IN THE CORONERS COURT
OF VICTORIA
AT MELBOURNE

COR 2023 0094

FINDING INTO DEATH FOLLOWING INQUEST

Form 37 Rule 63(1)

*Section 67 of the **Coroners Act 2008***

Inquest into the Death of Muhammad Ali Abdou

Delivered on	February 2026
Delivered at:	Southbank, Victoria
Hearing dates:	9, 10, 11 and 12 September 2024
Findings of:	Coroner Paul Lawrie
Counsel Assisting:	Mr A. Imrie
Representation:	Mr L. Allan for Gul Ozenc Mr B. Ihle KC with Ms D. Costaras for Ted Krolo Ms P. Knowles for Jim Koutkos Mr J. Anderson for Sash Sugarevski and Archibuilt Pty Ltd Ms G. Cafarella for WorkSafe Victoria

Keywords:	Elevating work platforms, boom lifts, worksite supervision

I, Coroner Paul Lawrie, having investigated the death of Muhammad Ali Abdou, and having held an inquest in relation to this death on 9 September to 12 September 2024 –

at Southbank, Victoria

find that the identity of the deceased was Muhammad Ali Abdou, born on 8 August 1991

and the death occurred on 4 January 2023,

at 10 Carmen Street, Truganina, Victoria

from:

UNASCERTAINED NATURAL CAUSES

I find, under section 67(1) (c) of the ***Coroners Act 2008*** ('the Act') that the death occurred in the following circumstances:

INTRODUCTION

1. On 5 January 2023, Muhammad Ali Abdou was 31 years of age when he was found deceased at a worksite at 10 Carmen Street, Truganina, Victoria (**the worksite / the site**). The worksite was one of several warehouses under construction and Mr Abdou was last known to be alive at 4.49pm the day before, when he was working alone from an elevated work platform installing supports for box guttering at a height of seven to eight metres above the ground.

MUHAMMED ABDOU'S BACKGROUND

2. Muhammed Abdou resided in Essendon at the time of his death and was married to Gul Oznec in 2017. He is survived by his parents (who separated when he was six years of age), a brother and two half-sisters.

3. In 2013, Mr Abdou began his apprenticeship as a roof plumber with Jim Koutkos, who was at that time the proprietor of a business named K-Roofing. From 2014 to 2019, Mr Abdou worked as a roof plumber for Kmercial Sheetmetal Pty Ltd. After this period, it appears that he worked as a sub-contractor in his own right. According to Ms Ozenc, he never finished his apprenticeship despite continuing to do the work of a fully qualified roof plumber.[1] From July 2022, he worked as a sub-contractor for Melbourne Roofing Supplies Pty Ltd, a company owned by Jim Koutkos.[2]

4. Mr Abdou did not drink alcohol or smoke and was not known to have used any illicit substances. He was focussed on physical fitness with attention to his diet and he regularly attended a gym. He was also involved in Brazilian jiu jitsu and mixed martial arts.

5. Mr Abdou's health records are brief and, according to Ms Ozenc, he was distrustful of doctors and medications. The only medical record comes from a visit to a general practitioner in January 2022 for assessment of possible Asperger Syndrome. The assessment did not suggest any autism related condition and his vital signs were normal.[3]

CORONIAL INVESTIGATION AND INQUEST

6. Detective Senior Constable (DSC) Carlie Prictor acted as the Coronial Investigator for the investigation of Mr Abdou's death and compiled a brief of evidence. The coronial brief included:[4]

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1 CB 053 (The Coronial Brief and bundled "Additional Materials" is Exhibit 10.)
2 CB 029
3 CB 281
4 Not an exhaustive table of contents of the coronial brief.

(a) a statement from Jim Koutkos, director of Melbourne Roofing Supplies Pty Ltd (subcontractor to Kmercial Sheetmetal Pty Ltd) to supply labour for roofing works at the worksite;
(b) statements from Tade (Ted) Krolo, director of Livno Constructions, the owner of the worksite;
(c) statements from persons working at the worksite on 4 and 5 January 2023;
(d) statements from members of Fire Rescue Victoria attending the scene on 5 January 2023;
(e) a statement from Mr Abdou's partner, Gul Ozenc;
(f) a statement from the Coronial Investigator;
(g) an expert report from John Hambridge, mechanical engineer, concerning the elevated work platform;
(h) building plans for the worksite;
(i) contractual documents;
(j) Safe Work Method Statements;
(k) WorkSafe Industry Standards;
(l) text messages to and from Mr Abdou;
(m) scene photos and CCTV recordings from a neighbouring property; and
(n) autopsy, radiology and toxicology reports.

7. After a directions hearing on 22 February 2024, the scope of the inquest was set as follows:

1. The cause of death.
2. The condition and design of the elevated work platform (JLG Boom Lift Model 600AL (2003)), including interlock mechanisms;
3. Worksite safety procedures for the worksite at 10 Carmen Street, Truganina, including:
a. site induction for employees and contractors,

b. hazard identification, risk assessment, and safe systems of work for activities involving elevated work platforms, including the use of spotters, and

c. the supervision of employees and contractors.

8. The inquest was conducted over four days from 9 September to 12 September 2024 and the following witnesses were called:

(a) Tade (Ted) Krolo

(b) Daniel Welsh

(c) Brayden Parr

(d) William Norden

(e) Jim Koutkos

(f) John Hambridge

(g) DSC Carlie Prictor

(h) Dr Matthew Lynch

(i) Emir Cihangir

BACKGROUND TO THE CRITICAL EVENTS

The worksite

9. The project at the site was the construction of five new warehouses, to be completed in two stages. The first stage was the construction of the three warehouses at the rear of the site which took place from October to early November 2022. These are the smallest of the five warehouses and are numbered 1 to 3.

10. The second stage was for the construction of the remaining two warehouses (numbered 4 and 5) which commenced on 23 December 2022. These two warehouses are much larger. Warehouse 5 faces Carmen Street and is closest to the north-east corner of Carmen Street and Peterpaul Way. Warehouse 4 abuts Warehouse 5 and is immediately to its north.[5]

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5 Exhibit 4 and CB 226

11. The warehouses are of concrete tilt slab construction with flat[6] steel deck roofs. The layout of Warehouse 5 is close to square with an area of 930m^2 and measuring 32.7m x 28.5m.[7] Warehouse 4 is slightly larger at 997m^2. The external and common walls are 8.5m high.

12. Both warehouses are set back approximately 24 metres from the front boundary along Carmen Street with this area designed as a front apron and a space for car parking. During construction, this area was frequently used by personnel on site to park their own vehicles.

13. It was possible to move through the site on foot between the various warehouses but not by vehicle. The site was secured by a combination of motorised gates with electronic remote controls and keys, and padlocked gates.[8]

14. By 4 January 2023, Warehouse 5 was structurally complete. The floor and external walls were in place, as were the structural steel roof beams and diagonal bracing. Also in place were the many 'Z' shaped structural purlins running perpendicular to the main beams. The steel deck roof had not yet been installed and, as part of the roof plumbing to be completed, box gutters were to be installed against the inside of the north and south walls.

15. The box gutters are 600 mm wide and sit between the inside face of the wall and the nearest purlin. The gutters are supported by horizontal steel hangers fixed between the wall and the purlin every 1,200mm (**the hangers**). The work being performed by Mr Abdou on 4 January 2023 was the installation of hangers along the north wall of Warehouse 5. To do this, he was operating approximately 7 to 8 metres above the ground on an elevating work platform, commonly called a "boom lift".

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6 The roof was designed with a 3º pitch.
7 CB 226
8 T 022

Interrelationship of companies and individuals

16. Livno Construction Pty Ltd[9] (**Livno**) was the site owner.

17. Tade (Ted) Krolo is the director of Livno. He was also engaged by Arcibuilt as the site supervisor and project manager.[10]

18. Arcibuilt Pty Ltd[11] (**Arcibuilt**) was the head contractor engaged by Livno Construction to construct five warehouses at the site.

19. Melbourne Structural Engineering[12] (**MSE**) was a sub-contracted company, engaged by Arcibuilt to supply and install the structural steel.[13]

20. Kmercial Sheetmetal Pty Ltd[14] (**Kmercial**) was a sub-contracted company, engaged by Arcibuilt to supply and install roofing.[15]

21. Melbourne Roofing Supplies Pty Ltd[16] (**MRS**) was a sub-contractor, engaged by Kmercial to provide labour for the roofing installation.

22. Jim Koutkos is the director of MRS and the person who engaged Mr Abdou.

The elevating work platforms

23. The elevating work platform Mr Abdou was using on 4 January 2023 was a 2003 model JLG model 600AJ articulating boom lift with 5,953 operating hours recorded (**boom lift / orange boom lift**). It has an articulating and telescoping boom supporting a two-person

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9 ACN 650 187 250
10 CB 193-196
11 ACN 165 962 470
12 ACN 155 873 804
13 CB 186
14 ACN 635 971 845
15 CB 176
16 ACN 647 085 710

working platform capable of a horizontal reach of 12 metres and a vertical reach of 18 metres. The base of the boom is attached to a turntable and 4-wheel base, which can be driven at a slow speed. The working platform includes a control console mounted near where the boom joins the working platform. The boom lift also has a "ground control panel" mounted in the base.

24. There are two interlocks positioned near the operator on the working platform. The first is a foot isolating switch directly below the control console (**foot switch**). The second is a contact alarm cable which spans a space between guards on either side of the console such that the cable is a short distance above the controls, and slightly closer to the operator's body, at about midriff height. It is held at one end by a magnet, and this also forms an electrical switch (**contact alarm cable**). The controls cannot be operated until the foot switch is engaged. If the operator removes their foot from the foot switch or the contact alarm cable is dislodged, all operations of the boom lift are locked out. The contact alarm cable should also activate a warning klaxon.[17]

25. The orange boom lift was owned and usually operated by MSE[18] and had been delivered to the worksite in early December 2022.[19]

26. A second (blue) boom lift was used to retrieve Mr Abdou from the work platform of the orange boom lift on the morning of 5 January. This was one of two boom lifts owned by Kmercial and delivered to the site on about 21 December 2022 by Jim Koutkos[20] (**blue boom lift**).

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17 CB 244
18 AM 3.7 and AM 3.9
19 AM 3.2
20 CB 029

Mr Abdou's previous work on the site, site supervision and induction

27. On 24 October 2022, Mr Abdou signed the Kmercial Safe Work Method Statement (**SWMS**)[21] and worked on Warehouses 1, 2 and 3 at the site from late October to early November 2022.

28. It is not clear precisely how long he worked on these warehouses, but I note a text message sent from Mr Koutkos to Mr Abdou on 31 October 2022 asking for an invoice in the amount of $3,000.[22] I also note invoices to Mr Koutkos rendered by Mr Abdou in the preceding months for other work at $300 per day[23] as well as invoices for what appears to be other fixed price work.[24] I conclude that it is likely Mr Abdou worked approximately five to seven days on the site in October 2022.

29. Jim Koutkos stated in evidence that he and Mr Abdou received their site induction at the same time from Sash Sugarevski of Archibuilt. Daniel Welsh (a concreting sub-contractor) gave evidence that he also received his site induction from Mr Sugarevski[25]

30. Tade Krolo stated that Archibuilt was responsible for the site inductions and that he did not regard his role to include responsibility for site inductions.[26]

31. Arcibuilt submits that that it contracted with Livno to act as the site supervisor and that Mr Krolo was not employed by Livno in his personal capacity to perform this role. This is disputed by Mr Krolo and the submissions on his behalf rely upon the evidence he gave[27] concerning the agreement that was executed by him on 25 February 2022 (**Site Supervisor Agreement**).[28]

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21 CB 061
22 CB 119
23 CB 073; 074
24 CB 090; 095
25 T 172
26 T 021; T 041-043; T 080-081
27 T 085-087
28 CB 193-197

32. There are inconsistent indicia throughout the Site Supervisor Agreement whether the contracting party was Mr Krolo (in his personal capacity) or Livno. I do not consider it necessary to determine this question as part of the inquest findings as I am satisfied that, in any event, it was Mr Krolo who performed the role of site supervisor. This was properly conceded in submissions on behalf of Mr Krolo.[29]

33. Arcibuilt further submits that it was not solely responsible for site inductions and this responsibility was primarily contracted to Livno. I accept that it was not solely responsible for site inductions, notwithstanding the fact that Mr Sugarevski conducted some of the inductions, including the inductions of Mr Abdou, Mr Koutkos, and Mr Welsh. The terms of the Site Supervisor Agreement are clear and include that Livno (or Mr Krolo) will "Manage all OH&S on the site and carry out or assist in site inductions".[30] I also conclude that there is no evidence to suggest the inductions performed by Mr Sugarevski were inadequate.[31]

Mr Abdou's work on Warehouse 5

34. On 22 December 2023, Mr Abdou was given instructions on site by Mr Krolo and Mr Koutkos concerning the scope of the work he was to perform. At 7.59am on 23 December 2022, Mr Koutkos sent a text message to Mr Abdou advising that he would be paid $8,000 for the work.[32]

35. According to Mr Koutkos, the plan for the roofing work was as follows:

    (a) Mr Abdou was to do preparatory work on his own at ground level, folding gutter brackets. This was to be done prior to Christmas.

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29 Krolo submissions at paragraphs 45 to 46.
30 CB 195
31 In this regard I note the evidence of Daniel Walsh who accepted that the induction he received from Mr Sugarevski may have taken 45 minutes, albeit he did not have a clear memory of the duration: T 172.
32 CB 132

(b) Once the steelworks (the roof beams and purlins) had been completed by MSE, the remainder of the roofing works would begin on 9 January 2023. This work would be done at height.[33]

36. On 22 December 2022 there was a face-to-face meeting which included Mr Koutkos, Mr Krolo and Mr Abdou. At this meeting the plan for completion of the roofing work was discussed and agreed. The work to be done in January would be done by Mr Koutkos and Mr Abdou, with Mr Koutkos working at ground level and Mr Abdou doing the work at height using a boom lift.[34]

37. On 24 December 2022, Mr Abdou attended the site and completed the preparatory work at ground level as planned.[35]

Access to the worksite

38. Despite the plan for Mr Abdou to recommence work on site on 9 January 2023, he returned on 4 January to work without the assistance of Mr Koutkos. Counsel Assisting submitted that the payment arrangement for the work to be performed by Mr Abdou, namely a lump sum payment for the entirety of the relevant stage of work, acted as an incentive for him to complete work in as short a time frame as possible. I am satisfied that this is so, and that Mr Abdou was apt to work alone and outside scheduled times. He said as much to William Norden[36] and Ms Ozenc also recalled that Mr Abdou had told her that he would stay back and often work alone to get his work done.[37]

39. There was considerable controversy concerning the question whether Mr Abdou already had a key or a remote control for a gate when he went onto the site on 4 January 2023. In short, Mr Welsh gave evidence that Mr Abdou already had a key to access the site via

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33 CB 029
34 T 258-259
35 CB 034; T 025
36 T 202
37 CB 053

Warehouses 1, 2 and 3 and he gave Mr Abdou a remote control for the gate so he could more conveniently access Warehouses 4 and 5.[38] Mr Koutkos stated that he had not been aware that Mr Abdou had access to the site (whether by key or gate remote control), or that he planned to work on the site before 9 January.[39] Mr Koutkos went overseas for a holiday after Christmas and did not return to Melbourne until 5 January.[40]

40. Mr Krolo's evidence was to the effect that Mr Welsh and MSE had independent access to the site and that Mr Koutkos had been given a key to access Warehouses 1, 2 and 3. Brayden Parr and William Norden both gave evidence that they accessed the site using a remote control that had been provided by their boss and then passed around the MSE welders.[41]

41. Daniel Welsh stated that, "just before Christmas" he gave Mr Abdou a remote control for the gate, and that Mr Abdou already had a key for the site at this time. I accept this aspect of Mr Welsh's evidence (which is detailed below). In any event, I am satisfied that Mr Abdou would have been able to access the site on 4 January regardless of whether he had his own key or remote control because workers from MSE were already there when he arrived.

Supervision of the worksite from 24 December 2022 to 4 January 2023

42. Mr Krolo gave evidence that, when he left for the Christmas break, he understood that the site would be closed between 24 December 2022 and 4 January 2023 (**the closure period**), and MSE would resume the structural steel work on 4 January.[42] The date for resumption of work was originally planned for 9 January, but this was brought forward after a discussion between Mr Krolo and Andrew Caruana of MSE.[43]

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38 T 107
39 T 268
40 T 241
41 T 093; T 081
42 T 048
43 T 067

43. Mr Krolo gave evidence that he was unaware that any personnel would be on the site during the closure period.[44] However, this is at odds with his first written statement made on 5 January 2023 in which he recalled:

> *Muhammad did do the other 3 buildings. His boss said he'd work between Christmas and New Years but I don't think he was here much.*[45]

44. Counsel for Mr Krolo submitted that his first statement required various corrections which were indicative of his state of upset because of the events of 5 January. It is also submitted that the statement taker, Detective S/C Prictor, may have misunderstood what had been said by Mr Krolo, and that her recollection of the process was imperfect.[46]

45. Daniel Welsh recalled in his second statement:

> *… That week we still worked after Christmas from 27 December 2022. I came in with another worker, Frankie. … The painters were also on site that week.*
>
> *The roofers were supposed to come in as well that week between Christmas and New Years. They didn't come in at all that week. Muhammed is an employee of Kmercial Sheetmetal who is the roofing company for the site. Before Christmas Ted and Jimmy (Kmercial's owner) met with Muhammed on site and explained what needed to be done in terms of running the gutters. When Muhammed came past just before Christmas , I gave him the remote control for the gate in case he came in before us to start work. He already had the site key.*[47]

46. I conclude that the reference to "Ted and Jimmy" is to Mr Krolo and Mr Koutkos. They both denied a conversation of this kind or knowledge that there would be personnel on site during the closure period.[48] In his oral evidence, Mr Welsh was far less certain about the conversation and conceded that he had assumed its content rather than distinctly

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44 T 049; T 095
45 CB 032
46 Krolo submissions at p.39-41
47 CB 042
48 Mr Koutkos at T 256 and Mr Krolo at T 067-068

hearing what was said.[49] Given the state of the evidence I cannot be satisfied what, if anything, was explicitly discussed regarding activity on the worksite during the closure period. Nonetheless, the number and variety of tradespersons involved on the site in this period and the independent access that was available to them by means of the various keys and gate remote controls reveals that the project remained very much underway during the closure period. The most notable advance during this time was the completion of the structural steel work. These facts are very difficult to reconcile with the notion that there was effective supervision or control of the site during the same period.

47. Mr Krolo stated in evidence that he was at the site "99.9 per cent of the time"[50] and that his expectation was that he would be there when other trades were on site.[51] I do not consider that Mr Krolo was speaking literally when he described the proportion of the time he was on site. Rather, he was speaking emphatically. Whatever was his practice and the regime for supervision at other times during the project, it is apparent that neither continued during the period after Christmas 2022. Various tradespeople worked on site in that period, apparently without any (or at least, significantly diminished) overarching site supervision.

Mr Abdou's activity on the site on 4 January 2023

48. The evidence of Mr Abdou's activity on the site on 4 January 2023 comes from the CCTV recordings from premises at 9 Carmen Street, diagonally opposite Warehouse 5, and the evidence of Mr Norden. The CCTV camera provided only a limited view into Warehouse 5 as it was obscured by much of the front (west) wall of the warehouse.[52] Where Mr Norden's recollection of the time of events conflicts with the CCTV recording, I have preferred the later.

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49 T 105
50 T 066
51 T 023
52 The time shown in the CCTV recordings is seven minutes fast [see AM 15.11] and where a time is stated which has come from the CCTV, the necessary correction has been made.

49. Mr Abdou arrived at the site at 10.42am and, although he had his own remote control for the gate, he was able to gain access because Mr Norden and Mr Zaw[53] were already working on site.

50. Mr Abdou worked in Warehouse 5 throughout the morning and used the blue boom lift (owned by MSE).[54] Mr Norden was working in the same warehouse that morning although he did not have a line of sight to Mr Abdou.

51. Shortly before 2.45pm, Mr Norden spoke with Mr Abdou as he was cooking his lunch at his vehicle. In the 15 to 20 minute conversation, Mr Abdou told Mr Norden that he often worked alone and after hours doing roof plumbing.[55] At 2.45pm Mr Norden and Mr Zaw left the site and Mr Abdou was then alone. Mr Norden thought Mr Abdou was going to have something to eat and then leave as well.[56]

52. At 2.53pm, Mr Abdou is seen on the CCTV recording to retrieve the orange boom lift from Warehouse 4 and move it across to Warehouse 5. He can then be seen using the orange boom lift at various times throughout the remainder of the afternoon.

53. It is not clear why he switched to the orange boom lift. It is also not clear how he was able to do this without having the key for that particular boom lift. However, I note the evidence of Mr Koutkos[57] and Mr Hambridge[58] that the key mechanisms are not precise, particularly on older plant, and may be operated with similar (inexact) keys or other implements.

54. The last observable movement of the orange boom lift is at 4.49pm when one of its wheels moves out of view. There is no evidence that this control input could be from anything, or anyone, other than Mr Abdou and I conclude that this is the last sign of him being alive.

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53 A welder employed by MSE: T193
54 T 200-201
55 T 202
56 T 203
57 T 257
58 T 311

Discovery of Mr Abdou on 5 January 2023

55. William Norden is an experienced welder and boilermaker who had been employed by MSE for approximately six months. At approximately 7.30am on 5 January 2023, he arrived at the worksite together with his co-worker, Brayden Parr. They parked at Warehouse 4, where Mr Parr remained while Mr Norden walked into Warehouse 5. Mr Norden noticed that Mr Abdou's vehicle was parked in the same spot as it had been the day before.[59]

56. Mr Norden saw Mr Abdou up in the work platform of the orange boom lift. He called out a greeting to Mr Abdou but there was no reply. It was not immediately apparent to Mr Norden that there was anything wrong and he thought Mr Abdou had not heard him because Mr Abdou was wearing (in-ear) earphones. Mr Norden then began working at ground level in a corner of Warehouse 5.

57. At approximately 8.30am, Mr Krolo arrived on site.[60] He saw Mr Abdou up on the orange boom lift but thought that he was engaged in a telephone call. Mr Krolo then went about his duties at the site without any further attention to Mr Abdou, until approximately 9.40am.

58. At that time Mr Krolo approached the orange boom lift because he wanted to ask Mr Abdou to move his vehicle. Mr Krolo yelled out to get his attention but with no response. It was then he realised that something was wrong. Mr Krolo went to the ground controls of the boom lift to lower it, but he could not get it to work.[61] I am satisfied that the reason the orange boom lift was inoperative at that time was because the contact safety cable had become disconnected and had locked out all operations of the boom lift as the mechanism was intended to do.

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59 CB 038
60 CB 032
61 CB 036

Position of Mr Abdou's body

59. Counsel Assisting rightly observes the fundamental difficulties inherent in the evidence when attempting to determine the precise position of Mr Abdou's body when he was first noted to be unresponsive. Mr Abdou's body was recovered from the work platform of the boom lift, and the boom lift itself was moved before emergency personnel arrived or the scene was recorded in any way. This observation should not be misinterpreted as any criticism of those attempting to save Mr Abdou, it is simply a consequence of their immediate and appropriate actions.

60. Counsel Assisting also submits that an analysis which synthesises the evidence of the witnesses who saw Mr Abdou *in situ* (principally Mr Parr and Mr Welsh who were closest) and the photos of Mr Abdou's body at the scene in *rigor mortis*, provides the most appropriate means of determining the position of Mr Abdou when found. I agree, whilst also noting the inherent imprecision concerning the extent of *rigor mortis* and the tendency of this phenomenon to have preserved Mr Abdou's posture and limb position after he was moved to the ground. Having regard to all these matters, I conclude on balance that when Mr Abdou was discovered on the morning of 5 January:

(a) The work platform of the boom lift was elevated seven to eight metres and positioned parallel with the purlins, with the boom extended straight and perpendicular to the north wall of Warehouse 5.

(b) Mr Abdou was positioned between the first and second purlins[62] and the diagonal cross brace (close to where this intersects with the second purlin) and the rear of the basket, towards or in the rear right-hand corner of the basket.

(c) The second purlin was touching or very close to the top rail of the basket.

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[62] For the purposes of these findings the purlins are numbered beginning with the closest to the north wall of Warehouse 5.

(d) Mr Abdou's upper body was in the gap between the second purlin and the rear rail of the basket. This gap was narrow, but not so narrow as to compel a conclusion that Mr Abdou had been pinned or crushed between the purlin and the top rail.[63]

(e) The upper part of Mr Abdou's back was above the rear rail and angled slightly back towards the wall, and his left arm was down by his side.

(f) Mr Abdou's right arm was over the top of the front upper rail of the basket, but not over the purlin. His armpit was against the rail.

61. There was no source of high voltage electricity or other obvious hazard near Mr Abdou.

Condition of orange boom lift

62. John Hambridge, mechanical engineer, conducted a detailed examination of the orange boom lift for Worksafe Victoria. Mr Hambridge produced a report dated 21 February 2023 in which he detailed the following defects:

(a) cracked or unserviceable hydraulic hoses and leaking hydraulic fluid;[64]

(b) possible distortion of the basket allowing contact with the jib;[65]

(c) unclear decals for the operating instructions on both sets of controls;[66]

(d) an intermittently functioning emergency stop button;[67]

(e) a faulty after-market joystick not fitted with a detent to protect against unintentional control inputs;[68]

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63 The fact that Mr Norden and Mr Krolo did not perceive Mr Abdou to be pinned, trapped or otherwise in trouble when they first saw him on 5 January buttresses this conclusion.
64 T 284-5; T 288
65 T 286
66 T 289; T293
67 T 290
68 T 291-293

(f) the warning klaxon intended to sound when the contact alarm cable becomes disconnected did not work;[69] and

(g) the high speed mode (for the driving wheels) did not function.[70]

63. The low voltage supply (12 volt DC) for the boom lift's control panel was the only electrical system near Mr Abdou. I am satisfied however that the potential for a harmful shock from this system may be excluded for all practical purposes. Moreover, there is nothing to suggest that the boom lift had any electrical fault capable of delivering a shock to the operator.

64. The number and type of the faults found with the orange boom lift is a matter of serious concern. It was in poor condition and important safety features that had been built into the original design were not working. However, for the reasons detailed below, it is not possible to conclude that any one (or any combination) of these deficiencies caused or contributed to Mr Abdou's death.

Conclusion regarding the likelihood of pinning / mechanical asphyxia

65. The submissions by Counsel Assisting also include a detailed analysis of the evidence aimed at the question whether or not Mr Abdou was trapped or pinned, and whether this may be the cause (or a contributing factor) to his death.[71] I conclude that these submissions are correct.

66. Dr Glengarry, forensic pathologist at the Victorian Institute of Forensic Medicine, (**VIFM**), performed an autopsy on 13 January 2023 and provided a report dated 20 March 2023.[72] A toxicological analysis of post-mortem blood and vitreous humour did not detect

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69 T 295
70 T 303
71 Counsel Assisting submissions at paragraphs 57 to 69.
72 CB 007

any alcohol, or common drugs or poisons. There was nothing to suggest carbon monoxide poisoning[73] and post-mortem biochemistry was unremarkable. A post-mortem CT scan showed no skull fracture or intracranial haemorrhage. There was no skeletal trauma and only one sign of minor external injury namely, a small area of irregular abrasions at the base of the right thumb. There were no signs commonly associated with traumatic or mechanical asphyxia, such as petechial haemorrhages or congestion about the face.

67. Dr Glengarry ultimately concluded that the medical cause of death was "unascertained" and her report included the following observations:

(a) The post-mortem examination did not show a significant structural or microscopic abnormality that would account for death.

(b) Biochemical testing did not show any lethal abnormalities. The renal function was normal and there was no evidence to suggest dehydration, diabetes mellitus or ketoacidosis.

(c) There was no histological evidence of a source of significant infection, and the circumstances are not suggestive of a death due to sepsis.

(d) A "negative autopsy" (that is, one where the cause of death is not evident) is not an uncommon finding in those who die suddenly and unexpectedly at a young age, as in this case. There are a number of causes of sudden and unexpected death for which there may be no anatomical findings at the post-mortem examination, including:

i. Some metabolic and biochemical abnormalities;
ii. Seizures;
iii. Certain conditions known to cause cardiac arrhythmias, such as long-QT syndrome, Brugada syndrome, and catecholaminergic polymorphic ventricular tachycardia (CPVT).

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[73] Carboxyhaemoglobin was not detected.

(e) Notwithstanding that a cause of death has not been established, the death appears most likely to be due to natural causes.

68. Dr Glengarry was unavailable to appear at the inquest, and so Dr Matthew Lynch gave evidence in her stead to further inform the Court on matters of forensic pathology.

69. Dr Lynch explained that there were none of the characteristic signs of traumatic asphyxia, namely petechial haemorrhaging and congestion.[74] Those indicia are essential to infer mechanical asphyxia as a cause of death.[75] Also, Dr Lynch considered it was significant that there was no evidence of any traumatic injury consistent with Mr Abdou struggling to free himself from the position in which he was ultimately found. There was no bruising, abrasion, subcutaneous injury or underlying traumatic injury. Although there were some impressions visible across his upper chest[76], Dr Lynch stated that these were post-mortem artefacts and not injuries.[77]

70. Counsel Assisting highlighted two other important matters in submissions. Firstly, Mr Abdou was apparently fit and strong. Secondly, the work platform (the basket) of the boom lift was not fixed in place. Rather, there remained sufficient play in the boom and its joints when extended that an operator would be able to push themselves away from an obstruction.

71. These points are well made, and I am satisfied that Mr Abdou was apparently fit and strong. Ms Ozenc alludes to these characteristics in her statement when recalling Mr Abdou's gym training and his general appearance.[78] I am also satisfied that there would be an appreciable degree of bounce or sway at the work platform when the boom is elevated or extended. The extent of the residual movement will depend on the orientation of the jib. With the jib extended to raise the platform to the approximate height at which

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74 T 432; T438
75 T 439
76 Photos at AM 2.7 to AM 2.9
77 T 434; T 435; T 448
78 CB 053

Mr Abdou was working[79], there would have been an appreciable degree of residual horizontal movement or "play" possible at the basket, even with no power to the machine. Accordingly, there is a significant likelihood that, even if Mr Abdou had manoeuvred the basket so that he was up against a purlin or other obstruction, he would have been able to push himself away horizontally or otherwise create a minimum of space for himself.

72. The totality of the evidence does not support a conclusion that Mr Abdou was pinned or trapped, or that he suffered mechanical asphyxia.

Conclusion regarding the cause of death

73. I accept the opinions of Dr Glengarry and Dr Lynch and conclude that Mr Abdou most likely suffered a sudden acute medical event of a kind leaving no post-mortem artefact. The circumstances also support a conclusion that the acute event was rapidly fatal.

74. Although the cause of death could not be determined, I am satisfied that all likely non-natural causes are reasonably excluded. I accept Dr Glengarry's ultimate opinion that the cause of death is "unascertained" save that I am satisfied that the unascertained cause was natural. Accordingly, I find that the cause of death is "Unascertained natural causes".

Time of death

75. As previously detailed, the last observable movement of the orange boom lift was at 4.49pm on 4 January 2023. It is wholly unlikely that Mr Abdou would work for an extended period, say several hours, with the base of the boom lift not having to be moved. It is also highly unlikely that he would work beyond the fading light, and I note that there was no artificial lighting in his vicinity. I also note that sunset was at 8.46pm.[80]

76. Having regard to all these circumstances I am satisfied that Mr Abdou became incapacitated at a time between 4.49pm and approximately 9.00pm, and likely in the early

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79 As approximated in the photographs at AM 1.29 and 1.30.

80 https://www.timeanddate.com/sun/@2145990?month=1&year=2023

portion of this period. There is no evidence to suggest that Mr Abdou survived for a substantial period after having become incapacitated. Indeed, in Dr Lynch's opinion the time frame for the postulated medical event (and the precipitation of death), "is likely to have been short as opposed to long".[81] Accordingly, I find that Mr Abdou passed away on 4 January 2023 at a time after 4.49pm.

Was the death preventable?

77. Counsel Assisting submitted that it is not open to find that Mr Abdou's death could have been prevented and, even if he had received immediate medical care, it is not possible to conclude whether the outcome would have been any different.[82] Counsel for Mr Krolo provided a detailed argument to the same effect and concluded by contending that there could be no proper finding on the balance of probabilities that there was a lost opportunity to save Mr Abdou's life. Further, that to do so would be mere speculation or conjecture.[83]

78. The criticality of this question lies in the fact that Mr Abdou was alone on the work site when he suffered the medical event. The dangers of a person working alone on a commercial worksite, working at height, and using complex plant and equipment, are various and striking. It is obvious that the systems in place for proper supervision of the site should have excluded, to the greatest degree practicable, the potential for anyone to be working alone on the site, especially at height.

79. Despite this, if one cannot be satisfied on the balance of probabilities, that timely emergency medical care may have saved his life, it is not appropriate for this Court to embark upon a matrix of detailed findings concerning how the worksite came to have such flawed supervision.

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81 T 454-455
82 Counsel Assisting submissions at p.17
83 Krolo submissions at p.49

80. Counsel for Mr Krolo has examined counterfactual circumstances and highlighted the likely delays in getting emergency medical care to Mr Abdou, even if other personnel were on site. One of the matters highlighted was the actual time taken for anyone to realise there was something wrong after having first seen Mr Abdou on the morning of 5 January. However, this fact is not indicative of the likelihood of delayed recognition in the counterfactual circumstances as proper site supervision would have involved having someone partnered with Mr Abdou to act as his "spotter" from the ground. In those circumstances, there is little likelihood of a significant delay in realising something was wrong. The other matters identified as elemental in a likely delay are more realistic. The most notable of these was the actual time taken to use another boom lift to get to Mr Abdou because the orange boom lift had stopped operating.

81. The fact that the klaxon alarm was not working on the orange boom lift is of significant concern. It should have sounded when the contact alarm cable in the basket became disconnected. It is most likely that the disconnection occurred when Mr Abdou became incapacitated, and no other personnel were on site at that time who could have responded to an alarm even if it had been working. An alarm may have alerted someone from outside the worksite, but this is speculative. The notion relies on the volume and duration of the alarm, whether there happens to be someone within audible range, and whether such person responds to the sound or ignores it. Ultimately, I am unable to find that an active klaxon alarm was likely to have changed the course of events on 4 January. Assuming it was still sounding on the morning of 5 January, it certainly would have led to a much earlier recognition that Mr Abdou had passed away.

82. Ultimately, I cannot be satisfied on the balance of probabilities that, if other personnel had been present on site with Mr Abdou when he suffered the medical event, the consequential emergency medical care would have been delivered at a time to have saved him, or whether it would have saved him no matter when it was available. The most conclusive statement that may be made concerning the question of prevention is that the inadequate supervision of the site resulted in a missed opportunity to have emergency medical care delivered to Mr Abdou when this care *may* have been useful.

COMMENTS

I make the following comments connected with the death under section 67(3) of the Act:

83. Mr Abdou suffered an acute medical event while he was working on a commercial construction site alone, and at height. He died alone and his body was not discovered until the following morning. These facts describe an environment that should never exist on a commercial construction site in Victoria.

84. The dangers to workers on a site of this kind are many and varied. Particular and magnified dangers are present for persons working at height. Without a spotter working on the ground and in conjunction with the person working at height, a critical safety measure is taken away. Also, without complex plant such as boom lifts being in a proper serviceable condition, with all safety features operating, further layers of safety are stripped away. This case demonstrates the critical importance of controlling access to the worksite to ensure that all work is performed under proper supervision, and never with the worker operating alone.

ACKNOWLEDGEMENTS

I extend my sincere condolences to Mr Abdou's family for their loss.

I thank the coronial investigator and those assisting for their work in this investigation and inquest.

DIRECTIONS

Pursuant to section 73(1) of the Act, I direct that this finding be published on the Coroners Court website in accordance with the Rules.

I direct that a copy of this finding be provided to the following:

Gul Ozenc – Senior Next of Kin

WorkSafe Victoria

Tade Krolo

Jim Koutkos

Sash Sugarevski

Archibuilt Pty Ltd

Livno Construction Pty Ltd

Melbourne Structural Engineering Pty Ltd

Kmercial Sheetmetal Pty Ltd

Melbourne Roofing Supplies Pty Ltd

Detective S/C Carlie Prictor – Coronial Investigator

Signature:

Coroner Paul Lawrie

Date: 21 July 2026

NOTE: Under section 83 of the ***Coroners Act 2008*** ('the Act'), a person with sufficient interest in an investigation may appeal to the Trial Division of the Supreme Court against the findings of a coroner in respect of a death after an inquest. An appeal must be made within 6 months after the day on which the determination is made, unless the Supreme Court grants leave to appeal out of time under section 86 of the Act.