



CORONERS COURT OF QUEENSLAND

FINDINGS OF INQUEST

CITATION: Inquest into the death of Andrew Stephen Jones

TITLE OF COURT: Coroners Court

JURISDICTION: BRISBANE

FILE NO(s): 2021/3372

DELIVERED ON: 30 September 2026 (in chambers)

DELIVERED AT: Brisbane

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Inquest: 18 to 20 May 2026

FINDINGS OF: Megan Fairweather, Coroner

CATCHWORDS: Coroners: inquest, temporary tower scaffolding, safety risk assessments, controls to manage the risk of strong wind actions, adequacy of industry codes and standards

REPRESENTATION:

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Counsel for Family: Luke Newton, instructed by McKeering Down Lawyers

Counsel for Mitchelton Sports Club Incorporated: Christopher Murdoch KC, instructed by Wotton Kearney

Counsel for Mr Christopher Sweedman: Ben McMillan KC, instructed by HSF Kramer

Counsel for Office of Industrial Relations: Carolyn McKeon, Crown Law

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Introduction

1. On 25 July 2021, Andrew Jones, a 37 year old father of four children, agreed to act as a ground official at his son's soccer game at Mitchelton Football Club, Teralba Park, in Everton Park. At around 12.15pm, he was leaning against a fence when an unusually strong gust of wind caused a nearby tower scaffold to topple, striking him from behind and pinning him to the fence. Several people ran to lift the scaffold free from Mr Jones. He initially walked a few steps before collapsing to the ground.
2. Bystanders called emergency services and commenced lifesaving measures. By the time paramedics arrived at 12.29pm, Mr Jones was unconscious with suspected traumatic chest injury. He was transported urgently to Royal Brisbane and Women's Hospital and taken straight to theatre to try and stem the bleeding and restore his cardiac function. Despite the valiant emergency treatment, Mr Jones' life could not be saved. He very tragically passed away at 2.19pm.
3. The Office of Industrial Relations investigated the circumstances of Mr Jones' death and identified the tower scaffold was installed by Mr Chris Sweedman through his business, Mobile Scaffold Queensland. After a Work Health and Safety prosecution, on 16 August 2024, Mobile Scaffold Queensland was found guilty by a Magistrate of failing to comply with a health and safety duty under section 32 of the *Work Health and Safety Act* and fined \$400,000.¹ Mr Sweedman was separately charged, but his charge was dismissed on 26 November 2024.²
4. Mr Jones' death was also reported to the Coroners Court of Queensland for investigation under the *Coroners Act 2003*. The purpose of a coronial investigation is to establish certain facts where possible, namely, the identity of the person who died, when, where and how they died, and their cause of death. A coronial investigation can also examine systemic failures contributing to a death and, following an inquest, make recommendations to prevent future similar deaths.
5. There are clear answers to Mr Jones' identity and when and where he died. He died at the Royal Brisbane and Women's Hospital at 2.19pm on 25 July 2021. A forensic pathologist advised his cause of death was blunt force chest injuries.
6. The coronial investigation focussed on questions about how Mr Jones died by closer review of legislative governance and industry guidance for tower scaffolds and the management of safety risks arising from environmental factors such as strong wind gusts. An inquest was convened to explore these issues in more detail.

Executive summary

7. On 13 April 2021, Mr Sweedman, as owner and operator of Mobile Scaffold Queensland, installed a tower scaffold at Mitchelton Football Club to be used for filming Premier League soccer games. This was the second year in a row Mr Sweedman had been asked to provide a tower scaffold for this purpose.
8. Mr Sweedman had worked for many years in the scaffolding industry before starting his own business. He conducted a risk assessment of sorts when installing the tower scaffold at Mitchelton Football Club, in line with his training and experience, widely accepted industry practice and, by default, some aspects of the

¹ I accept the submission on behalf of Mr Sweedman that Mobile Scaffold Queensland was at the time in liquidation and the matter was heard *ex parte*, without challenge by the liquidator.

² After the Work Health and Safety Prosecutor offered no evidence in the complaint.

applicable Scaffolding Code and Australian standards. That is, to the extent he ensured a height to base ratio below 3:1 for the scaffold. He also placed the structure on swivel jack footings so it could adapt to a slight slope in the ground.

9. Although the tower scaffold was freestanding and anticipated to be in place in an open area between two soccer fields for several months, Mr Sweedman did not apply any outrigging or other control measures to manage potential risks of strong winds. He genuinely believed no additional steps were required to ensure security or stability of the tower scaffold due to its relatively low height of around two metres.
10. In hindsight, the tower scaffold was not sufficiently secure or stable to withstand the sudden wind gusts of up to 68km/h on the afternoon of 25 July 2021.
11. On reflection and closer review of the relevant Scaffolding Code and Australian standards, which provide guidance for managing environmental risks such as wind when installing scaffold structures, there was a critical gap in Mr Sweedman's understanding of what was required. Mr Sweedman should not be unfairly criticised for this. He was not trained or expected to understand or apply the highly technical calculations for wind speed action in the applicable guidance documents.
12. I am satisfied Mr Sweedman acted in good faith by the limits of his training, industry experience and widely accepted industry practice when he installed the tower scaffold at Mitchelton Football Club. I accept he had no knowledge or experience of any similar events previously. While annual wind speed gusts of above 40km/h were recorded in previous years in the area, there is no record of a death in similar circumstances in the National Coronial Information System. The incident which led to Mr Jones' tragic death is best described as a terrible accident.
13. The inquest has identified learning opportunities and allowed for recommendations to bolster industry guidance, through mandatory control measures and increased industry awareness, to help prevent a similar tragedy from happening again.

The inquest

14. The inquest was held over two days between 18 and 19 May 2026. A pre-inquest conference was held on 11 March 2026 which set the issues for inquest as follows:
 - a. The findings required by section 45(2) of the *Coroners Act 2003* as to identity of the deceased, when, where, and how he died and what caused his death.
 - b. In relation to the scaffolding in place at Mitchelton Football Club on 25 July 2021, to determine:
 - i) The safety risk assessments completed at the time of installation.
 - ii) The ongoing monitoring undertaken or planned for safety risk management following installation.
 - iii) The applicable legislation, codes, standards, safety risk assessment protocols or guidelines and/or widely accepted industry practice for the installation of, and ongoing monitoring requirements for, the scaffolding.
 - c. Whether there was compliance with the applicable legislation, codes, standards, safety risk assessment protocols or guidelines and/or widely

accepted industry practice for the installation of, and ongoing monitoring requirements for, the scaffolding.

- d. Whether any changes to the legislation, codes, standards or safety risk assessment protocols or guidelines could reduce the likelihood of a death occurring in similar circumstances or otherwise contribute to public safety.
15. An extensive coronial brief of evidence was prepared to include the Office of Industrial Relations material and relevant codes and standards. The coronial investigation also included independent expert opinion from Mr Aaron Poole, Senior Structural Engineer. Oral evidence was heard from the following witnesses:
- a. Jason Gouge
 - b. Michael Mills
 - c. Anthony Bowman, Mitchelton Football Club
 - d. Christopher Sweedman, Mobile Scaffold Queensland
 - e. Aaron Poole, Independent Senior Structural Engineer
 - f. Kieren Thomas, Investigator, Office of Industrial Relations
16. I acknowledge Mr Sweedman gave evidence at my direction under section 39 of the *Coroners Act 2003* and therefore certain immunities apply to his evidence. I found Mr Sweedman to be a truthful and reliable witness who did his best to assist the coronial investigation get to the truth of what happened. Despite his potential exposure to adverse reporting, Mr Sweedman participated openly to help identify opportunities for change to prevent a similar incident in future.
17. I acknowledge the enormous impact Mr Jones' death has had for those who witnessed or were in the vicinity of the events on 25 July 2021, including his son Aaron, Mr Gouge and Mr Mills, as well as for Mr Sweedman and his family.
18. In preparing these findings, I have been greatly assisted by the submissions of Counsel Assisting, and the submissions on behalf of Mr Jones' family, Christopher Sweedman, Mitchelton Football Club, and the Office of Industrial Relations. I would like to take this opportunity to thank all representatives for their assistance and professionalism throughout the coronial process.
19. It is important to remember that an inquest is not a trial. It is not my role to cast blame, and I am prevented by coronial legislation from making determinations about the criminal, civil or regulatory liability of any individual.³
20. The standard of proof for Coroner's findings is the balance of probabilities in accordance with the sliding scale of satisfaction explained in the case of *Briginshaw v Briginshaw*.⁴ When considering whether to make an adverse finding against a person, the evidence required to prove the facts supporting any such finding needs to be proportionate to the seriousness of the proposed finding.

³ Section 45(5) *Coroners Act 2003*

⁴ *Briginshaw v Briginshaw* 60 CLR 336

Installation of a tower scaffold at Mitchelton Football Club

21. On 13 April 2021, a representative from Mitchelton Football Club emailed Mr Sweedman to ask him, through Mobile Scaffold Queensland, to install a two metre scaffold at the club grounds, that same day, for filming Premier League games. Mr Sweedman had supplied a similar tower platform with no issues the previous year.
22. Mitchelton Football Club is a community sporting organisation located at Teralba Park in Everton Park. It is managed by a volunteer committee. In 2021, there were around 90 teams in the club, from young children through to senior men's and women's teams competing in Football Queensland's Premier League.
23. After receiving the email, Mr Sweedman installed the tower scaffold, that evening, in the same location as the previous year, on a grassed area between two fields. The area was accessible by the public to walk through or stand and watch games.
24. The tower scaffold was freestanding. It measured 3100mm high, with a base dimension 2400mm wide and 1280mm deep. The platform itself was 2145mm from ground level. It was placed on four swivel jacks fixed to timber boards to adapt to a slight slope in the ground. There were no outriggers installed, noting Mr Sweedman had installed outriggers on other scaffolds he had out for hire at around the same time with heights above 4.8 metres.
25. The initial engagement was for three months to 7 July 2021. It was understood, though, the tower would be needed for the duration of the season, including finals games, until around 30 September 2021; a total of about five and a half months.
26. I accept submissions of Counsel Assisting and on behalf of Mr Sweedman that the aluminium tower scaffold installed at Mitchelton Football Club was a basic structure of the kind that can be hired and erected by anyone in the community, for any purpose, without the requirement for any formal qualification or competency.

Applicable legislation, codes, standards, protocols, guidelines and widely accepted industry practice/s for a freestanding tower scaffold

Applicable legislation

27. Mobile Scaffold Queensland was regulated as a defined "*person conducting a business or undertaking*" (**PCBU**) under the *Work Health and Safety Act 2011* (**WHS Act**)⁵ and so the WHS Act and *Work Health and Safety Regulation 2011* (**WHS Regulation**) applied to the scaffold installed at Mitchelton Football Club.
28. The WHS Act and Regulation imposed duties on Mobile Scaffold Queensland to:
 - a. Ensure, so far as was reasonably practicable, that the health and safety of persons was not put at risk from work done as part of the PCBU's conduct.⁶
 - b. Identify reasonably foreseeable hazards and to eliminate or minimise risks to health and safety so far as reasonably practicable.⁷

⁵ WHS Act s 19(2).

⁶ WHS Act s 19(2).

⁷ WHS Regulation regs 34, 35.

- c. Provide and maintain safe structures.⁸
 - d. Provide information, training, instruction or supervision as necessary to protect all persons from risks to their health and safety, arising from work carried out by Mobile Scaffold Queensland as part of its business operations.⁹
29. The tower scaffold was less than four metres high which meant routine inspections were also not required under WHS Regulations.¹⁰ There was no requirement for Mr Sweedman to hold a special Licence to Perform High Risk Work to install the scaffold¹¹ or to require a handover certificate be given to Mitchelton Football Club.¹²
30. For completeness, while submissions were made that Mitchelton Football Club was also a PCBU with duties under the WHS Act and Regulation, I am satisfied this is not the case. I accept Mitchelton Football Club did not have employees and otherwise met the definition of a volunteer association under the WHS Act. It was therefore not a PCBU and, it follows, not subject to PCBU duties in the legislation.¹³

Applicable codes

31. Mobile Scaffold Queensland was required under the WHS Act to comply with approved codes of practice, or else manage hazards and risks arising from its work in a different way to the code, as long as that different way provided an equivalent or higher standard of health and safety.¹⁴
32. The code applicable for installation and ongoing monitoring requirements for the tower scaffold was the *Scaffolding Code of Practice 2009 (Scaffolding Code)*.¹⁵ Although this version of the code was replaced with immediate effect on 1 July 2021 by the *Scaffolding Code of Practice 2021*, the new code did not have any retrospective requirements and did not introduce new requirements for monitoring or attending to an existing scaffold in defined events such as strong winds.
33. The Scaffolding Code advised the following control measures should be generally implemented for tower scaffolds such as in place at Mitchelton Football Club:¹⁶
- a. The height of the tower scaffold, from the bottom to the working surface, should be no greater than three (x3) times the minimum base dimension, unless otherwise specified by the manufacturer, supplier or designer.
 - b. Alternative height to base ratios, or extra support, should be used if the scaffold was likely to be exposed to strong winds.
34. The term “strong winds” is not defined in the Scaffolding Code. The Australian standard AS/NZS4576:2020 suggests a threshold of 40km/h (paragraph 38 below).

⁸ WHS Act s 19(3)(b).

⁹ WHS Act s 19(3)(f).

¹⁰ WHS Regulation, r 225(1)(e), (3)

¹¹ Table 3.1, Schedule 3, WHS Regulation; ‘Scaffolding work’ defined as erecting, altering or dismantling a temporary structure that is or has been used to support a platform and from which a person or object could fall more than 4m from the platform or structure, Schedule 19, Dictionary.

¹² WHS Regulation, r 225(1)(e), (2).

¹³ WHS Act s 5(7).

¹⁴ WHS Act s 26A.

¹⁵ WHS Act ss 26A, 274.

¹⁶ Scaffolding Code, 5.1.2, Tower scaffold

35. To support compliance with the Scaffolding Code and the WHS legislation, the Scaffolding Code refers to Australian standards and manufacturer guidance.

Applicable standards

36. There were three Australian standards identified as applicable to the tower scaffold used at Mitchelton Football Club summarised, for relevance to this matter, below.
37. The standards are prepared as industry guidance to consider certain matters. They are not mandatory and there is no consequence for noncompliance. The standards applicable to scaffolding are drafted in highly technical language indicating a target readership of people with specialist education in areas such as engineering.
38. The Australian standard “*Guidelines for Scaffolding*” (AS/NZS 4576:2020) had advice that environmental forces, such as wind, can affect the stability of a freestanding tower scaffold. It recommended such scaffolds not be operated or left unattended in situations where wind speeds might be greater than 40km/h. It also advised the height of a tower scaffold should not exceed twice (x2) a base level dimension of 1200mm. If a base level was greater than 1200mm, the height should not exceed three (x3) times that amount.¹⁷
39. The Australian standard “*Scaffolding: Part 1 General Requirements*” (AS/NZS 1576.1:2019) recommended environmental actions that might be imposed on the scaffold, such as wind, should be based on the annual probability of those wind actions being exceeded. The standard recommended site specific evaluation with suggestions included for applying additional ties or counterweights for scaffolds exposed to wind conditions (for example, on top of a building).¹⁸
40. The third relevant Australian standard was “*Structural Design Actions Part 2: Wind actions*” (AS/NZS 1170.2). This standard provides a complex formula to assist construction specialists calculate anticipated wind forces likely to impact a single tower scaffold at a given site, including exposed areas, within Australia.

Manufacturer’s advice

41. Mr Sweedman had previously worked for Oldfield’s Access and had purchased their “Pro Series” scaffolding to operate his Mobile Scaffold Queensland business.
42. Oldfield’s Access had produced a document with assembly instructions entitled *Pro Series Scaffolding, Single Bay Mobile & Static Towers*. The document recommended additional precautions be taken to ensure stability for a tower scaffold in windy or gusty conditions. A representative from Oldfield’s stated to the effect that the guidance should be understood as requiring installers to assess the safety of a tower scaffold with regard to prevailing conditions at a particular site and to implement control measures as reasonably needed to maintain stability.

¹⁷ AS/NZS 4576:2020, 10.4.8, Tower-frame scaffolds

¹⁸ AS/NZS 1576.1:2019, 2.5.4, Environmental actions

Widely accepted industry practice

43. The weight of evidence points to the existence of a widely accepted industry practice, or “rule of thumb”, that tower scaffolds below a height of four metres, would be stable by the application of a 2:1 or 3:1 height to base ratio such that:¹⁹
- a. If using a 1200mm base, the scaffold would be considered stable if its working deck was no higher than double that minimum base width (2:1); or
 - b. If using a base greater than 1200mm, stability would be assured if the working deck was no more than three times as high as that minimum base width (3:1).
44. That is, the ratios broadly referred to in the Scaffolding Code and Guidelines for Scaffolding as the guidance for achieving stability of freestanding tower scaffolds.²⁰

Mobile Scaffold Queensland, Safe Work Method Statement

45. Mobile Scaffold Queensland had a Safe Work Method Statement which outlined a process to identify and manage risks when installing scaffolds including a checklist.
46. A Safe Work Method Statement is required under WHS Regulation for high-risk construction work. This includes the risk of a person falling more than two metres, so there is a query about submissions made on behalf of Mr Sweedman that this aspect of the regulation did not apply.²¹ In any case, Mr Sweedman confirmed in his evidence at inquest that, in his view, the Safe Work Method Statement applied to all Mobile Scaffolding Queensland activities, not just high risk work.

Compliance with applicable codes, standards, safety risk assessment protocols or guidelines and/or widely accepted industry practice

Comments about compliance

47. The minimum base dimension for the tower scaffold installed at Mitchelton Football Club was slightly above 1200mm, at 1280mm. In accordance with the Scaffolding Code, the Guidelines for Scaffolding, and widely accepted industry practice, the 3:1 ratio applied. The actual height to base ratio of the tower scaffold was well below this at 1.6:1.²² It was therefore compliant with this aspect of the applicable Code and Australian standard, as well as the widely accepted industry practice.
48. There was no evidence Mr Sweedman proactively considered the potential environmental risk of strong winds as required by the Scaffolding Code (paragraph 33.b above). This comment must be placed in context, including where there is no guidance in the Scaffolding Code to define what that term meant, how to make the assessment, or to suggest the types of control measures that could help reinforce the stability of a tower scaffold against the risk of strong winds.

¹⁹ The widely accepted industry practice was confirmed by Mr Aaron Poole, Senior Structural Engineer expert, in addition to Mr Sweedman’s evidence and in an engineering report by Robert Thiess, obtained by the Office of Industrial Relations (Exhibit I3).

²⁰ Respectively, paragraphs 33.a and 38 above

²¹ WHS Regulations rr 289 to 291, r 299, Schedule 19 Dictionary; WHS Act, Schedule 5, Dictionary

²² Accepted in evidence at inquest by Mr Aaron Poole, Senior Structural Engineer expert

Mr Sweedman's training, knowledge and industry experience

49. The extent of Mr Sweedman's training and experience for a scaffold of less than two metres was limited to the so-called rule of thumb. Critically, Mr Sweedman said in evidence this was "*first thing you learn*" and "*pretty close to the only thing*" learned in terms of risk assessment for a tower scaffold under four metres high.
50. Mr Sweedman was never trained in and had never used the formula for calculating wind actions outlined in the relevant Australian standards including General Requirements (AS/NZ 1576.1) or Wind actions (AS/NZS 1170.2). He confirmed in his oral evidence at inquest he did not understand the formulas in these standards.

Mr Sweedman's risk assessments and management for the tower scaffold

51. Mr Sweedman gave evidence he performed a risk assessment in his head when installing the tower scaffold at Mitchelton Football Club on 13 April 2021. I accept submissions on his behalf there was no requirement to complete it in writing.
52. The installation was based on his industry experience and knowledge rather than by reference to any Code or standard. He considered stability of the scaffold was secure because it was well under a freestanding height of four metres, which would trigger other safety measures, and compliant with the industry rule of thumb. He acknowledged ground slope and, as it was placed "*where it was last year*", where no issues had arisen, he felt the tower scaffold was overall fairly low risk.
53. Mr Sweedman conceded he did not use criteria in checklist format as indicated by his Safe Work Method Statement and there was no such template. He did not consider wind at all. He did consider the scaffold's location in an open public place as a risk to the extent children might climb on it, but, in his experience, the risk of it being in a public place and going anywhere, of itself, would be very minor. He did not consider the intended duration of the hire was a risk factor, although he accepted this was a very long term hire compared to usual hire contracts of about one week. He did not think instructions to the football club were needed.
54. In evidence at inquest, Mr Sweedman said he did not think the stability of the scaffold was in doubt. This was based on his years of experience, and where the dimensions were well below (by about half) the widely accepted industry rule of thumb, and because the working platform surface was only around two metres high. In addition to accommodating the ground slope with swivel jacks, this completed his safety risk management at the time of the scaffold installation.

Wind speeds at Mitchelton Football Club on 25 July 2021

55. The witnesses to the events on 25 July 2021 varied in describing a typical winter's day at the Mitchelton Football Club grounds but were generally consistent about their experience of the wind strength on that day:
 - a. Mr Jason Gouge, the coach of Mr Jones' son's team described 25 July 2021 as a "*very windy day*" in his statement, and, in evidence at the inquest, as a "*typical winter's day*" of the kind experienced "*all the time*" during winter noting it tended to be "*more windy*" because of the open nature of the soccer fields. He described the wind gust that toppled the scaffold as "*extremely large*" and estimated as 30 to 50% stronger than other wind gusts that morning.

- b. Mr Michael Mills said that 25 July 2021 was probably the windiest day he had experienced in 10 years of watching his son play soccer, and the winds were consistently strong from around midday, *“more than normal”* and *“pretty fierce”* before a *“huge gust of wind”* toppled the scaffold tower.
 - c. Mr Anthony Bowman, former Mitchelton Football Club Vice President, described the winds on 25 July 2021 as *“exceptionally gusty”* and *“abnormally windy”*. While he recalled other windy days, he recalled this day was *“highly unusual”* and was impacting the soccer games.
 - d. Mr Sweedman had lived locally for about 20 years. Mr Sweedman gave evidence that at some point in winter in Mitchelton you could expect it to get a bit windy, but he would have thought that would occur more around August.
56. The collective evidence of witnesses is that a very large strong gust of wind occurred at around 12.15pm, stronger than the other gusts occurring that morning, noting all witnesses mentioned windy weather to some degree was expected during winter at the Mitchelton Football Club grounds.
57. According to uncontested expert opinion obtained by the Office of Industrial Relations, the wind gust speed at the time of the incident was estimated between 41km/h and 68km/h, and the critical wind speed calculation that could overturn this tower scaffold was estimated between about 47km/h to 54km/h.²³

Bureau of Meteorology wind speed data

58. Data from the Bureau of Meteorology’s Brisbane weather station, the most proximate to Mitchelton Football Club, showed five occasions in the preceding five years where ‘wind speed’ was recorded at greater than 40km/h.²⁴ Only one of these was in a nominal football season window, that is, during the months of April to September (5 June 2016) and only one was within 47km/h to 54km/h, being the estimated critical tipping point for the scaffold (15 January 2021).
59. The raw data from the preceding five years’ football seasons showed however that ‘wind gust speeds’ exceeded the upper limit, above 54km/h, several times. On review of the football season months of April to September, the data showed:
- a. During 2020, 16 occasions of wind gust speeds above 40km/h, with five of these measured near or above the tipping range of 47km/h to 54km/h.²⁵
 - b. During 2021, up to 25 July 2021, two wind gust speeds were recorded above 50km/h, respectively, on 9 June 2021, 51.84km/h and 17 July 2021, 53.64km/h.
60. The scaffold tower did not topple from wind gusts on these previous occasions.
61. The available data from the incident date showed a wind gust speed of 59.4km/h. Wind gusts in this range had not occurred in the previous season, but there had been records in the five year data showing wind gusts near or above 60km/h and above 70km/h, although only twice in the nominal football season months, in 2016.

²³ Exhibit I2, Report of Dr Paul Carnavas, Forensic Engineering Consultant, 29 November 2021. Noting the 41km/h and 68km/h range was calculated on combined data from the weather station most proximate to Mitchelton Football Club as well as Brisbane Airport.

²⁴ This being the guidance in AS/NZS 4576 that free standing tower scaffolds should not be operated or left unattended where wind speeds exceed 40km/h, paragraph 38 above.

²⁵ That is, five occasions of wind gusts speeds recorded between 46km/h and 51km/h.

62. I am prepared to accept therefore that the wind gust on the incident date was sudden and unusually strong, but not unprecedented.

Hypothetical wind strength calculations at Mitchelton Football Club

63. The independent Senior Structural Engineer expert, Mr Aaron Poole, advised that, if wind actions had been calculated in accordance with the formula in the General Requirements (AS/NZ 1576.1) or Wind actions (AS/NZS 1170.2) standards, the result would have been a predicted wind action in the order of 70km/h. Additional control measures would have been mandated at this level.

64. It is acknowledged that guidance in the Australian standards including for wind calculations was not mandatory. Mr Poole confirmed the calculations were highly complicated for anyone other than an engineer to use. He was not surprised Mr Sweedman had never used the formulas and was not aware of AS/NZ 1170.2.

65. There was no other method or guidance within the material before the Court to assist with calculating and determining an actual risk of wind, including in the applicable Scaffolding Code which had just been updated in July 2021.

Measures that would have minimised or eliminated the risk of strong winds

66. According to Mr Poole, several control measures could have prevented the scaffold tower from toppling over and, accepting his calculations, to withstand wind loads above 70km/hr and potentially up to hundreds of kilometres per hour.

67. The control measures suggested by Mr Poole are listed here with a summary of Mr Sweedman's responses when these were put to him in evidence during the inquest:

- a. Outriggers: would have increased the width and stability of the tower scaffold. Mr Sweedman gave evidence he did consider outriggers for the safety of the cameraman (as opposed to wind management control) but was concerned they could be a trip hazard. Mr Poole agreed outriggers could pose a trip hazard, but that risk could be mitigated using perimeter fencing. Mr Sweedman agreed he had access to outriggers, and they were not costly or difficult to apply.
- b. Tie-downs: application of a tie down strap, fixed to star pickets, would have prevented the formwork from blowing upwards or over. Mr Sweedman did not know what a tie down was but said he would "absolutely" consider that now.
- c. Tube and clip: used to connect the tower scaffold to other items, such as the top rail of the fence, to provide extra stability. A perimeter fence also could have been erected to avoid people walking underneath it. Mr Sweedman did not consider using tube and clip to the fence rail because of the scaffold's location in a public place but had used this control measure in the past.
- d. Extra dead load: the application of cherry barrels, for example, filled with water and strapped to the scaffold, would make it harder to tip over. Mr Sweedman did not consider using extra dead load as he considered the scaffold was well and truly under the legal freestanding height and therefore secure.

68. Mr Poole did not accept suggestions put to him that using cherry barrels, for example, would create a fall from height hazard if they were adequately tied down. He further did not accept they could create musculoskeletal hazard as, in his opinion, they would weigh potentially less than some of the scaffold components.

69. In addition to these concessions, Mr Sweedman accepted the following matters reflected his understanding of the explanation by the Oldfield's representative about the guidance in the manufacturer's Pro Series instructions document:

- a. The manufacturer's recommendation for additional precautions to ensure stability in windy or gusty conditions should be understood as a warning that wind can materially affect the safety and structural stability of a tower scaffold.
- b. Wind can impose lateral forces on a tower scaffold which can cause movement, sway, displacement or overturning, particularly where the tower is of significant height relative to its base dimensions or is otherwise lightly loaded. Sudden gusts may create dynamic forces greater than steady wind conditions. The statement within the installation guide is a reminder to the scaffold installer to consider surrounding site conditions when completing mobile tower installation.
- c. The "additional precautions" should be understood as requiring installers to reassess the safety of the tower scaffold having regard to prevailing conditions and to implement such further control measures as reasonably necessary to maintain stability, dependant on the specific surrounding site conditions.
- d. Precautions may include lowering the working height of the tower, relocating to a more sheltered position, ensuring all castor brakes are engaged, confirming the tower remains level and properly braced, removing materials capable of catching the wind or by installing approved stabilisers, outriggers or ties.

Other risk factors applicable to the tower scaffold at Mitchelton Football Club

70. The inquest explored whether the tower scaffold being in a public place itself was an additional risk to be managed. Mr Sweedman agreed it was rare for a tower scaffold to be installed in a public place, and the more usual use is on a building site. However, at the time of these events, scaffolds of a similar nature were installed at other football clubs around Brisbane presumably for the same or similar purpose.²⁶ Mr Sweedman believes tower scaffolds of the type used at the football club should be banned from use in public places and at sporting events.

71. Mr Poole, in his report, observed the scaffold's risk profile was increased due to its interaction with the public. When a scaffold is installed on a construction site, workers have appropriate personal protective equipment and there would be proactive surveillance of the scaffold. A scaffold installed on a construction site would be under the control of the PCBU responsible with the associated duties.

72. In Mr Poole's opinion, a degree of questioning would have been applied to the stability of the scaffold in the windy conditions if it had been on a construction site whereas the opposite is true in a public place where a member of the public would likely assume a scaffold is safe. This is exactly what occurred on 25 July 2021. Mr Mills was standing in front of the scaffold with Mr Jones and another person. Mr Mills said it was the windiest day he had experienced in his 10 years of watching his son play soccer. Yet, Mr Mills apparently did not consider there was any risk to his health or safety by standing directly in front of the scaffold in those conditions.

73. While Mr Poole said it is unusual for a scaffold to be erected in a publicly accessible place such as the Mitchelton Football Club sporting grounds, he felt there was a place for that to occur. The risk posed by a tower scaffold in a public place does

²⁶ Evidence of Anthony Bowman, Former Vice President of the Mitchelton Football Club.

not require they be banned. Rather, mandating the implementation of certain controls when used in a public place is an achievable practical alternative.

Responsibility for ongoing monitoring of the tower scaffold

74. There was no legislated requirement for routine inspections on the freestanding tower scaffold after installation. Mr Sweedman did not conduct formal inspections, but he did walk past almost every day and would visually check the braces were in place and the scaffold was level. His primary concern was children climbing on the tower, which had no handrail, and falling off and hurting themselves.
75. Mr Sweedman confirmed Mobile Scaffold Queensland did not provide a handover or instructions to Mitchelton Football Club including about the tower scaffold's safety. His evidence was also to the effect that Mobile Scaffold Queensland had management and control of scaffold only during its erection and dismantling.
76. Mr Bowman, as representative of Mitchelton Football Club, confirmed it was a volunteer sporting organisation with no committee member specifically responsible for safety matters. There was no evidence of a policy or procedure for adverse wind events at the club, although there were policies to manage risks of heat and lightening. The volunteer coaches were not provided with any formal training or instruction and did not make decisions regarding weather events.
77. Mr Bowman said the playability of a game during wind events would be at the discretion of referees, but they had no role regarding weather situations outside of a game. Referees could be as young as 14 or 15 years of age and not expected to appreciate the risks imposed by strong winds on a freestanding tower scaffold.
78. Mr Sweedman conceded he was aware of a marine wind warning on the morning of 25 July 2021. He said he mentally went through all the scaffolds Mobile Scaffold Queensland had out on hire and considered, because the scaffold at Mitchelton Football Club was under four metres and "*under the legal freestanding height*", it was stable. He did not attend the site and did not provide advice to Mitchelton Football Club about the scaffold that day.
79. There is no evidence anyone from Mitchelton Football Club identified the scaffold was a risk in the windy weather on 25 July 2021. No one at the club sought advice from Mr Sweedman and he was not asked to attend. There is no evidence any additional safety measures were put in place by the club to accommodate the windy conditions and Mr Bowman explained there was not always someone from the committee at the field when games were being played.
80. Mr Sweedman's evidence was that had there been a legal requirement to attend or if Mitchelton Football Club had called him to ask that he attend he would have. He said he could have pulled the scaffold down, added counterweights, placed an exclusion zone around it or potentially tied it to a supporting structure.
81. I am satisfied there was no plan for ongoing monitoring or safety risk management following installation of the scaffold. The wind on 25 July 2021 was exceptionally strong. This was recognised by Mitchelton Football Club (through Mr Bowman) and Mobile Scaffold Queensland (through Mr Sweedman) with neither of them taking any action with respect to the freestanding tower scaffold on the club grounds.
82. I emphasise this is not to criticise either Mr Sweedman or Mr Bowman or anyone else at the Mitchelton Football Club. The Mitchelton Football Club, operated by a

group of volunteers, understandably deferred to the experience of Mobile Scaffold Queensland for the installation and safety of the scaffold tower. I also accept Mr Sweedman acted in good faith and conscientiously within the limits of his training and industry knowledge and experience.

83. I accept Counsel Assisting's submission that, given Mitchelton Football Club was a volunteer community organisation with no obligations under WHS legislation, and there being no mandated requirement for Mobile Scaffold Queensland to assess the scaffold in situations such as wind warnings, there remains a gap in allocating responsibility for mitigating risks such as strong winds that arose on 25 July 2021.

Conclusions and opportunities for improvement

84. The circumstances of Mr Jones' death squarely raise issues that are much broader than the actions of any individual. These are industry wide issues, and on the evidence, continue to prevail five years later, even after Mr Jones' death.

Findings about compliance

85. I am satisfied Mr Sweedman complied broadly with the Scaffolding Code, Guidelines for Scaffolding (AS/NZS 4576), and a widely accepted industry "rule of thumb", to the extent he installed a freestanding tower scaffold, with a working platform of just over two metres high, with a height to base ratio of 1.6:1.
86. The height to base ratio was below, by about half, the 3:1 minimum applicable to the scaffold in light of its dimensions (paragraph 24 above). I accept, as submitted, on Mr Sweedman's behalf, it followed this was "an alternative" height to base ratio, but I am unable to find this was a proactive step by Mr Sweedman, in the manner contemplated by the Scaffolding Code, to mitigate against any likely exposure to strong winds. His evidence was he did not consider wind at all for the installation.
87. On one view, that results in potential noncompliance with the part of the Scaffolding Code which required, first, an assessment of the probability of exposure to strong winds and then, corresponding action with an alternative height to base ratio or extra support. I have already noted the Scaffolding Code does not assist with a definition of strong winds, how they should be assessed, or what measures should be taken to mitigate and strengthen the stability of a freestanding tower scaffold.
88. When strong marine winds were predicted on 25 July 2021, Mr Sweedman did consider the potential for strong wind action against the tower scaffold and formed a view nothing further was required. That is, given the height to base ratio he had used and it being below four metres in height. Mr Sweedman arguably did what was required by the Code here even if in hindsight the assessment was incorrect, noting there was no requirement for him to attend, the Scaffolding Code provided no guidance, and where I have accepted he was not given or required to have knowledge of the complex calculations for wind action in the applicable standards.
89. I am satisfied it was Mr Sweedman's routine practice to apply additional measures such as tie down controls when installing tower scaffolds greater than four metres as a mitigation step to ensure stability, presumably including for strong wind risks. The application of the industry rule of thumb, however, in retrospect, provided him with misguided confidence the subject tower scaffold would be secure to the extent no further assessment or mitigation to manage a risk of wind action was necessary.

90. I accept the opinion of Senior Structural Engineer, Mr Poole, that Mr Sweedman could not have been expected to understand or apply the highly technical aspects of the applicable Australian standards to calculate the tower scaffold's ability to withstand certain wind forces. They were designed for engineers.
91. While the critical range to topple the scaffold tower was estimated between 47km/h and 54km/h, and likely wind gusts speeds on 25 July 2021 were estimated between 41km/h and 68km/h, it seems plausible from the witness evidence the subject wind gust was closer to the higher end of that range. There were no issues with strong winds impacting the tower scaffold during the previous year's football season, where gusts in the critical range did occur, or previously in Mr Sweedman's career.
92. Having regard to the evidence as a whole, the large gust of wind which caused the scaffold to topple over, in all the circumstances, was a terrible accident from an extremely rare occurrence.²⁷ This is not to understate the utmost tragedy of Mr Jones' death who, at the age of 37 years, had so much more living to do. The comments about preventability and technical compliance with WHS legislation, the Scaffolding Code and Australian standards, should not however be shouldered by any individual, including Mr Sweedman and volunteers at Mitchelton Football Club.
93. I am satisfied the widely accepted rule of thumb ratio in isolation did not then, and would not now, allow accurate assessment of strong wind risks in any location. This presents a key learning opportunity for the broader scaffolding industry.

Recommended control measures

94. I accept Mr Poole's advice that control measures such as outriggers, tie downs, tube and clip, and extra dead loads are practical, accessible, easy to understand, convenient to apply, and affordable methods of ensuring freestanding tower scaffolds, of less than four metres in height, are stable in strong winds.
95. The use of these measures would not require installers of tower scaffolds below four metres to perform complicated calculations or attempt to determine, with no training or instruction, when and how a site may be impacted by strong winds. The control measures on their own, at the time of installation, would markedly reduce or eliminate the risk of a tower scaffold toppling over in strong winds.
96. Mr Poole considered the control measures recommended would mitigate against wind loads greater than 70km/hr and potentially up to hundreds of kilometres per hour. Notably, there are only two occasions in the Bureau of Meteorology five year data where wind gusts were recorded above 70km/hr.²⁸ On Mr Poole's evidence, the controls would very likely have been sufficient to have prevented this event.
97. I accept the submission of Counsel Assisting, supported by the submissions of Ms Jones, Mr Sweedman, Mitchelton Football Club and the Office of Industrial Relations, that the use of control measures should be mandated in the Scaffolding Code for tower scaffolds erected in a public place at the time of installation. This would serve as a practical way to reduce the likelihood of another death occurring in similar circumstances and otherwise contribute to public safety.
98. If control measures are to be mandated at the time of installation, the risk in there being no requirement for ongoing monitoring where, for example, a tower scaffold

²⁷ Exhibit I1, Report of Mr Aaron Poole, dated 31 August 2025, page 6

²⁸ During a severe thunderstorm on 3 October 2016, a wind gust was recorded at 75.96km/h and on 15 January 2021 there was a wind gust recorded at 74.16km/h.

is required in an open area for an extended period, would likely be ameliorated. Additional recommendations about requirements for monitoring or requiring volunteer associations to have policies about escalating safety concerns for matters outside the expected limits of their experience, are not therefore needed.

99. I also accept, as submitted, on behalf of the family and Mr Sweedman there is utility in requiring manufacturers and distributors of scaffolding material to provide instructions, guidance and warnings for erecting scaffolding, including about the design choice, consideration of environmental factors, accessibility of the public, the proposed duration of use and the control measures to be used.

Recommended industry education

100. It was Mr Sweedman's evidence that the industry accepted rule of thumb continues to prevail. Mr Poole was not surprised by this.
101. On 21 October 2021, in the months following Mr Jones' death, Workplace Health and Safety Queensland issued a safety alert. Mr Sweedman did not receive that alert directly. He was not signed up to the list which was voluntary at the time.
102. In accepting this tower scaffold did not require Mr Sweedman to hold a High-Risk Work Licence, the evidence during the coronial investigation revealed that:
- a. The course for obtaining a High-Risk Work Licence attended by Mr Sweedman was two days with a practical and classroom component. The course did not include education about how to consider whether additional stability measures would be required for a tower scaffold.
 - b. As a licensed scaffolder, there was no requirement for Mr Sweedman to be part of a professional or member entity. Membership with Scaffolding Association Australia, for example, is voluntary.
 - c. There was and is no requirement for Mr Sweedman to undertake continuing professional education when renewing his High-Risk Work Licence or at all.
 - d. There was no ongoing education or similar provided to Mr Sweedman by the supplier of the scaffold used at Mobile Scaffold Queensland.
103. There is therefore a gap between what is now known following Mr Jones' death and how that knowledge has been conveyed to those who need to understand it. I accept the submission of Counsel Assisting, supported by submissions on behalf of Ms Jones, Mr Sweedman and the Mitchelton Football Club, there should be a dedicated education and compliance campaign, led by the Office of Industrial Relations, if the recommendation is accepted to amend the Scaffolding Code.

Findings required by section 45 of the *Coroners Act 2003*

104. I have sufficient information to make findings under section 45 of the *Coroners Act 2003*, having considered the material in the extensive brief of evidence, statements and oral evidence from several witnesses, independent expert opinion of Mr Aaron Poole, Senior Structural Engineer, and submissions of Counsel Assisting and the represented parties who appeared at the inquest.

105. I find as follows:

- a. Identity of the deceased: Andrew Stephen Jones
- b. How he died: Mr Jones died when a tower scaffold installed at Mitchelton Football Club blew over following a significant wind gust of between 41km/h to 68km/h and fell onto him as he watched his son's soccer game.

The scaffold was installed by Christopher Sweedman, former director of Mobile Scaffolds Queensland on 13 April 2021 to enable filming of premier league games at the Mitchelton Football Club grounds.

The tower scaffold was installed with a height to base ratio of 1.6:1, well below, by about half, the widely accepted industry rule of thumb of 3:1. Mr Sweedman did not proactively consider wind action for risk management, or the scaffold's location in an open public area for an extended duration, at the time of the installation in the genuine belief the manner of installation was sufficient to ensure stability of the tower scaffold. Even when there were strong winds predicted on 25 July 2021, he did not consider its stability was in doubt.

Mr Sweedman did not know and was not expected to understand or apply complex calculations provided in applicable scaffolding standards for likely wind force actions. The industry rule of thumb, and the lower ratio applied by Mr Sweedman, were not, in hindsight, sufficient to prevent the scaffold toppling over when subjected to wind gusts of between 41km/h and 68km/h.

- c. Place of death: Royal Brisbane and Women's Hospital, Herston, Queensland
- d. Date of death: 25 July 2021
- e. Cause of death: Blunt force chest injuries.

Comments and recommendations

106. I recommend:

- a. That the Office of Industrial Relations amend the Scaffolding Code of Practice so that the term "strong winds" is appropriately defined and to require freestanding tower scaffolds erected in a public place be fitted with additional control measures (such as outriggers, tie downs, counterweights, tube and clip as determined to be appropriate on a case-by-case basis).
- b. That, following amendment to the Scaffolding Code of Practice, the Office of Industrial Relations undertakes a comprehensive education campaign capturing scaffold manufacturers, suppliers, installers and entities that offer scaffold for hire in a manner that clearly conveys the changes.
- c. That the Office of Industrial Relations conduct a compliance campaign following the Scaffolding Code of Practice education campaign to ensure amendments are understood by industry participants on a practical level at the grass roots.
- d. That manufacturers and distributors of scaffolding material be required to provide instructions, guidance and warnings for use, including considerations about design choice, environmental factors, location, accessibility, duration, and appropriate control measures.

Condolences

107. Mr Jones and his wife Rhianne Jones were together for 11 years and married for eight. They had a full and busy life together, with Mr Jones' two children from his previous marriage and their two children together. Mr Jones is remembered by those who loved him as funny and warm with a great sense of humour. He had a passion for soccer, and he was heavily involved in the Mitchelton Football Club as a coach, volunteer and player. They had future plans and dreams as a family.
108. I acknowledge the loss of Mr Jones in such sudden and traumatic circumstances is still keenly felt by Rhianne, his children, and his broader family and friends. I close the inquest with my sincerest condolences to all of the family and friends of Andrew Stephen Jones. May he rest in peace.



Megan Fairweather
Coroner
BRISBANE