



This brief submission has been prepared by the Electrical Trades Union of Employees Queensland (the ETU) in response to the ***Workers' Compensation and Rehabilitation and Other Legislation Amendment Bill 2020***.

The Queensland Government should be commended for introducing this Bill and the ETU sees this as a clear indication that the Government intends to strengthen support for workers who are exposed to trauma at work and are diagnosed with post-traumatic stress disorder (PTSD).

The ETU welcomes the opportunity to provide a submission to the Education, Employment and Small Business Committee.

The ETU is a union of over 12,000 members representing employees employed in, or in connection with the electrical industry. Our members work in various sectors, including electrical contracting, electrical generation, distribution and supply, construction, state and local government, and mining. They are represented across various skills, occupations and classifications. The ETU also represents approximately 1,000 apprentices across all regions of the State.

The ETU understands that the Bill's purpose is to amend the *Workers' Compensation and Rehabilitation Act 2003* ("the Act") and the *Workers' Compensation and Rehabilitation Regulation 2014* ("the Regulations") to introduce presumptive workers' compensation legislation to improve the workers' compensation experience and mental health outcomes for first responders and other eligible employees diagnosed with PTSD. On the basis that they are often exposed to traumatic, life-threatening incidents in the course of their employment.

The ETU fully supports that first responder's and other eligible employee's PTSD should be presumed to be work-related unless there is evidence to the contrary.

The explanatory statements explain that, "A presumptive approach which considers the nature of a first responder's role is, of itself, sufficient to establish a causal connection to employment is anticipated to assist in reducing stigma about first responders experiencing mental health problems, encourage them to seek early assistance and ensure they can more easily access treatment and rehabilitation support necessary to recover from their injury."

From the ETU's perspective we believe that for these same reasons, frontline electrical workers and control centre operators in Electricity Supply, Generation and Distribution, as well as Rail and Transport Main Roads, where they are diagnosed with PTSD, that it be presumed to be work-related, unless there is evidence to the contrary.

Where there are traumatic, life threatening incidents that involve electricity, whether that be through incidents that involve live rail or powerlines or traffic lights, on each of those

occasions prior to first responders being able to access the scene, it is electrical workers who must make it safe for them to undertake their important work. It is ETU members who see these traumatic incidents first.

Case Studies from Members

The ETU reached out to members in the Electrical Industry and invited them to provide examples of when they had been required to attend traumatic, life-threatening incidents in their jobs.

Below are some examples of what ETU members are exposed to, in order to ensure that emergency services are able to safely gain access. These traumatic and life threatening incidents involve electricity, live powerlines and/or traffic lights. The consistent feedback that we received from members was that they could not bring themselves to discuss these incidents and that they did not want to talk about it due to the traumatic impact.

While there does not appear to be extensive research to investigate the trauma that electrical workers and control room operators are subjected to at work in the same way that it is available for 'first responders', it is more likely a reflection that this group is often overlooked or not thought of as having to be exposed to this trauma as part of their jobs.

Examples - Mal Gillespie, Energy Queensland

I wish to share some of my life experiences within Ergon Energy Queensland.

I had only been in the company around 18 months and had been trained as the relief borer driver. I was called and asked by a colleague to go to an accident near fishery falls with a police escort from Cairns to the site. Due to a car accident the car's impact had snapped a pole on the edge of highway. The car was still around the pole.

On arrival I drove into position to set up as instructed by the ambulance, police, and fire crews on site.

The two occupants were still in the vehicle as every time the cutting equipment was used it would allow the pole to move. The officer in charge took me over to the vehicle to tell the young girl who I was and what I was there for. The second young lass had passed but they had not let the other know as she was battling for her life. My eyes are now filling with tears some 29 years later.

Holding the pole still did not allow the use of the cutting material, so a decision was made to remove the pole. The scraping of metal and the scream of the young lady are something that will stay with me to my grave. My hat and heart goes out to the people who deal with trauma on a more regular basis.

We had replaced the pole and the tilt truck came in and pulled the car up on the truck. I will never forget the blood that came from the car when the vehicle scraped on the bitumen running down the tilt truck.

We found the young ladies watch when cleaning the site. They say it was removed by impact. It was inscribed for her 18th birthday which was the day of the accident. That day she and her cousin were on the way to Cairns to buy birthday presents.

I was also a first responder in the Ravenshoe cafe blast and worked with critical services. I helped to the best of my abilities, but I witnessed two victims' pass. For six and a half hours our trucks were used as medical bins. Burnt clothing, hair and skin, water bottles, cling wraps, all placed in our skip bins afterwards.

Remembering the victim's kids and family's eyes looking at you as you loaded the victim into chopper. Her hair breaking off in my hand as we rolled her onto the stretcher. I cried privately for days into weeks which turned into months.

There are more things I could share but writing this has reduced me to a sniffing leaky eye wreck.

Example - Josh Kerswill, Energy Queensland

Below are a few examples of jobs that I was first responder on whilst on standby in the Greenslopes area in recent months. All four of these examples were attended to without warning of how graphic/severe the situation was.

15/3/2020 - Moorooka

A car hit a 11kv pole whilst resulting in the passenger being immediately killed on impact.

On arrival my offsider and myself witnessed the scene untouched which consisted of body parts laying across the road and also on the footpath and the deceased body lying in the front yard of a customer.

The Queensland Police Service advised us to watch where we walked as the deceased brains was spread across the road. Access to the direct scene was necessary as the pole and other assets needed to be assessed and made safe.

3/4/2020 - Acacia Ridge

Two members of the public attempted to steal copper from an industrial switchboard resulting in one receiving a 415v shock across his forehead killing him instantly.

Due to the nature of the incident, Queensland Fire and Emergency Services and Queensland Police Service maintained a safety distance until Energex arrived and tested for safety.

To complete this test, myself and my offsider had to literally stand over the body and test the switchboard that would allow safe access for emergency services. The deceased was lying face up with his eyes open in full view for us at the time.

8/4/2020 - Coopers Plains

A driver hit a 11kv pole at high speed (suspected suicide) which lead to extensive damage to the network which resulted in approximately 17 Energex workers at the site.

My offsider and myself witnessed the deceased being removed from the burnt out car, which was not only extremely graphic, but the smell was potent and lingered for hours after the body was removed.

Access to the area of the deceased was essential as there were fallen conductors around the vehicle and the body was not removed for some time after work had commenced.

5/5/2020 - Coopers plains

A motorist hit a pole at high speed which resulted in 3 kv poles failing to ground including a transformer pole. Upon arrival we observed the driver having his legs amputated and being removed from the vehicle.

Due to the extensive damage to the network there was many Energex staff required to undertake repairs. The vehicle also remained in place for hours on full view to the workers due to police investigations. The sheer damage to the vehicle and amount of blood at the scene was confronting for all who attended.

These examples show the level of horrific exposure that Energex emergency/standby crews are exposed to whilst carrying out their duties when attending emergency jobs. These examples are ones that I myself have had first hand exposure to and I am certain that other staff are also exposed to similar situations.

I have no doubt that it is a possibility for individuals to experience difficulties dealing with such confronting situations well after the traumatic experience took place.

Examples - Sandy Hunter Energex

On arrival at an accident scene, me and my offsider encountered a car stopped on the wrong side of the road facing the oncoming traffic. It was midnight and there was no other traffic around.

We immediately called Control and asked for an ambulance and fire brigade.

When we checked inside the car there were two young people unconscious. The passenger was missing the bottom half of his left leg and his head tilted back with blood gurgling out his open mouth. The Driver had visibly broken arms and legs.

When we checked the driver for a pulse he woke up in a panic and was trying to move. We reassured him he was ok and to sit still and wait for the ambulance.

I noticed we were standing in a liquid running in the gutter which at first, I thought was fuel but on closer inspection was blood. We walked around the front of the car and realised the front of the car was missing.

We put witches' hats around the scene, stood by and waited for the emergency crews to arrive. During this time, we had to deal with a drunken lady who pulled up in a cab to see what was going on and started hysterically screaming and running around when she saw the blood. The cabdriver tried to drive off and leave her with us, but we helped return her to the cab.

The firemen were first on scene and started resuscitation. Ultimately one died at the scene however they were able to extract the driver and he made a full recovery.

Luckily, we did not come across the missing leg while we were collecting details and checking the condition of the pole that was hit. The police came over and told us not to look in any clothing we may find as they just found a shoe with a foot in it.

Example - Nathan Chapman, Energex Worker

I had to go to attend a motorbike accident with no warning from Control that it was a double decapitation. As such I didn't use my head torch. One of the heads had gone through the

pillar and continued on to hit the transformer and rebounded about 25 meters back. There was part of an arm under a white sheet about 3 meters from the pillar.

After making it electrically safe for the police, I went home and had a shower. I had to give my boots a good wash the next day and my gloves had a fair deal of blood and bodily fluids on them, so they went in the bin. I was alright for about three days and then started thinking about it.

Examples - Dave Fraser – Energy Queensland

I have compiled a list of some fatality fault calls I can recall in the last 16 years.

At Atherton, the fault response crew attended an incident that resulted with a fatality where a local farmer (known to the crew) contacted the hv with irrigation pipe. Unfortunately, the victim had a daughter that is also an Ergon employee at the time.

At Millaa there was an electrocution in a ceiling space. The fault response crew isolated the supply to the house and confirmed it was safe to allow access into the roof space.

At Yungaburra, a crane contacted a high voltage and the worker on the ground was electrocuted. Several crews had to respond to the radio call for anyone in Yungaburra area to call in and go to isolate and earth high voltage conductors to allow responders in. The workers isolated and earthed the conductors in the vicinity of one victim been resuscitated and another being treated for burns.

At Ravenshoe, multiple staff attended a vehicle accident where a ute collided with a café resulting in a gas explosion. Ravenshoe staff isolated the supply then assisted emergency responders with first aid and driving casualties to the helicopter pick up point. These staff members were assisting people in the same community and also some of their relatives. I went up after to cover the depot activities for a few days to support.

At Ravenshoe, I assisted Ravenshoe crew to isolate supply and also assist Electrical Safety Office Inspectors with their investigation for multiple fatality on a farm site. This involved working in close proximity to the covered bodies and the grieving family members. It also involved being part of the investigation side of things with the family watching on.

At Atherton, I was part of the afterhours callout crew that attended a reported electrocution. Here I had to attend the scene, witness the young boy whose family I know being worked on by Queensland Ambulance Services. I had to isolate, earth, and give conductor height details to the Queensland Police Service and later the Electrical Safety Office. The young boy that passed had put irrigation pipe into the high voltage line, which also severely burned his mate with him. I returned to site later with safety advice and spoke with the farm owner on options of storage around overhead lines.

At Atherton, the fault call crew that attended a vehicle accident where the car left the road and snapped a pole off and flipped onto the roof in a house yard. They had to isolate the crossroad mains, remove wire from the scene to allow Queensland Fire Services to gain access where the body of the deceased was visible.

Examples - Wesley Smith – Energex

I have two stories that come to mind when I was on call at Redcliffe Depot.

I was called in the middle of the night to attend Duffield road. There had been reports from a seafood packing plant next door, that a large bang and noises were coming from the substation yard. Control had confirmed that there had been a trip on a 33kv circuit breaker.

Myself and my colleague found an individual lying on the ground writhing in pain inside the substation yard. He had apparently attempted suicide by climbing up the 33kv cable termination structure and grabbing hold of the live 33kv conductors.

His upper hand had been completely disintegrated with his upper body red ,bloodied and charred . In the dim light of the substation it appeared that all his hair had gone along with the majority of skin on his face and upper torso.

We called the ambulance who arrived in just a few minutes. In discussions with our work mates it was revealed that this was the same fellow that had had climbed up onto a 33kv circuit breaker at another location and blown it up in a previous suicide attempt.

During my last standby at Redcliffe Depot. I was called to a "Car hit a pole". My colleague and i arrived at the scene to find the ambulance and fire fighters waiting, while we attending to an individual in the car that was trapped. The car had taken out a pole on a cross street service pole.

From our perspective it was a horror show . The car had impacted the top fence rail which was made of water pipe . The pipe had impaled the passenger through the chest. I do not remember what we did with the pole stay. No counselling was offered.

Example - Andrew Clarke – Ergon

A while back I was on call and got called to a "Car vs Pole" on Percy street. Up until this moment these jobs were more of a novelty but this one was very different and I now fear getting a "Pole vs Car" when on call.

When we responded to the call out, the body was still onsite which I figured was fine at the time, as he was covered. But while I was up fixing the damage to the pole, the father of the kid showed up and the cover was removed so the father could identify and say his goodbyes.

I didn't realise how much it affected me at the time, but I do dread getting such call outs and my stomach turns every single time.

Example - Mitchell Lord and James O'Sullivan – TMR (Roadtek) Gold Coast

We have attended many emergency jobs working at RoadTek. A few of these incidents have included deaths. Most recently being in Anzac Day 2020.

We attended a job in recent times sent to us via Traffic Message Channel as a fault . They informed the technician of a fatality on site who in turn informed me and the covering weekend supervisor of what we may encounter on arrival at this incident.

We attended the site and the person involved was still trapped in their vehicle. This was a major incident involving all emergency services, Energex, and ourselves RoadTek.

The Queensland Police Service were in charge of the scene and although the body was removed and was covered over until the funeral directors arrived on site to remove the body,

all of this was visible to us while we proceeded with our works and as the Queensland Police Services team performed their accident report.

The scene was obviously quite confronting to both Technicians on site and we interacted on several occasions to check that we both felt ok to carry on with our duties. We did not get a follow up or receive anything from managers.

Recommendations

That the Regulations be amended to include Electrical Workers either as First Responders (section 144A) or as Eligible Employee (section 144B).

The ETU believes this is necessary because our members are often in the situation prescribed in sub-section 36EB (b) of the Act and also subsection 36EC(b) – see below.

36EB Meaning of first responder

A person is employed as a first responder if—

(a) the person is a worker, or a relevant volunteer, employed in an occupation or profession prescribed by regulation; and

(b) the person's employment requires the person to respond to incidents—

(i) that are life-threatening or otherwise traumatic; and

(ii) for which time may be critical to prevent actual or potential death or injury to persons, or to prevent or minimise damage to property or the environment.

36EC Meaning of eligible employee

(1) A person is employed as an eligible employee if—

(a) the person is a worker, or a relevant volunteer, employed by or in an entity prescribed by regulation; and

(b) the person's employment requires the person to experience repeated or extreme exposure to the graphic details of traumatic incidents by—

(i) attending the scenes of traumatic incidents; or Example of a person for subparagraph

(i)— a person whose employment requires the person to recover human remains

(ii) experiencing traumatic incidents as they happen to other persons; or Example of a person for subparagraph (ii)— a fire communications officer whose employment requires the officer to respond to calls for information and advice in emergency situations (iii) investigating, reviewing or assessing traumatic incidents that have happened to other persons. Example of a person for subparagraph

(iii)— a person whose employment requires the person to investigate complaints of child sexual abuse

The ETU proposes an *Electrical Worker* could be defined in the Regulations as a person who performs electrical work with the definition taken for 'electrical work' from section 18 of the *Electrical Safety Act 2002* (below).

(1)**Electrical work** means—

(a)connecting electricity supply wiring to electrical equipment or disconnecting electricity supply wiring from electrical equipment; or

(b)manufacturing, constructing, installing, removing, adding, testing, replacing, repairing, altering or maintaining electrical equipment or an electrical installation.

Examples of electrical work—

- installing low voltage electrical wiring in a building
- installing electrical equipment into an installation coupler or interconnector
- replacing a low voltage electrical component of a washing machine
- maintaining an electricity entity's overhead distribution system

Thank you for considering this submission.

Stuart Traill
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