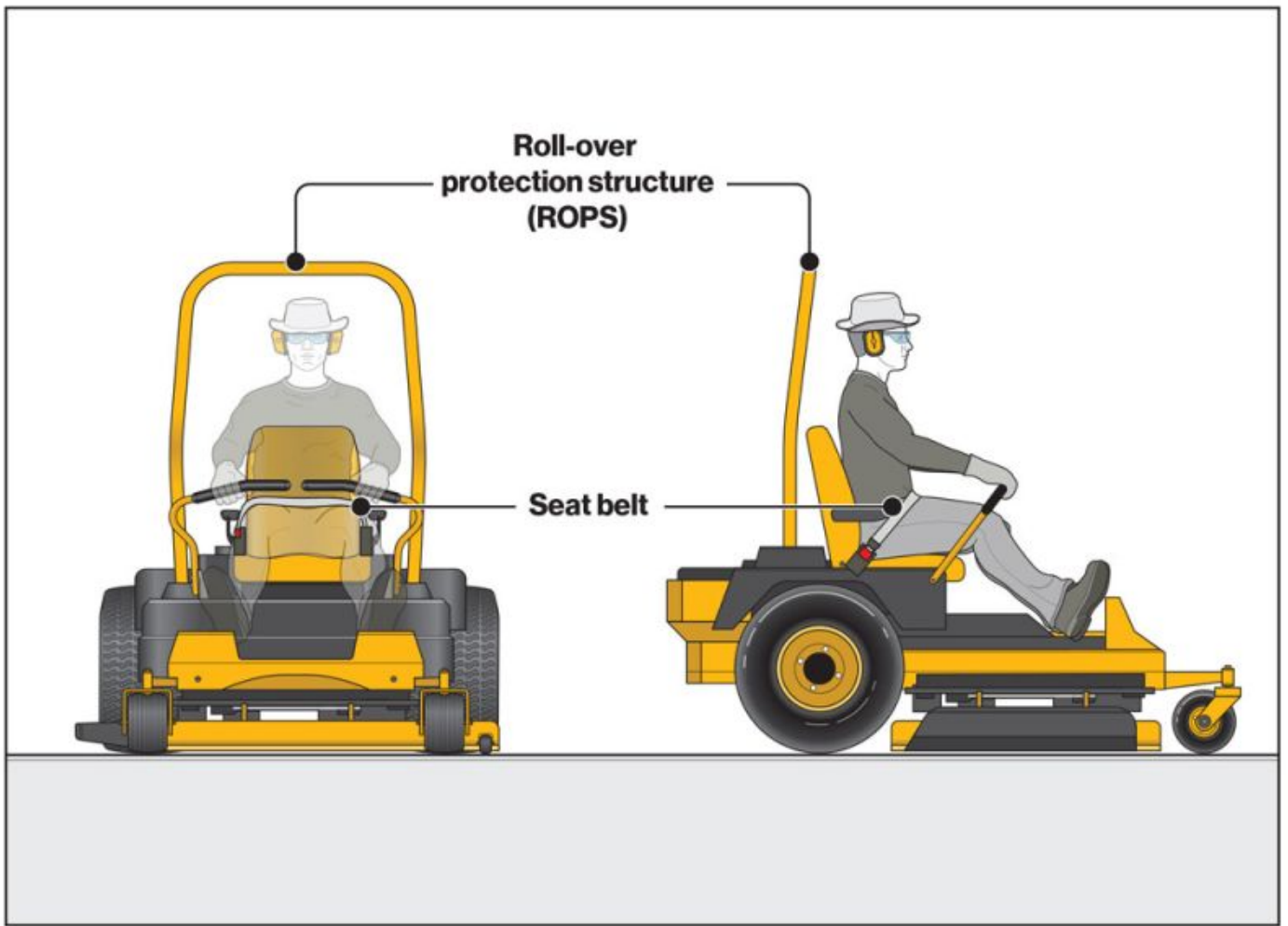


Illustration showing the front and side view of a zero-turn ride-on mower fitted with a Roll-Over Protection Structure (ROPS) and seatbelt

Legal duties

Employers have duties under the Occupational Health and Safety Act 2004. They must, so far as is reasonably practicable:

- provide and maintain a working environment that is safe and without risks to the health of employees and independent contractors and their employees
- provide and maintain plant that is safe and without risks to the health of employees and independent contractors and their employees
- consult with employees, independent contractors and their employees, and health and safety representatives when identifying or assessing hazards or risks and making decisions about risk control measures
- ensure that persons other than employees are not exposed to risks to their health or safety arising from the conduct of the employer's undertaking

Employers must also provide employees and independent contractors and their employees with the necessary information, instruction, training or supervision to enable them to do their work in a way that is safe and without risks to health.

Under the OHS Regulations, employers and self-employed persons must, so far as is reasonably practicable:

- identify all hazards associated with the use of plant at the workplace
- control risks associated with plant in accordance with the plant hierarchy of control
- ensure the plant is inspected to the extent necessary to ensure that risks associated with its use are monitored

Further information

For further information on the plant hierarchy of control see the Plant compliance code.

Compliance code: Plant



<https://www.worksafe.vic.gov.au/resources/compliance-code-plant>