

## FINDINGS

### COURT DETAILS

Court: Coroner's Court of NSW  
Address: Maitland  
Case Number: 8/2009 at EAST MAITLAND

### PROCEEDINGS

Inquest into the death of **TIMOTHY JON HAYNES**  
Hearing dates 8TH DECEMBER,2010  
Date of findings 8TH DECEMBER,2010  
Place of findings Maitland  
Findings of MAGISTRATE SHARRON CREWS

### FINDINGS

THAT TIMOTHY JON HAYNES DIED ON 14TH MAY,2009 AT EAST MAITLAND IN THE STATE OF NEW SOUTH WALES OF TRAUMATIC ASPHYXIA AS A RESULT OF BEING BURIED BY SOIL AND A STEEL BEAM FOLLOWING THE COLLAPSE OF AN UNSUPPORTED TRENCH WALL.

### RECOMMENDATIONS

AS PER WORKCOVER FILE- SEE ATTACHED LIST OF RECOMMENDATIONS

### REPRESENTATION

Assisting the coroner SGT CHRIS WATSFORD  
Representing the family MR P. BIRD FOR NEXT OF KIN  
Other parties MR D O'NEILL INSTRUCTED BY WORKCOVER(DEAN ALLEN SOLICITOR)  
MR M. SHUME INSTRUCTED BY MORAY AND AGNEW FOR WADWELL GROUP;  
MR. S LOWE INSTRUCTED BY KELLY TRANTER FOR MR HOSKINGS.

### SIGNATURE

Signature

Name



Magistrate Sharron Crews

*Copies to State Coroners Court, work cover, Mr Bird  
for Family, BOM's, Finance Minister, O/s/c  
Josene Beresa and Police Pres.*



## WORKCOVER NSW

Inspector's Summary and Recommendations to the  
Coroner

File No: 2009/017483

### Recommendations

To prevent this type of incident reoccurring, Workcover NSW recommends that:

1. That persons undertaking excavation work follow the Code of Practice for Excavation Work which provides guidance to prevent injury to persons engaged in excavation work. In particular section 3.1 "Prevention of collapse or failure of trenches and excavations" outlines that incidents have occurred in the past as a result of the inability of the soil to stand by itself for the duration of the work and as a result of decisions taken by persons with insufficient expertise in the area of soil stability. The Code outlines the importance of seeking advice from qualified engineers, undertaking a geotechnical analysis and the engagement of a competent person to supervise the progress of the excavation work where the pre work assessment identifies the risk of an unstable condition.
2. That persons undertaking excavation work ensure that there is an adequate system of shoring, benching or battering to control the risks arising from:
  - a. The fall or dislodgement of earth and rock,
  - b. the instability of the excavation or any adjoining structure,
  - c. the inrush of water
  - d. the placement of excavated material,
  - e. instability due to persons or plant working adjacent to the excavation.
3. That persons undertaking excavation work ensure that adequate measures are taken in the immediate vicinity of excavation work so as to prevent the collapse of the work. In particular, an employer must ensure that no materials are placed, stacked or moved near the edge of excavation work so as to cause the collapse of the work.
4. That persons undertaking excavation work control unauthorised access to the excavation by ensuring that perimeter fencing is provided.

### Inspector's Court Details

Madeline Vanessa Christensen  
Newcastle Workcover Office.  
Cnr of Cowper and Fitzroy Streets  
Carrington NSW.  
Ph: [REDACTED]

Inspector: *Christensen*  
Date: 3/9/09