

# Australia: The tragic deaths of two Melbourne CityLink construction workers

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According to the Kennett government, the new City Link tollway is a powerful symbol of "Victoria on the Move". On August 15 the first stage of the \$2 billion private road project was opened, to great official fanfare, followed only days later by the announcement of an early Victorian state election.

But the tragic deaths of two young workers during the tollway's construction underline the reality behind the hoopla. In a concession to the bitterness felt by their co-workers, City Link's operators have announced that a car owned by one of the dead workers will be the first vehicle driven through the underground tunnel, to be opened as part of the next stage.

Twenty-eight year-old Justin O'Connor and 21 year-old Adam Dougherty lost their lives because of the unsafe working conditions that are now rife throughout the industry. So far this year, ten workers have been killed on construction sites in the state of Victoria. Last year sixteen died.

The Victorian State Coroner's Inquest into the killing of Justin O'Connor began one week before the tollway's opening. It has now been adjourned until the end of October, due to the greater than expected number of witnesses and further police investigations.

Both young workers were employed by National Pile, a company subcontracted by City Link to drill a series of 50 nine metre deep holes for concrete piles. On 12 May 1997, Justin O'Connor fell backwards into a drill hole as he cleaned the drill. The unguarded drill hole was only 2.4 metres (8 feet) deep and about 75 centimetres (2 feet 6 inches) in diameter. He fell in a sitting position, so that he ended up jackknifed at the bottom of the hole with his feet sticking up above his head. He was conscious and not badly injured. His head and his hands were free of soil, but he could not move. His fellow workers initially rushed to dig him out, but were prevented from continuing by the emergency procedures in force on the site.

The drilling was being done through poor quality backfill, which meant that the edge of the hole was prone to crumbling and collapse. An amount of soil had already fallen on top of O'Connor. His rescuers could not come too close to the edge for fear of burying him alive.

Firefighters and ambulance men were called. An ambulance officer with years of experience in trench rescues offered to be lowered head first into the hole to try and attach ropes to

O'Connor and pull him out, but this course of action was not pursued for fear of injury. A video of the rescue operation was made for training purposes by the fire brigade. At the beginning, there was an air of confidence that it would be a successful textbook operation. The video was shown at the Coroner's Inquest. It records the conversation between O'Connor, stuck at the bottom of the hole, and the rescuers.

O'Connor makes a total of eleven references to water rising around him in the hole.

*Rescuer:* No, we can't see any water... Just some moisture coming through your clothes, Joc ... It's just a bit of seepage, that's all, nothing to worry about.

*O'Connor:* It's coming up over my head.

*Rescuer:* You've been watching too many movies Justin. It's low tide.

*O'Connor:* I can feel water in my ears.

*Rescuer:* Justin, what you've got in your ears is dirt, mate.

*O'Connor:* No, there's liquid in my ears.

*Rescuer:* It might be just a bit of a tingling sensation because you're going a bit numb ... You can feel water can you?

*O'Connor:* ...in my ears.

*Rescuer:* No, you're right mate, just a couple more minutes and we'll dig you out.

*O'Connor:* Where's all the water coming from?

*Workmate:* No, he has got water.

*Rescuer:* It's just a bit of seepage. That's nothing to worry about.

*O'Connor's last words:* ...water... water.

*Rescuer:* Yes, relax about the water, Justin, it's under control.

The rescue operation lasted over two hours. O'Connor was covered in water and mud at least five minutes before he was eventually dug out of the hole. He was partially revived and lived for another five days in hospital before dying on 17 May 1997. The cause of death was drowning.

Andre Noonan, who worked with O'Connor, was the operator of the drilling rig. At the Coroner's Inquest he testified that a few days before the accident he had raised his concerns with the site manager, Ashley Williams. He complained that the site was unsafe because of the poor quality of backfill. Noonan recalled, "At this, Ashley just laughed at me and walked off."

On the day of the accident the firemen in charge of the rescue

were advised that there was no problem with water on the site. At the inquest, Williams confirmed this incorrect advice. He said, "The principal fear of everyone was further collapse of the soil." A few days earlier, however, a stormwater pipe just five metres from the drill hole had been smashed accidentally when a drill went through it. Another worker reported that a pump was needed to clear water from drill holes that were below the Yarra River bed level.

The officer in charge only realised that there was water in the hole 39 seconds before the water covered O'Connor's nose. A water pump brought in at the last minute failed to start up immediately. When it finally started, it could not remove the mud from O'Connor's face.

What appears as a series of misjudgements and unfortunate coincidences was in fact a product of the progressive destruction of safety and working conditions and the decay of the culture of resistance that used to exist among construction workers. The extent of the frustration and anger felt by O'Connor's workmates over his needless death found expression in Dougherty's decision to commit suicide.

Young Adam Dougherty was the son of the owner of National Pile, and worked at the site as a dogman. Like O'Connor, he was a member of the Construction Forestry and Mining Employees Union (CFMEU). Elected to the site Safety Committee, made up of company and union representatives, Dougherty had completed a five-day full-time course in occupational health and safety before he commenced work at City Link in 1996.

Dougherty had continuously complained to the site operators, Transfield Obayashi, about poor safety on the site. One of the concerns he raised prior to O'Connor's death was the failure of Transfield Obayashi to backfill the drill holes to surface level with sand, to prevent someone falling down. This procedure—which is part of National Pile's own project specifications—was ignored by Transfield Obayashi.

On the day of O'Connor's accident, Dougherty was one of the first at the scene. As well as assisting in every way possible, Dougherty and another worker rushed off to get a piece of garden hose as soon as they heard that there was rising water. Because the rescuers did not realise there was any danger of rising water, they rejected or ignored the use of the hose to enable O'Connor to breathe.

After O'Connor's death, Dougherty took up the fight for increased safety on the Safety Committee even more energetically. Transfield Obayashi, however, ignored his concerns. Only when workers took repeated industrial action did the company implement any of the safety procedures. After a few weeks, Dougherty resigned from the site Safety Committee.

Two months after O'Connor's death, Dougherty drove his car into a remote bush area and gassed himself by connecting pipes to the car's exhaust. Beside his body, on the car seat, were three pages of notes he had written about safety problems on the City

Link site.

Some points from the handwritten notes were "near-miss report... lack of quality supervision... absence of appropriate management systems and procedures... incorrect performance of a task by any person involved in the incident... crux is procedure was not followed... worked within 2m of PTC line (overhead electric tram lines)... all cases—no workers were shown... no risk assessment".

A reporter from the *Sunday Age*, writing about Dougherty's death, contacted Transfield Obayashi about safety on the site. While refusing to comment on Dougherty's notes, the company spokesperson remarked, "The project's performance is constantly benchmarked against national best practice and City Link is achieving pleasing results."

Both Transfield Obayashi and National Pile were found guilty of unsafe work practices in a trial held in May 1998 at the Melbourne Magistrates Court. They were fined \$25,000. In a separate civil suit, O'Connor's family was paid an undisclosed amount. Transfield Obayashi paid 30 per cent of the settlement cost and National Pile 70 per cent.

A spokesperson for the Industrial Deaths Support and Advocacy group, Elizabeth Mobayab, commented: "The going rate for a workplace death in Victoria is in the order of \$20,000 to \$25,000. That's the average, but if you look at the latest statistics the story is far worse. A young worker employed by the Banawara company was crushed to death while operating a post hole digger and they were fined \$250 in December, with no conviction recorded."

The Coroner found that Adam Dougherty had contributed to his own death from carbon monoxide poisoning. His suicide, however, constitutes an indictment of the trade unions and their collaboration with the site operators in blaming the workers themselves for safety breaches, a culture promoted by government, business and unions alike.



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