
FINDINGS, COMMENTS and RECOMMENDATIONS
of **Coroner Andrew McKee** following the holding of an
inquest under the *Coroners Act 1995* into the death of:

WALLACE EDGAR BRYERS

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Record of Investigation into Death (With Inquest)

Coroners Act 1995
Coroners Rules 2006
Rule 11

I, Andrew McKee, Coroner, having investigated the death of Wallace Edgar Bryers, with an inquest held at Hobart in Tasmania, make the following findings.

Hearing Dates

11, 12 March and 16 September 2020

Representation

Counsel Assisting the Coroner: Mr S Nicholson

Counsel for Tasiliquid Gold: Mr A Barrett

Counsel for Ms N Bryers: Ms J Sawyer

Ms V Bryers (in person)

Written Submissions

Counsel Assisting filed 16 September 2020

Tasiliquid Gold filed 25 September 2020

Ms N Bryers filed 25 September 2020

Ms V Bryers filed 25 September 2020

Introduction

1. Mr G Wright, in partnership with his wife, owns a business trading as Tasiliquid Gold (TLG). TLG owns apiaries in various locations throughout the state. It is involved in the production and sale of honey. There are two main sites – one located on Bruny Island and one at Judbury. TLG commenced trading in 2001.
2. Mr Wright has experience as a beekeeper spanning over 30 years. He completed a TAFE course on beekeeping in the 1990s. He is an active member of the Beekeeping Association.
3. Mr Wright is the manager of TLG. The business employs members of Mr Wright's family on a full-time basis and has a number of casual employees.

4. On 5 January 2018 Mr G Wright, Ms N Wright and Mr W Wright, along with Mr Bryers, travelled to two sites in the north of the state upon which beehives owned by TLG were placed. Mr Bryers was collected by the Wrights from Hobart.
5. The group then travelled to Carrick. The Wrights undertook beekeeping activities at Carrick. The group then travelled onto a property known as Isis Farm.
6. Whilst on Isis Farm, Mr Bryers has been stung by a bee or bees.
7. Mr Bryers has suffered an anaphylactic reaction to the bee venom and despite assistance and treatment provided by the Wrights and paramedics, has died.
8. It was the position of TLG that Mr Bryers was attending the Isis Farm as an observer and played no part in the beekeeping activities undertaken by the Wrights as owner or employees of TLG on 5 January 2018.
9. It was the position of a number of Mr Bryers' family members and friends that he was a casual/seasonal employee of TLG and was paid what is colloquially known as 'cash in hand'.
10. Given the fact that conflicting evidence existed as to the status of Mr Bryers in relation to TLG, I was of the view that to provide each party with procedural fairness the matter would need to proceed to an inquest so that the various witnesses could be called to give evidence and to enable their evidence to be tested under cross examination. For this reason I determined an inquest should be held pursuant to Section 24(2) of the *Coroners Act 1995* (the "Act").

Scope of the Inquest

11. Based on the opening of Counsel Assisting and submissions made by counsel representing the parties, the scope of the inquest was:
 - a) The status of Mr Bryers in relation to TLG, be that as an employee, volunteer or observer, including whether Mr Bryers would be a 'worker' under the *Work Health and Safety Act 2012*; and
 - b) The duty of care owed to Mr Bryers in any of the above capacities whilst present at a workplace controlled by TLG.

12. I granted Ms V Bryers leave to appear at the inquest. She indicated at the commencement of the inquest that she did not wish to take an active part in the inquest. She did not take issue with the scope of the inquest as outlined by Counsel Assisting.
13. My role under the Act is to make factual findings surrounding Mr Bryers' death in accordance with Section 28 of the Act.
14. At the inquest 11 witnesses gave evidence.
15. The witnesses and their evidence can be conveniently divided into three categories:
 - a) The evidence given by Ms N Bryers, Mr J Bryers, Ms V Bryers, Ms R Wright, Mr R Kerr, Mr M Hastings, and Mr Moore, related to conversations they had had with Mr Bryers confirming that he was working 'cash in hand' for TLG. Family members also gave evidence regarding Mr Bryers' personal circumstances and plans for the future.
 - b) Mr G Wright, Ms N Wright and Mr W Wright gave evidence regarding the circumstances leading up to and surrounding Mr Bryers' death. They also gave evidence regarding the structure and work practices of TLG. Ms N Wright gave evidence regarding TLG's response to an investigation by officers of WorkSafe Tasmania and the company's response to improvement notices served under the *Work Health and Safety Act 2012*. Finally they gave evidence regarding Mr Bryers' status in relation to TLG.
 - c) Ms C Mathias, an Inspector appointed under the provisions of the *Work Health and Safety Act 2012*, gave evidence regarding WorkSafe Tasmania's investigation into Mr Bryers' death. She also gave evidence regarding improvement notices served upon TLG and the businesses' responses to the improvement notices.
16. In making my findings below I am satisfied this matter has been comprehensively investigated and that relevant issues have been fully explored. I have taken into account and considered the evidence tendered at the inquest, namely:
 - C1 Tasmania Police Report of Death – Constable Tim Nolan
 - C2 Life extinct affidavit – Dr L Tyrell
 - C3 Identification affidavit – Graham Wright
 - C4 Identification affidavit – Constable Tim Nolan
 - C5 Identification affidavit – Colin O'Connor

- C6 Post-Mortem Report – Dr R Fernando
- C7 Report – Ambulance Tasmania
- C8 Medical records – Royal Hobart Hospital
- C9 Medical records – Long Beach Medical Centre
- C10 Affidavit – Graham Wright
- C10a Interview transcript – Graham Wright
- C11 Affidavit – Natalie Wright
- C11a Interview transcript – Natalie Wright
- C12 Affidavit – William Wright
- C12a Interview transcript – William Wright
- C13 Affidavit – Constable Tim Nolan
- C14 Affidavit – Sergeant R Schiwy
- C15 Photos – Sergeant R Schiwy
- C16 Affidavit – Naomi Bryers
- C17 Affidavit – Ruby Wright
- C18 Affidavit – Robert Kerr
- C19 Affidavit – Matthew Hastings
- C20 Affidavit – Robert Moore
- C21 Email re compliance with improvement notices – WorkSafe Tasmania
- C22 Email re evidence of first aid training – WorkSafe Tasmania
- C23 Email re emergency management plan – WorkSafe Tasmania
- C24 Email re working procedures – WorkSafe Tasmania
- C25 Photograph of office first aid kit
- C26 Photograph of transportable first aid kit
- C27 Affidavit – Claire Mathias
- C28 Affidavit – Vera Bryers
- C29 000 call (audio)
- C30 Correspondence from Hall Payne and claims for dependent of deceased worker for Naomi and Jarrod Bryers, dated 4 June 2018 – Hall Payne
- C31 Improvement notices – WorkSafe Tasmania
- C32 Statutory declaration – Jarrod Bryers
- C33 Report of Dr Bell dated, 4 July 2020 – Dr Anthony Bell

Mr Bryers' Background

17. Mr Bryers was born in New Zealand on 23 October 1956 and was 61 years of age at the date of his death. Mr Bryers left New Zealand in his twenties and moved to Australia.
18. Mr Bryers had previously been married to Vera Bryers. Their marriage produced three children. They divorced in 1992.
19. Based on the evidence before me, I am unable to make a precise finding as to the exact date, but I am satisfied that Mr Bryers moved to Tasmania sometime during 2010. His medical records indicate he became a patient of the Long Beach Medical Centre in August of 2010. He moved from Melbourne with his then partner, Susan. Mr Bryers' relationship with Susan ended prior to his death.
20. Mr Bryers met and became friends with Mr G Wright in 2011. They met at the Farm Gate Market. Mr Wright attended the market most Sundays to sell honey on behalf of TLG.
21. Mr G Wright had spent time in New Zealand and had resided in the same area Mr Bryers had lived whilst a resident of New Zealand. Mr Bryers had an interest in the production of honey.
22. Mr Bryers maintained contact with his immediate and extended family. He provided financial assistance to his children when he could afford to do so. He maintained contact with his former wife, particularly in regard to their children.
23. Mr Bryers resided in South Hobart. A number of persons who lived in that neighbourhood became friends with him. They gave evidence at the inquest.
24. For a period of time Mr Bryers' son, Jarrod, resided with him at his home in South Hobart. Jarrod formed a relationship and continued to reside in Tasmania. He maintained regular contact with his father.
25. Prior to his death Mr Bryers had spoken with his daughter and it was his intention to return to Victoria to provide assistance to his daughter in caring for her son.

Mr Bryers' Employment History

26. Mr Bryers had previously worked on the railways whilst living on mainland Australia.
27. When he relocated to Tasmania, with his then partner, it would appear he held employment with Pellet Fires. The reason for that employment ending is unclear. I have no evidence as to the date Mr Bryers commenced and ended that employment. I have no evidence about the duties performed by Mr Bryers or the terms of his employment. Mr J Bryers in his sworn evidence stated this employment may have been 'cash in hand'.
28. An examination of Mr Bryers' medical records maintained by Long Beach Medical Centre is of assistance in determining Mr Bryers' history of employment.
29. The following entries are of relevance:
- a) 22 July 2011:

Pain in right hand and some swelling – had been doing casual work and lifting batches of soft drinks again and again on machine
Centrelink medical certificate
 - b) 1 September 2011:

Was casual labourer but unable to lift
- The records disclose that a medical certificate for Centrelink purposes was provided to Mr Bryers covering him from 16 November 2011 to 7 December 2011.
- c) 6 February 2012:

Still not able to do normal work, but is planning to try to get some other kind of work
Centrelink medical certificate
 - d) 27 April 2012:

Shoulder still troublesome and would not be able to do his usual labouring work
Centrelink medical certificate

e) 30 July 2012:

R shoulder improving slowly but not yet fit for heavy work and he would not be able to do other manual work

Centrelink medical certificate

f) 29 October 2012:

Exacerbation of shoulder pain – old supraspinatus tear

Centrelink medical certificate

g) 7 January 2013:

Wants further certificate for right head of biceps tear July 2011

Certificate extended for another 3/12 (3 months my emphasis)

Centrelink medical certificate

From January 2013 until to January 2014 Mr Bryers was provided with Centrelink certificates by his general practitioner.

h) 12 September 2014:

Is now working as a labourer

(Unfortunately the record does not state with whom Mr Bryers was working – my emphasis)

i) 6 October 2014:

Is now working

(Unfortunately the record does not state with whom Mr Bryers was working – my emphasis)

The next entry in Mr Bryers' medical records is January 2016. The clear inference to draw is that his health between October 2014 and January 2016 did not require him to attend his general practitioner. It can also be inferred Centrelink medical certificates were not issued.

j) 11 January 2016

Left shoulder pain since knocked off bike 2 months

Pain anteriorly on lifting heavy weights

Affecting work as a casual labourer (the employer is not identified – my emphasis)

Further Centrelink medical certificates were issued in August and October of 2016. A Centrelink report was prepared in December of 2016. A Centrelink medical certificate was issued for a three month period on 27 March 2017. A further Centrelink medical certificate was issued in June of 2017. On the 22nd of September a Centrelink medical certificate was issued until the 22nd of December 2017.

k) In November of 2017 Mr Bryers suffered an injury to his knee when he fell down some stairs.

30. According to Mr Bryers' medical records he sporadically held casual employment.
31. In the 12 months preceding his death he was issued a Centrelink medical certificate from various general practitioners. I infer that a Centrelink medical certificate enabled Mr Bryers to receive benefits whilst being excused from actively seeking employment. The clear inference being he was unfit to engage in paid employment.
32. I note that Mr Bryers advised his general practitioner when he was able to secure employment, and also advised him when any injury or condition was impacting on that employment.
33. I am satisfied that Mr Bryers held some form of casual employment, with an unknown employer, involving labouring work for the periods identified in the medical records.

Mr Bryers' Movements and the Circumstances Leading up to his Death

34. On 5 January 2018, Mr Bryers travelled with members of the Wright family (Mr G Wright, Ms N Wright, and Mr W Wright) to a property near Carrick. The Wrights intended harvesting honey. After that task was complete, the group travelled to a property known as Isis Farm. The group arrived at this property at about 12 noon.
35. Mr Bryers was dressed in appropriate safety gear. He was wearing long pants tucked into his socks, a pair of boots, and a pair of bib and brace overalls. Over those items of clothing he wore a Sheriff bee suit. The bee suit had long sleeves and a hood which covered his head. The hood had a mesh face screen. On his hands he wore long pig skin gloves.
36. Based on the evidence of Mr W Wright, I am satisfied that Mr Bryers was participating in tasks associated with the beekeeping activities being conducted by the Wrights. I do

not accept the evidence of Mr G Wright and Ms N Wright that Mr Bryers was merely observing the proceedings.

37. I am satisfied based on the evidence of Mr W Wright, that Mr Bryers was smoking beehives, blowing boxes and putting boxes on the truck.¹
38. At the conclusion of the tasks performed by the Wrights, Ms N Wright recalls Mr Bryers stating he wanted to adjust his hair before getting into the truck. She estimates they were about 10 to 15 metres from the beehives but that bees were flying about.
39. Mr Bryers was observed by Mr G Wright,² Mr W Wright³ and Ms N Wright⁴ to remove the hood attached to his bee suit and adjust his hair. Mr W Wright remembers Mr Bryers touching his hair like it had an insect in it.⁵ Mr G Wright remembers Mr Bryers saying “bloody bees bloody bees”.⁶ Ms Wright remembers Mr Bryers saying he had bees in his suit and was being stung.⁷ Mr G Wright recalls the group telling Mr Bryers to put his suit back on.⁸
40. Mr Bryers placed the hood back on and got into the truck. He then crushed the bees in his hood. The group kept their protective equipment on with the intention of driving down the road away from the hives before removing their protective clothing.
41. Whilst travelling down the road Mr Bryers indicated he felt dizzy and sick. He requested Mr W Wright to stop the truck. Mr Bryers exited the truck and began to remove the bee suit. He indicated that he felt hot and began removing other clothing.
42. Ms N Wright at this point called 000. That was at approximately 1.15pm. The nearest ambulance was situated in Launceston. Officers of Tasmania Police were also dispatched to the scene as they were closer.
43. Mr Bryers was dizzy and “wobbling about”. He banged into a fence and was holding the side mirror of the truck. Mr Bryers then fell to the ground. He was described as groggy by Ms N Wright. Mr Bryers was groaning and unresponsive. He lost consciousness.⁹

¹ Record of interview of W Wright, page 7, line 36 to 38 and exhibit C12 – affidavit of W Wright.

² Exhibit C10 Affidavit of G Wright and exhibit C10A, page 6, line 5.

³ Exhibit C12 Affidavit of W Wright.

⁴ Exhibit C11 Affidavit of N Wright.

⁵ Exhibit C12 Affidavit of W Wright and exhibit C12A, page 6, lines 5-10.

⁶ Exhibit C10A, page 10, lines 13-17.

⁷ Exhibit C11 Affidavit of N Wright and exhibit C11A, page 6, lines 15-30.

⁸ Exhibit C10A, page 11, line 10.

⁹ Exhibit C10A, page 11, line 10.

44. Ms Wright was advised to commence CPR. She, along with Mr G Wright, commenced CPR and continued performing CPR until the arrival of Constable Nolan and Sergeant Schiwy. They took over CPR from the Wrights. Sergeant Schiwy had a defibrillator. That was utilised in the attempt to resuscitate Mr Bryers.
45. Paramedics arrived on scene at 1.55pm. A back up crew arrived shortly thereafter.
46. Treatment was provided to Mr Bryers by the attending paramedics. Sadly, they were unable to resuscitate Mr Bryers at the scene and he was pronounced deceased.
47. Mr Bryers was transported from the scene to the mortuary in Launceston.
48. I have had the benefit of listening to the 000 call made to emergency services. The 000 call and the instructions provided to the Wrights by the 000 operator were recorded and tendered as exhibit C29.
49. I am satisfied having listening to that call that the Wrights followed instructions from the 000 operator until the arrival of officers of Tasmania Police.

Post-Mortem Examination

50. A post-mortem examination was conducted by pathologist, Dr R Fernando, on 9 January 2018. Dr Fernando provided the following opinion as to Mr Bryers' cause of death:

“Summary/Opinions:

...Post mortem revealed a suspicious bee sting which was histologically compatible with an allergic reaction. His heart was mildly enlarged with histological evidence of myocyte hypertrophy and mild focal fibrosis. This is possibly related to hypertension.

Coronary arteries were mildly atheromatous.

His upper airways, laryngeal tissue and vocal cords were swollen.

Histology shows oedema and scattered mast cells in keeping with anaphylactic reaction.

Blood tests show a very high level of Tryptase in keeping with an anaphylactic reaction. Serum tryptase level is very high >200 which is in keeping with Anaphylaxis. Increased levels are normally detected up to 6 hours after the onset of reaction.

Honey Bee venom was also detected at moderate positive level.

Cause of Death:

Anaphylactic reaction to bee venom.”

51. I accept Dr Fernando’s opinion as to Mr Bryers’ cause of death.

Investigations by WorkSafe Tasmania

52. An investigation of Mr Bryers’ death was conducted by Worksafe Tasmania. At the conclusion of the investigation, WorkSafe Tasmania reached the view that TLG has fulfilled its duty of care to Mr Bryers by the provision of Personal Protective Equipment and through instruction, direction and supervision during on-the-job training.
53. As a result of that investigation it became apparent that a number of improvements could be made by TLG to policies and procedures relating to workplace safety.
54. Inspector C Mathias who conducted the investigation served five improvement notices upon TLG. The contents of the improvement notices speak for themselves and were tendered as exhibit C31.
55. Those improvement notices have been complied with to the satisfaction of WorkSafe Tasmania.
56. Of significance is the fact that TLG did not have an epinephrine injector (commonly referred to as an ‘EpiPen’) in the first aid kits in vehicles that would be used in the field when dealing with beehives. That situation has now been rectified and all first aid kits used by TLG now contain EpiPens.
57. It is clear from the report prepared by Dr A Bell, an experienced medical practitioner attached to the Coroners Office, that EpiPens are a useful tool in treating a severe anaphylactic reaction.
58. Dr Bell in his report stated:

“Anaphylaxis and Adrenaline Injection (EpiPen)

Adrenaline is the drug of choice in the treatment of anaphylaxis and is available in many parts of the world in the form of adrenaline auto injectors for self-treatment. Adrenaline is a sympathomimetic agent (stimulates the sympathetic nervous system) with multiple actions that can reverse the symptoms of anaphylaxis.

There are no absolute contraindications to the administration of adrenaline for anaphylaxis (see the (USA) Joint task force report: J Allergy Clin Immunol. 2010;126(3):477). Therefore, all patients who have experienced anaphylaxis should have access to adrenaline for self-treatment, including pregnant patients at risk and patients who may be at greater risk for serious adverse effects, such as older individuals with cardiovascular disease. A second dose is required in up to 35% of cases.

The patient should be assured that adrenaline is the most effective treatment available for anaphylaxis and that having an auto injector will enable him/her to start treatment without delay. Fatal anaphylaxis is associated with lack of availability of adrenaline or failure to inject adrenaline promptly. In most cases of anaphylaxis that prove fatal, the person who died either did not have adrenaline available, or had it available but did not use it.

Fatal Anaphylaxis

A 2016 study from Australia found that rates of fatal anaphylaxis increased from 0.054 to 0.099 per million individuals from 1997 to 2013.

Early administration of adrenaline appears to be critical for survival after severe anaphylaxis. A series of 13 fatal and near-fatal food-induced anaphylactic reactions in children and adolescents suggested that epinephrine is most effective when given in the initial 30 minutes of the reaction. Epinephrine was administered within this time period in six of seven children who survived, whereas only two of six patients who died received the drug within the first hour.

Even when adrenaline is available and administered without delay, it is not always effective for a number of reasons. There are reports of anaphylaxis, typically during medical procedures, in which the victim succumbed despite receiving appropriate treatment, including prompt administration of adrenaline. Thus, both clinicians and patients should understand that the recommended management of anaphylaxis is not universally effective.”

59. Whilst I cannot make a positive finding that the administration of adrenaline to Mr Bryers via an EpiPen would have prevented his death, I am satisfied on the balance of probabilities that had Mr Bryers been administered adrenaline within the first 30 minutes after his anaphylactic reaction, his chances of survival would have increased.

What was the Status of Mr Bryers in Relation to TLG?

60. At paragraph 36, I indicated that I was satisfied, based on the evidence of Mr W Wright, that on 5 January 2018 Mr Bryers was doing more than simply observing the Wrights undertaking beekeeping activities.
61. I am satisfied to the requisite degree that on 5 January 2018 Mr Bryers was engaged in the following activities which were connected to the beekeeping activities of TLG:
- a) Mr Bryers was involved in the smoking of hives;¹⁰
 - b) Mr Bryers cracked open a hive;¹¹
 - c) Mr Bryers was blowing boxes; and¹²
 - d) Mr Bryers was putting boxes on trucks.¹³
62. As noted earlier, a number of witnesses were called to give evidence in relation to the status of Mr Bryers and TLG. Relatives and friends of the late Mr Bryers gave evidence that he was a casual worker employed seasonally by TLG. That casual employment had been over a number of years, ranging from over six years to three years. Mr Bryers was paid 'cash in hand'.
63. In varying degrees of certainty, that group of witnesses were adamant that Mr Bryers had informed them that he held casual seasonal employment with TLG and that he was paid 'cash in hand'.
64. Conversely, Mr G Wright and Ms N Wright were adamant Mr Bryers was not an employee. Mr Bryers had become friends with Mr Wright and would accompany Mr Wright for company when Mr Wright went about his tasks for TLG.
65. The majority of the witnesses called did not assist me in determining the status of Mr Bryers in relation to TLG. I found their evidence to be unsatisfactory for a number of reasons. I formed the impression that witnesses had become entrenched in one of the two positions.

¹⁰ Exhibit C12 Affidavit of W Wright and transcript, page 161, lines 25-30.

¹¹ Exhibit C12 Affidavit of W Wright and transcript, page 161, lines 25-30.

¹² Exhibit C12A, page 7, lines 35-40.

¹³ Exhibit C12A, page 7, lines 35-40.

Witnesses Supporting the Proposition Mr Bryers was a Casual Seasonal Employee of TLG

66. The starting point in considering the evidence given by Mr Bryers' family members and friends, is that the evidence they gave is a repetition of information provided to them by Mr Bryers himself.
67. For the evidence to be given significant weight I must accept that the information provided by Mr Bryers to the witnesses was factually correct.
68. The first observation I make is that the evidence that Mr Bryers was consistently working for TLG, albeit seasonally for a period of five years or more, is seemingly inconsistent with the situation being portrayed to Mr Bryers by his general practitioner. According to Mr Bryers' medical records maintained by his general practitioner, he was in receipt of what were described as 'Centrelink medical certificates' during August and October of 2016 and from 27 March 2016 to 22 December 2017.
69. It is difficult to reconcile the periods such certificates were not issued to Mr Bryers against the evidence of those who assert he held casual/seasonal employment because they failed to provide specifics as to the time frame Mr Bryers worked.
70. The issue is made more difficult by Mr J Bryers' evidence where he stated Mr Bryers performed general maintenance work for multiple people and Mr R Kerr who stated Mr Bryers performed labouring work.¹⁴
71. Whilst I accept that Mr Bryers may have mentioned casual work to family members and friends and may have even mentioned that casual work in the context of Mr Wright (the bee man), I cannot be satisfied that these conversations occurred with the regularity asserted and that the matter of remuneration ('cash in hand') was discussed on each occasion.
72. A common criticism can be made of all of the witnesses who gave evidence supporting the proposition that Mr Bryers was an employee. The major criticism is that they were unable to provide any specifics as to dates and times Mr Bryers performed work with TLG.

¹⁴ Transcript, page 103, lines 5-10.

73. The evidence from all witnesses was in general terms, i.e. Mr Bryers worked for the 'bee man', the 'bee company', on a seasonal basis, and for 'cash in hand'.
74. No dates were given or time frames established for when the work occurred. Descriptions of time frames were general, such as 'seasonal'.
75. The time frame Mr Bryers worked for the 'bee man' was at a maximum six years, or even longer, according to Ms V Bryers, five years according to Mr Moore, and three years according to Mr Hastings.
76. All witnesses gave evidence that Mr Bryers informed them that he received 'cash in hand'. They all went to great pains to indicate Mr Bryers made it clear each time he obtained work he was being paid 'cash in hand'.
77. When asked for other details regarding their discussions with Mr Bryers about any other type of employment he may have held, their evidence was sparse (save for Mr J Bryers). By way of example is the following exchange between Mr Kerr and Mr Barrett:

"Yeah, now were there – did you ever come across to Tasmania and spend time with him?.....I have, yes, twice.

Twice. And when was the last of those occasions?.....Ah I'm pretty sure around 2012.

Okay. Now, at that time, was Wally still working?.....He was, yes.

And do you know who he was working with?.....No, I don't.

Do you know what he was working at?.....I can't remember.

Okay. Do you know whether he was working full time or part time?.....No, I don't."

78. I note that this group of witnesses all described Mr Bryers as being passionate about beekeeping. Yet none could provide specifics as to the tasks he performed. I did not find this group of witnesses' evidence compelling. Their evidence smacked of reconstruction and exaggeration.
79. The following are examples of Mr J Bryers exaggerating his evidence:
- a) The existence of photographs on Mr Bryers' phone of Mr Bryers performing beekeeping activities at TLG properties (such photos despite their potential importance have not been produced, despite the phone being in the possession of Ms V Bryers and Ms N Bryers);
 - b) Mr Bryers riding a bicycle whilst carrying a drop saw; and

c) Mr Gunadasa advising him to shorten a four page statement.

80. However, I would not class Ms R Wright (Mr Bryers' sister) in that category. She gave her evidence in a forthright manner. It was not exaggerated. Her evidence was corroborated to a degree by entries in the medical notes.

The Wrights

81. As to Mr G and Ms N Wright, I reached the same conclusions regarding their evidence as I did the witnesses called supporting the proposition that Mr Bryers was a casual seasonal worker employed by TLG. By the time Mr G Wright and Ms N Wright gave evidence at the inquest they were entrenched in the position that Mr Bryers was not an employee. Portions of Mr G Wright's evidence did not fit comfortably with his earlier affidavit and interview with WorkSafe inspectors.
82. I find greater assistance in the affidavits they swore as part of the coronial investigation and the interviews they gave to investigators from Worksafe Tasmania.
83. As to Mr W Wright I note his evidence at the inquest was largely consistent with his affidavit and interview with WorkSafe inspectors.
84. Mr W Wright described Mr Bryers' status in relation to TLG as follows:

“Wallace Bryers was not an employee or paid at all. Wallace was just coming along for a ride with us on the 5 January 2018. He was a long time friend of my father's, had come along with us on other occasions, and wanted to learn about beekeeping. He was a big strong guy. He was around 60 years of age, went to the gym and to my knowledge had no serious medical conditions. We ask people if they are allergic before they work with us. We did ask Wallace if he was allergic. He said he definitely was not. He had been stung while working with us previously, however, he had no problems. I have known Wallace Bryers for around 6 years since 2012. On the 5 January Wallace helped us by cracking open the hives, smoking the bees and lifting the sections (honey boxes) of (sic) the hives. Basically, he was heavily involved, he was fit, strong, and was good at it.”

85. The following exchange occurred between Mr Nicholson, Counsel Assisting, and Mr W Wright:

“In terms of – your Honour, I'm looking at page 7 of C12A from lines 20 onwards – Mr Wright, in terms of the work at the Isis Farm on 5 January 2018 were you working in

teams?..... No. No, we're all individuals. Obviously Wally was there, but the majority of the time it was with dad.

You said in your interview with WorkSafe inspectors this – I'll just read you a portion to it and then invite you to comment. You were asked some questions about the work on the 5th January 2018 and then Inspector Mathias said this, line 24:

Okay, so who was supervising the work activities at the location?

Mr Wright: I suppose we're all pretty experienced campaigners, obviously my father is the boss technically.

Inspector Mathias: Yeah.

Mr Wright: But my sister's got a lot of years' experience herself and I've got a lot of experience as well, so we sort of work in teams normally.

Inspector Mathias: Yeah.

So I was working with my sister at the time and Wally was working with dad and me and Wally were just basically blowing boxes, putting them on the trucks.

Inspector Mathias: Yeah.

Mr Wright: And then – and the other two were taking the honey off and –

And then Inspector Mathias says:

Okay.

Mr Wright: Like getting it ready for us, type of thing.

Inspector Mathias: Yeah.

Mr Wright: Yeah.

Inspector Mathias: So do you know how much experience Wally had in relation to the collection of honey?

Yeah, he was – he's been out, I've only worked with him twice before. When we were on Bruny he came and helped us over there as well and that's what kind of made us think he was alright.

So that's what you told inspectors in 2018, that's correct, isn't it?.....Yes.

Alright.”

86. The above passages are contrary to the affirmed evidence of Mr G and Ms N Wright.

87. Mr G Wright in his affirmed evidence provided the following answer under cross examination:

“But you gave some evidence earlier that you wanted Mr Bryers to work with you in the future?.....Ah yes, I’d like to.

And that he was learning the process?.....He did virtually, yes.

Okay. So he was – he was there for a purpose he was learning the process, wasn’t he?.....Well just like all of us, when I first started with several beekeepers, I was never getting any money, I was going there to learn.

Like work experience?.....Well yeah you could say that, yes.

Mm. In anticipation of some sort of on the books salaried employment in the future?.....Ah a possibility, yes.”

88. The sworn or affirmed evidence given at the inquest was of little assistance to me in determining the status of Mr Bryers in relation to TLG for the reasons I have outlined above. I have therefore turned to evidence which existed prior to the inquest commencing such as coronial affidavits, interviews between the Wrights and WorkSafe inspectors and Mr Bryers’ medical records.
89. The evidence which is of assistance to me in determining the status of Mr Bryers in relation to TLG is as follows:

The Records Maintained by Long Beach Medical Centre

90. Those records disclose that Mr Bryers held some form of casual employment between July 2011 and February 2012. From April 2012 until September 2014 Mr Bryers received Centrelink medical certificates. From September 2014 until he suffered an injury in January of 2016, the possibility exists he held some form of employment. From January 2016 until 22 December 2017 he was once again in receipt of Centrelink medical certificates.

Ms R Wright’s Evidence

91. Ms R Wright’s evidence was that Mr Bryers had spoken to her prior to Christmas and had advised her he had some work coming up after Christmas at a bee farm. I accept that that was the information Mr Bryers relayed to her. He advised his sister he was to be paid ‘cash in hand’ (‘under the table’ as she put it). Ms Wright also mentioned that Mr Bryers should not have been working as he had suffered a knee injury and was on compensation. This statement, to a degree, is corroborated by the medical notes. I

note the Centrelink medical certificate was in effect until 22 December 2017 and this conversation occurred prior to the certificate ceasing to have effect.

Mr W Wright's Evidence

92. I have identified the relevant portions of Mr W Wright's evidence at paragraphs 84 to 86 above.

Mr G Wright

93. Mr G Wright in his affidavit sworn 7 May 2018, made the following comment:

"I used to see Wallace every Sunday at the markets and after he finished working at Pellet Fires he began coming with me once or twice a week more for company than for work. He would help by putting boxes in the ute if I asked, he didn't receive any pay, he wasn't employed by me but I'd give him food for his time and we'd have a couple of beers after work. I intended to offer him work once he received medical clearance."

94. The statement regarding the offer of work once he had received medical clearance is consistent with the medical records that Mr Bryers had suffered a knee injury.

95. Further in the record of interview, Mr G Wright gave the following answers to the following questions:

"Inspector Mathias: Mm.

Mr Wright: You know, he's been with us - he's been - he's been coming with - he's an old friend of mine, you know, he come with us for ages but - but because he was sick - sick with benefits we couldn't give him a job.

Inspector Mathias: Yeah.

Mr Wright: Because (indistinct) for 18 months, I think, yeah.

Inspector Mathias: Yeah. And had he harvested honey with you previously?

Mr Wright: Yeah. Yeah, on several occasions.

Inspector Mathias: Okay. So over how many years would you say?

Mr Wright: Only only couple of seasons."

96. Again the above portion of the record of interview is consistent with the medical records. The above evidence tends to suggest Mr G Wright was intending to offer Mr Bryers some form of employment once he has been medically cleared.
97. The relevant date for me to try and ascertain the status of Mr Bryers in relation to TLG is 5 January 2018. Whilst evidence regarding the status of Mr Bryers in relation to TLG, if any, prior to that date may have been of assistance in determining the issue for 5 January 2018, I find myself in a position where I have no reason to accept the evidence of the Bryers family and associated witnesses over the Wright family. For the reasons I have expressed earlier, the sworn or affirmed evidence does not overly assist me.
98. The independent evidence, namely the medical evidence, does not assist other than to confirm Mr Bryers held some form of casual employment.
99. Based on the evidence of Mr G Wright and Mr W Wright, I am satisfied on the balance of probabilities to make the following findings about the status of Mr Bryers in relation to TLG prior to 5 January 2018:
- a) Mr Bryers had previously attended worksites controlled by TLG;
 - b) Mr Bryers had assisted Mr G Wright in performing tasks at worksites controlled by TLG;
 - c) Mr Bryers had assisted in the harvesting of honey for at least two seasons;
 - d) Mr Bryers placed boxes in a utility;
 - e) Mr Bryers had attended sites in the company of Mr G Wright and Mr W Wright to learn about beekeeping; and
 - f) Mr Wright provided food and alcohol as compensation for his efforts.
100. I am unable to make a specific finding as to the following issues:
- a) The dates or years that Mr Bryers attended at worksites controlled by TLG;
 - b) The frequency with which Mr Bryers attended worksites controlled by TLG; or
 - c) Whether Mr Bryers received remuneration other than that agreed to by Mr G Wright by way of food or alcohol.

Mr Bryers' Status in Relation to TLG on 5 January 2018

101. I am satisfied, based on the evidence, that Mr Bryers was more than an observer on 5 January 2018. I am satisfied that he was undertaking duties associated with beekeeping activities of TLG. The evidence of Mr W Wright satisfies me as to that fact.

- I02. The evidence from Mr G Wright and Mr W Wright would tend to suggest that Mr Bryers was to be offered employment by TLG once he received a clearance from his general practitioner. It would appear Mr Bryers' Centrelink medical certificate expired on 22 December 2017.
- I03. Considering the entirety of the evidence, I cannot be satisfied that any formal offer of employment was made to Mr Bryers. What I can be satisfied about is that Mr Bryers was not at the Isis Farm as an observer.
- I04. As noted at paragraph 61, I made findings as to the tasks being performed by Mr Bryers on 5 January 2018. I cannot make a finding as to what, if any, remuneration he was to receive.
- I05. The evidence allows me to be satisfied pursuant to the *Work Health and Safety Act 2012*, that Mr Bryers was a worker for the purpose of that Act. In my view, he falls into the definition of a volunteer or a trainee.
- I06. The relevance to this inquest of Mr Bryers being a worker under the *Work Health and Safety Act 2012* is that TLG owed a statutory duty to Mr Bryers pursuant to Section 19 of that Act.
- I07. Whatever category of worker Mr Bryers fell into, I am satisfied that it was incumbent upon TLG before exposing him to beehives to:
- a) Enquire if an individual had a known allergy to bee venom;
 - b) Provide appropriate safety equipment by way of protective clothing;
 - c) Provide appropriate training, which at a minimum would be an instruction not to remove protective equipment in the vicinity of hives or bees;
 - d) Have individuals on site appropriately qualified in first aid;
 - e) That appropriate first aid kits be available and that such kits contain EpiPens;
and
 - f) That employees be trained in the administration of EpiPens.
- I08. As at 5 January 2018, I am satisfied TLG had complied with points a) and b) in relation to Mr Bryers.¹⁵

¹⁵ Point (a) transcript, page 33, lines 36-39, and C10A, line 20.

109. As to point c), I have the following evidence from Mr G Wright:¹⁶

“Inspector Mathias: So do you know what kind of background training and experience he had with working with bees?

Mr Wright: Only with me, I think.

Inspector Mathias: Mm'hm.

Mr Wright: I think.

Inspector Mathias: Yeah.

Mr Wright: I think so, yeah, that's about all, I, yeah.”

110. I also note the following exchange between Mr Wright and Ms Sawyer in cross examination:

“Had you ever told Mr Bryers that it's – how important it is not to take protective wear off when you're still out working with the bees?.....Always, always.

And was it your practice in terms of you and William and Natalie.....Yeah.

- that you wouldn't take any protective gear off until you were in the truck?.....That – that's right, yeah, until we're down the road a kilometre or more.

Okay, and that's always your practice?.....Yeah, and that was his practice too when he was with us on three occasions.

On three occasions?.....Yeah.”

111. Whilst the evidence regarding the training of Mr Bryers is sparse, I am satisfied that Mr Bryers had received instruction about not removing his protective clothing. I do not have a reason as to why I should reject Mr G Wright's evidence on this issue.

112. As to point d), the evidence discloses that Mr W Wright and Ms N Wright had previously completed a basic first aid course. In any event, I note the Wrights followed all directions of the 000 operator at the scene. I further note TLG has implemented policies regarding the training of individuals in first aid and such individuals being present at TLG sites.

113. As to point e), I have previously held that no EpiPen was available at the scene. As noted, I cannot make a precise finding that the administration of adrenaline to Mr

¹⁶ WorkSafe Tasmania Record of Interview, page 6, line 37-42.

Bryers via an EpiPen would have saved his life, but I am satisfied it would have increased his chances of survival if administered within 30 minutes.

114. As to point f), given the improvement notices issued, I am satisfied that certain TLG employees have been trained in the use of and administration of EpiPens.

Comments and Recommendations

115. Based on the evidence, I am satisfied that individuals may have an adverse reaction to bee venom which could result in death.

116. It is clear from the report of Dr Bell that the administration of adrenaline within 30 minutes of an anaphylactic reaction increases an individual's chance of survival.

117. I therefore **recommend** that those who conduct apiary business, at a minimum, comply with the matters listed at a) to f) at paragraph 107.

118. In relation to individuals who have the care and control of live beehives on a smaller scale or as a hobby, I **recommend** they consider being trained in first aid and in particular, the administration of EpiPens.

119. I further **recommend** that such individuals have EpiPens on hand.

Findings Required by Section 28(1) of the Coroners Act 1995

- a) The identity of the deceased is Wallace Edgar Bryers;
- b) Mr Bryers died as a result of an anaphylactic reaction to bee venom as a result of being stung by a bee or bees;
- c) Mr Bryers' cause of death was an anaphylactic reaction to bee venom; and
- d) Mr Bryers died on 5 January 2018.

120. I extend my appreciation to Counsel Assisting, Mr S Nicholson and to Sergeant G Hickman, for their thorough preparation of the file for inquest.

121. I convey my sincere condolences to the family and loved ones of Mr Bryers.

Dated 18 June 2021 at Hobart in the State of Tasmania.

Andrew McKee
Coroner