



## FINDING OF INQUEST

*An Inquest taken on behalf of our Sovereign Lady the Queen at Adelaide in the State of South Australia, on the 22<sup>nd</sup>, 23<sup>rd</sup> and 30<sup>th</sup> days of June 2009, by the Coroner's Court of the said State, constituted of Mark Frederick Johns and Anthony Ernest Schapel, State Coroner and Deputy State Coroner, into the death of Steven Salagaras.*

*The said Court finds that Steven Salagaras aged 56 years, late of 23/59 Grand Junction Road, Rosewater, South Australia died at Glenwood Drive, Bellevue Heights, South Australia on the 22<sup>nd</sup> day of January 2006 as a result of the effects of heat exhaustion. The said Court finds that the circumstances of his death were as follows:*

### **1. Introduction and background**

- 1.1. This matter was originally presided over by the State Coroner, Mr Mark Johns. During the course of the Inquest Mr Johns excused himself from taking any further part in the proceedings. This occurred as a result of a realisation on Mr Johns' part that he had a social association with members of the deceased person's extended family. I exercised the powers contained within section 14(3) of the Coroners Act 2003 and decided to complete the proceedings myself. These are the findings of those completed proceedings. The findings are entirely those of the Court as constituted by me.
- 1.2. Mr Steven Salagaras, the deceased, was 56 years of age when he died in January 2006. He was employed by the Spina Bifida and Hydrocephalus Association of South Australia Incorporated (the Association) as a charity collector, a paid position.
- 1.3. On the evening of Monday 23 January 2006 Mr Salagaras' body was located under bushes at the front of premises situated at 51 Glenwood Drive, Bellevue Heights, a

residential suburb of Adelaide. An embankment descended from the footpath to the location in which his body was found. It appears that Mr Salagaras had fallen down the embankment. A nearby resident discovered his body at about 8pm on the Monday evening. Naturally the police were called and an investigation ensued.

- 1.4. Mr Salagaras had last been seen alive during the afternoon of the previous day, Sunday 22 January 2006. He had been collecting in the district on behalf of the Association and had been doorknocking in Glenwood Drive. The premises at the front of which Mr Salagaras' body was located was situated on the junction of Glenwood Drive and Yurilla Drive.
- 1.5. That Sunday, and the three days preceding it, were part of a heatwave that Adelaide had recently been experiencing. The maximum temperature on the Sunday was 40.8°C. According to Bureau of Meteorology records<sup>1</sup>, on the Thursday, Friday and Saturday, Adelaide had experienced maximum temperatures of 40.2°C, 41.8°C and 43.1°C respectively.
- 1.6. Mr Salagaras' employers had last seen Mr Salagaras on the Thursday preceding the weekend with which this Inquest is concerned. On that day he had deposited his most recent takings with the Association and had collected his pay. There was no known communication between his employer and Mr Salagaras between the Thursday and the Monday when his body was discovered. There was nothing unusual about that state of affairs owing to the fact that Mr Salagaras would not have been expected to contact his employer until that Monday when it was anticipated that he would have attended the Association's office and deposited his most recent takings. I was told that the Association's collectors were obliged to deposit their takings twice weekly on Mondays and Thursdays. On the Thursday, the day of Mr Salagaras' last known communication with his employer, the weather pattern of extreme heat had been expected to continue for a number of days and this proved to be the case. The Sunday was the last day of the heatwave because on the Monday, the day on which Mr Salagaras' body was discovered, temperatures had dropped to the mid 20s. It appears from Mr Salagaras' collection records that were located after his death by police, that

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<sup>1</sup> Exhibit C9ac

he had worked for a number of hours on the Thursday, Friday and Saturday, all of which were days of extreme temperatures<sup>2</sup>.

- 1.7. It is known that on the Sunday afternoon Mr Salagaras collected money from at least two residences, namely 42 and 48 Glenwood Drive, Bellevue Heights. Both of those residences are on the northern side of Glenwood Drive. The junction of Glenwood Drive and Yurilla Drive is on the southern side of Glenwood Drive and is situated between the residences at numbers 42 and 48 Glenwood Drive. As described earlier, Mr Salagaras' body was located at the front of the premises at 51 Glenwood Drive, which is on the western corner of that junction. The resident of 48 Glenwood Drive provided a statement to the Inquest<sup>3</sup>. That person was Mr William Virgo who states that at about 1pm on the Sunday he answered the door to a male person whom he subsequently identified as Mr Salagaras from a photograph. Mr Salagaras said that he was collecting for the Spina Bifida Association. Mr Virgo gave Mr Salagaras a donation and a receipt was written out. Mr Virgo said to Mr Salagaras '*you've got a nice hot day to be collecting*' and Mr Salagaras not unnaturally agreed. He then left the premises.
- 1.8. Mr Salagaras was also seen at 42 Glenwood Drive that afternoon. The occupant of that premises, Ms Julie Harwood<sup>4</sup>, states that at about 2pm a male person, who resembled the person depicted in a photograph of Mr Salagaras that was later shown to her, attended at her premises. She made a donation, a receipt was written out and given to her and the man left. That man was clearly Mr Salagaras. There was no conversation beyond what had been necessary to secure the donation. Ms Harwood makes no observation about the man's condition or wellbeing.
- 1.9. However, Mr Virgo states that between 30 to 40 minutes after Mr Salagaras had attended his residence, at about 1pm, he walked across the road from his house to speak to a neighbour about a power blackout that the district had been experiencing. When entering the neighbour's premises, he saw Mr Salagaras staggering up the driveway towards the street. Mr Virgo asked him whether he was feeling alright to which Mr Salagaras had said '*I'm fine*'. Mr Salagaras continued walking back towards the end of the street and that was the last Mr Virgo saw of him. The premises

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<sup>2</sup> Exhibit C9x

<sup>3</sup> Exhibits C4 and C4a

<sup>4</sup> Exhibits C5 and C5a

described by Mr Virgo at which he saw Mr Salagaras must have been in reasonably close proximity to the location where Mr Salagaras' body was eventually located.

- 1.10. It will be observed that on a strict analysis of the times quoted in their statements, Mr Virgo would have seen Mr Salagaras in his distressed state at a time prior to Mr Salagaras' attendance at the premises of Ms Harwood. I infer from the contents of their statements that the times quoted by them are estimates. I think it more likely that Mr Virgo was the last known person to have seen Mr Salagaras alive.
- 1.11. I draw the inference that very shortly after he was seen by residents in Glenwood Drive, Mr Salagaras fell to the location where his body was eventually discovered the following day. Accordingly, I find that Mr Salagaras had been in that location since the early to mid afternoon of the Sunday. This finding of course is reinforced by the fact that when his body was discovered, the Association's property and documentation was found at the exact same location. As well, he was still wearing the Association's identity card. Receipts dated 22 January were with the body. A baseball cap was on Mr Salagaras' chest and a bottle of water that from photographs<sup>5</sup> appears to be reasonably empty had also been part of his possessions.

## **2. The cause of Mr Salagaras' death**

- 2.1. I do not know of Mr Salagaras' previous medical history. However, a post-mortem examination was conducted in respect of his body by a Forensic Pathologist, Dr Allan Cala. The post-mortem examination was conducted on 25 January 2006. Dr Cala's autopsy report was tendered to the Inquest<sup>6</sup> and he gave oral evidence as well.
- 2.2. In his report, Dr Cala points out that the autopsy failed to show any significant head or other injuries. Although there was mild coronary atherosclerosis, it was insufficient to have caused a sudden death and there was no evidence of an acute heart attack. He expresses the belief that Mr Salagaras died as a result of the consequences of heat exhaustion. This opinion is based on the extreme temperatures that were known to have affected the Adelaide region at around that time.
- 2.3. In his evidence during the Inquest, Dr Cala emphasised that his opinion that Mr Salagaras died from the effects of heat exhaustion was, for the most part, predicated

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<sup>5</sup> Exhibit C8b

<sup>6</sup> Exhibit C10

upon the circumstances surrounding his death, namely his exposure to quite oppressive heat. He again emphasised the fact that, anatomically, save and except for one matter that I will mention in a moment, there was nothing to explain his sudden death other than the effects of heat. The one anatomical factor that may have had some impact on his wellbeing, particularly in the light of the heat, was scarring to his kidneys which was quite unusual in a man of Mr Salagaras' age and which may have exacerbated the effects of heat exhaustion more in him than in somebody with healthy kidneys. Dr Cala told me that the relative emptiness of Mr Salagaras' bladder was consistent with a state of dehydration.

- 2.4. As to the date and time of Mr Salagaras' death, Dr Cala stated in his post mortem report that Mr Salagaras died on 23 January 2006 which was the day his body was discovered. Dr Cala had originally been under the impression that the weather conditions on that day, namely the Monday, had been extreme as well. Dr Cala's report reveals that he was also under the impression that Mr Salagaras had been working as a collector on the 23 January. Armed with information that the temperatures had been in the mid 20s, Dr Cala thought it was more likely that Mr Salagaras had succumbed sometime on the Sunday evening. It has always been clear that Mr Salagaras had last been seen during the very hot Sunday afternoon. Common sense would dictate that he would not have collected two days in a row at the exact same location. In addition, the receipts located with Mr Salagaras' body were dated Sunday 22 January.
- 2.5. In determining the cause of death, and the time at which death may have occurred, one cannot ignore the relevant surrounding circumstances in which Mr Salagaras was last seen. He was located in a position very close to where he had last been seen by Mr Virgo. Mr Virgo observed that Mr Salagaras had been in some physical distress to the point where Mr Virgo had asked him whether he was alright. It was an extremely hot day and no doubt in the early afternoon of the Sunday the temperature would have been at or about its highest. The emptiness of Mr Salagaras' water bottle would be in keeping with his having been out and about for some time. The conclusion that Mr Salagaras fell to the location where he was eventually found not long after he was last seen in Glenwood Drive, is difficult to resist. Police observations were to the effect that the location where Mr Salagaras' body was found was relatively undisturbed. Although he seemed to be holding his Association clipboard and also a nearby branch,

the lack of disturbance of the site would suggest either that Mr Salagaras died immediately after he fell to that location or experienced a period of unconsciousness before his eventual death. If Dr Cala is correct when he says that he probably died sometime on the Sunday evening, it may well be that Mr Salagaras experienced several hours of unconscious survival before he succumbed. I did not understand Mr Salagaras to have been in possession of a mobile telephone.

- 2.6. The presence of loose and slippery vegetation at the point along the footpath from which Mr Salagaras evidently fell gives rise to the suggestion that Mr Salagaras may have consciously fallen to that location and then later succumbed. However, there were no injuries to Mr Salagaras that would have accounted for immediate incapacitation or unconsciousness say as a result of an impact to his head. There is also the evidence of Mr Virgo to suggest that Mr Salagaras was physically distressed when seen in the street. It may well be that the loose and slippery vegetation played some role in Mr Salagaras' fall and that he was not totally unconscious when he fell. After all, he somehow managed to keep retain his belongings as he fell. However, to my mind his fall was not totally accidental. I think it far more likely that Mr Salagaras' fall was precipitated by exhaustion from the heat and that when he reached the bottom of the embankment, he was incapacitated by that exhaustion if not by unconsciousness at that time.
- 2.7. To my mind, the evidence that Mr Salagaras collapsed as a result of heat exhaustion is unassailable. He was seen to be physically distressed at a location in close proximity to where his body was eventually located. The temperatures were extreme. There was no anatomical evidence to account for a physical collapse or death, such as a heart attack or stroke and he had not been assaulted or physically injured in any way. I find that Mr Salagaras' cause of death was as stated by Dr Cala, namely the effects of heat exhaustion.
- 2.8. As to the precise time of Mr Salagaras' death, it does not require me to make any specific finding in relation to that issue. I say that because it is quite clear in my view that whenever Mr Salagaras' death occurred, it occurred while he was at the location in which his body was found and whether it occurred very shortly after he fell to that location, or some hours later, does not have any impact on any further finding I make. I find that Mr Salagaras died on Sunday 22 January 2006.

### 3. Mr Salagaras' employment with the Association

3.1. Mr Salagaras had been a collector with the Association for approximately ten years. It would therefore not be surprising if in that period he would have absorbed the various fund raising cultures of the Association and have been quite familiar with any tactical manoeuvres that were thought to produce better monetary outcomes for the Association. For example, the suggestion that prospective donors were more inclined to donate, and perhaps donate more generously, on hot days out of sympathy for the collectors would accord with human experience. I heard that Mr Salagaras was possibly the most prolific charity collector ever employed by the Association.

3.2. There was a clear personal incentive for collectors to maximise collected donations for the Association. Mr Salagaras' conditions of employment and pay structure were as follows. He was entitled to a gross weekly salary of \$400 on the understanding that he would work 33 hours per week. As I understood the evidence, those 33 hours could be worked over the course of a week including on Saturdays and Sundays. The only restriction was that by law collectors were not permitted to collect after 8pm on any given day. According to a document promulgated within the Association<sup>7</sup>, the \$400 for working 33 hours was said to be a 'Guaranteed wage'. The Association had a clear expectation that was communicated to its employees that each employee would collect at least \$600 per week. This was described as an absolute minimum requirement. That figure had only recently, in the new year, been raised from \$575. This increase was communicated to employees by way of a letter a copy of which was located in Mr Salagaras' car<sup>8</sup>. In a separate Association document entitled 'Legal Stuff + our conditions'<sup>9</sup> it is stipulated that:

'In order to maintain a reps employment, we must receive at least \$600 every week. There is no excuse or exception to this unless we explicitly say so.'

3.3. Another means of calculating a collector's remuneration, which is said to be in the alternative, involved the collector earning 50% of what they had collected. As I understood the evidence, if a collector chose merely to collect the target amount of \$600 in less than the 33 hours, they would earn \$300 per week. On the other hand, if the collector collected in excess of \$600 in the week, they would be paid 50% of that

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<sup>7</sup> Exhibit C9g

<sup>8</sup> Exhibit C9s

<sup>9</sup> Exhibit C9g

collection. Thus a collector could earn in excess of the \$400 guaranteed wage per week if their collections exceeded \$800.

- 3.4. It will be seen that the target amount of \$600 in 33 hours would involve the doorknocker collecting approximately \$18 per hour. It is impossible to say that this was an unreasonable target. The increase of the target from \$575 to \$600 per week would involve the collector having to collect an extra 80 cents per hour approximately. Again this figure does not appear to be unreasonable.
- 3.5. I accept the evidence that was given on behalf of the Association that Mr Salagaras was a prolific and experienced collector who always met his target, and met it with ease. For instance, Mr Salagaras' collection records reveal that he had collected \$177.15 in 5 hours on Thursday 19 January 2006, \$184.50 in 5 hours on Friday 20 January 2006 and \$192.35 in 6 hours on Saturday 21 January 2006<sup>10</sup>. This suggests that Mr Salagaras was capable of collecting in excess of \$30 per hour. Figures supplied to me by the Association that I have no reason to doubt indicate that in the four weeks prior to his death, Mr Salagaras had consistently received gross salaries in excess of \$750 per week, which suggests that he had been consistently collecting in excess of \$1,500 per week. The increase in the weekly minimum collection figure from \$575 to \$600 could have had a slight impact on a collector's weekly remuneration, but Mr Salagaras' family's concerns that Mr Salagaras may have been put under undue pressure by virtue of that target increase should have now been allayed in the light of the above analysis.
- 3.6. In short, there can be no suggestion that the Association had placed any pressure upon Mr Salagaras of a financial kind. In spite of the general admonishment that seems to be encapsulated in the stipulation that there was no excuse or exception to reaching a target of \$600 per week, Mr Salagaras' tenure as a collector with the Association was assured. I accept unreservedly that Mr Salagaras was regarded as a valued employee and that, accordingly, he probably would have been the last person to have been laid off if it ever came to that.
- 3.7. However, it is clear that targets in terms of hours worked and moneys collected, and the reaching of those targets, would be affected by the person's ability to work over a week and that this might in turn be affected by the weather conditions. For example,

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<sup>10</sup> Exhibit C9x

while a target of 33 hours and / or \$600 might be readily achievable during periods of clement weather, it might be more difficult to achieve those targets if the weather was consistently extreme as it was over the four days leading up to and including Sunday 22 January 2006. Nevertheless, there could be no suggestion that even if Mr Salagaras had not achieved his targets over those four days, his own employment would have been in jeopardy. To suggest otherwise would be to fly in the face of all that I have heard about Mr Salagaras' value as an employee to the Association.

- 3.8. I have already referred to the document entitled 'Legal Stuff + our conditions'<sup>11</sup>. This was a document that was created within the Association. It is designed to set out some of the terms and conditions of employment. I infer that the document had been modified very recently because it refers to the new monetary target of \$600. Within the document is a section entitled 'Safety'. In that section there is a sub-heading entitled 'Weather'. I set out in full what is stipulated in the document under that heading.

'Weather	We work all year, all weather.
	Exceptions: Thunderstorms – up to the individual rep
	Hailstorms – take shelter and then continue.
	Hailstorms rarely last more than 5-10 minutes
	We are reasonably lenient in extreme heat but bare in mind that most householders are sympathetic to rain or heat and donations may increase.' <sup>12</sup>

This section of the document refers to the tactic of exploiting the tendency of householders to be sympathetic to collectors in rain or heat, giving rise to a greater level of donation. After ten years of collection duties I do not think the effectiveness or otherwise of that tactic would have been lost on Mr Salagaras.

- 3.9. Ms Patricia Zemitis is currently the Fundraising Supervisor of the Association and had a responsibility for overseeing the operations of collectors. Ms Zemitis told me that the document entitled 'Legal Stuff + our conditions' was not intended to be actually given to the collectors, but rather was used as an aide for the persons who inducted or trained the collectors. This is contradicted by the liberal use of the expression 'you' as seen throughout the document. The reference to 'you', which in one instance is emboldened, is clearly intended to address a collector. Regardless of

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<sup>11</sup> Exhibit C9g

<sup>12</sup> Exhibit C9g

whether or not this document was actually handed to collectors, it would be naïve to suppose that the sentiment contained within it about the Association being ‘reasonably lenient in extreme heat’, and the notion that the level of donations may increase because householders were sympathetic to collectors in rain and heat, was not in some manner or form made plain to the Association’s employees.

3.10. All that said, while such sentiments might have made a significant impression on a newly inducted employee with no collection track record, and have exerted pressure that some might have said was undesirable, I cannot see how it could have had any effect on Mr Salagaras’ own collecting behaviour.

3.11. When Ms Zemitis gave evidence before me, she told me that when Mr Salagaras had attended at the Association’s headquarters on the Thursday before this weekend, she had told him and other collectors that they were ‘strongly urged’ to work only the last two hours of daylight on the Friday when temperatures had cooled, and not to work at all on the Saturday and Sunday in the light of the expected extreme temperatures over the ensuing three days. Ms Zemitis told me that she compiled a log of relevant events after Mr Salagaras’ death had been discovered. The log became Exhibit C9s. The document appears to have been provided in the first instance to a Safework SA investigator, Ms Sandra Voumard<sup>13</sup>. In that document Ms Zemitis recorded her advice in the following terms:

‘Steve Salagaras reports to office, to collect pay etc. and is advised of extreme weather forecast. All collectors are given the option and strongly urged to work the last two hours of daylight on Friday only (when temperatures have cooled) and not working at all, Saturday and Sunday.’

3.12. The advice that Ms Zemitis gave collectors, including Mr Salagaras, does not appear to have been mandatory in its terms and it was not accompanied by any sanction were it not to be followed.

3.13. We know that Mr Salagaras worked on all of those three days of extreme heat. Specifically we know from the records to which I have referred that he worked for 5 hours on the Friday. This means that if he did not collect after 8pm that day, which is the legal cut-off time for collection, he probably worked at some period during extreme heat. I was told during the course of Ms Zemitis’ evidence that most collectors in fact did not work on those days of extreme heat, although some did. This

lends some support to Ms Zemitis' assertions that she had advised her employees not to work on the normally lucrative Saturdays and Sundays. I add that in the letter to collectors in which it was announced that the increased minimum collection amount had been raised to \$600 per week, it was said 'at present I would like everyone to start at 4pm Monday to Friday to avoid the worst heat of the day'.

- 3.14. In any event, to my mind Mr Salagaras' having worked on the Friday, Saturday and Sunday, the day of his death, was driven by a desire to maximise his own personal remuneration and not by pressure exerted by the Association to work on those days.
- 3.15. While I would reject the notion that Mr Salagaras worked in the extreme conditions of the Friday, Saturday and Sunday as a result of any pressure placed upon him by his employer, it would have been far better if there had been in existence an actual policy that doorknockers should not work in extreme weather conditions, including high temperatures, being a policy that could be policed.

#### **4. Modifications to the Association's extreme weather policies**

- 4.1. In 2006 the Association developed new policies. In the aftermath of Mr Salagaras' death, Safework SA conducted what appears to have been a thorough investigation. Following that investigation, Safework SA issued a number of improvement notices to the Association. I mention those that are relevant to the question of minimising the risk of injury or death as a result of extreme weather conditions.
- 4.2. OHSI-85400181 was a notice requiring the Association to prepare, in consultation with employees, a written occupational health and safety policy that sets out with reasonable particularity the arrangements, practices and procedures at the workplace to protect employees from exposure to working in the heat and inclement weather, and to take reasonable steps to bring the contents of that procedure to the notice of employees.
- 4.3. OHSI-85400238 was a notice issued to the Association requiring them to ensure that suitable measures were in place to protect and monitor employees (charity collectors) who work alone.

- 4.4. OHSI-85400239 was a notice requiring the Association in consultation to conduct a hazard identification and risk assessment to identify all reasonably foreseeable hazards arising from charity workers working in the heat and inclement weather conditions, which may effect the health and safety and welfare of employees at the workplace.
- 4.5. By way of a memorandum from the Executive Director to all staff of the Association, a new heat and inclement weather policy was drawn to the attention of employees. The memo was dated 20 April 2006<sup>14</sup>. The policy statement<sup>15</sup> deals with the necessity for employees to wear sunscreen, sunglasses, hats and other protective clothing. It also refers to the need to carry water and to ensure that adequate amounts of water are consumed at regular intervals of not more than 30 minutes or, in the case of doorknock staff, that their vehicle is situated in such a location which allows access to it, and water within it, within a 30-minute period. Most importantly, the policy stipulates that if the forecast temperature for any weekday is 35°C or 36°C, doorknock staff should only work within the hours of 6pm to 8pm. It stipulates that if doorknock staff intend to work Saturdays or Sundays during similar temperatures, they should limit their collecting to the early morning or the last two hours of the day when the temperature is not within that range. All other Association staff should consider cancelling activities if these are to be held within hot times of the day. If the forecast temperature for any day is 37°C or higher, staff are not to work in the open. This means that doorknock staff are not to collect at any time during those days. It will be seen that this stipulation would have meant that on the Sunday on which he died Mr Salagaras would have been in breach of this requirement.
- 4.6. Other measures involving the protection of collectors include the responsibility to carry a mobile phone that is always turned on and with key Association numbers programmed in it<sup>16</sup>.
- 4.7. A major innovation is a requirement that doorknock staff telephone the Association office daily at the end of their working shift and that they phone the Association office before midday in any case if not working on that day. There is also now in existence what is termed a 'Non-Contact Procedure' that is enlivened in the event that a staff member does not return from a visit at the pre-arranged time or no contact has

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<sup>14</sup> Exhibit C9n

<sup>15</sup> Exhibit C9o

been received by a pre-determined time. The procedure envisages contacting SAPOL in the event of a failure to make contact with an employee<sup>17</sup>.

- 4.8. As far as the enforcement of the weather policy is concerned, and in particular policing the requirement that staff not work at any time during days forecast to be 37°C or higher, I was told in evidence that a breach of the policy would inevitably be detected owing to the fact that the collector's takings and receipts would demonstrate it. In those circumstances the collector would be counselled. I would assume that repeated instances would invite dismissal. It occurs to me that another means of enforcing the policy would be a stipulation that any collection work undertaken on days over 37°C not count as part of the collector's weekly hours and that the proceeds not count towards their weekly collection target and / or not attract bonuses. Measures to guard against the fabrication of dates of receipts would naturally have to be devised.
- 4.9. There is one matter that appears in the current Association documentation that might give rise to concern and induce collectors to work on days of extreme heat if only to achieve what might otherwise be an unattainable target for that week. A sample employment letter<sup>18</sup> stipulates in bold type that '**Failure to achieve the \$600 target may result in termination of employment**'. This might be better expressed as repeated failure.

## 5. Recommendations

- 5.1. Pursuant to section 25(2) of the Coroner's Act 2003 I am empowered to make recommendations that in the opinion of the Court might prevent, or reduce the likelihood of, a recurrence of an event similar to the event that was the subject of the Inquest.
- 5.2. The one issue that requires consideration is whether or not the heat and inclement weather policy that the Association has now formulated is one that commends itself to charitable collectors across the board, be they volunteers or paid staff. Mr Salagaras' death could have been prevented if the measures that the Association has now introduced had been in place at the time.

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<sup>16</sup> Exhibit C9q

<sup>17</sup> Exhibit C9q

<sup>18</sup> Exhibit C9ab

- 5.3. The legislation governing charitable collections, namely the Collections for Charitable Purposes Act 1939, does not provide for the protection or occupational health and safety of collectors. There is in existence a Code of Practice in respect of charitable collections that has been promulgated by the office of the Liquor and Gambling Commission. It too does not deal with occupational safety issues except in relation to the exploitation of children as collectors.
- 5.4. Section 19 of the Occupational Health, Safety and Welfare Act 1986 imposes an obligation upon employers to ensure that their employees are safe from injury and risks to health as well as an obligation to provide adequate supervision to ensure the same. Those obligations give rise to a powerful case for saying that the measures that the Association have implemented and which I have identified above should be regarded as standard occupational health and safety requirements for all charitable collectors.
- 5.5. I make the following recommendations:
- 1) That insofar as it may be necessary for the implementation of recommendation 2 herein, that the Minister responsible for the Office of the Liquor and Gambling Commissioner introduce legislation to amend the Collections for Charitable Purposes Act 1939 by making provision for the inclusion within the Code of Practice under the Act specific requirements in relation to the occupational, health, safety and welfare of both paid and unpaid charitable collectors;
  - 2) That the Office of the Liquor and Gambling Commissioner include within the Code of Practice, specific requirements in relation to the occupational, health, safety and welfare of both paid and unpaid charitable collectors including, but not limited to:
    - a) Requirements governing collectors working in conditions of extreme temperature or in other extreme weather conditions;
    - b) Requirements to ensure the proper supervision of collectors including the means by which the whereabouts and welfare of collectors can be monitored, and identifying circumstances in which it is appropriate or inappropriate for collectors to work alone;

- 3) That in devising the requirements relating to the occupational, health, safety and welfare of collectors to be included within the Code of Practice, that the Office of the Liquor and Gambling Commissioner have regard to the measures that have been implemented by the Spina Bifida and Hydrocephalus Association of South Australia Incorporated following and consequent upon the death of Mr Steven Salagaras.

*Key Words: Heatwave/Heatstroke; Charity Collector*

*In witness whereof the said Coroner has hereunto set and subscribed his hand and*

*Seal the 30<sup>th</sup> day of June, 2009.*

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*Deputy State Coroner*