

## **Inquest into the deaths of Matthew James Fuller, Reuben Kelly Barnes and Mitchell Scott Sweeney**

Just prior to 12.54pm on 14 October 2009, Matthew Fuller, aged 25 years, collapsed in the ceiling cavity of a residential property at Meadowbrook. He had been laying metal-based insulation sheeting. Matthew was electrocuted and despite resuscitation attempts by the Queensland Ambulance Service and the Logan Hospital, he was declared deceased.

At or around 9.40am on 18 November 2009, Rueben Barnes, 16 years, collapsed in the ceiling cavity of a residential property at Stanwell. He had been laying fibreglass insulation batts. He was electrocuted and despite resuscitation attempts by the Queensland Ambulance Service he was declared deceased at the scene.

At or around 8.00am on 4 February 2010, Mitchell Sweeney, aged 22 years, collapsed in the ceiling cavity of a residential property at Milla Milla. He had been laying metal based insulation sheeting. Mitchell was electrocuted and despite resuscitation attempts by the Queensland Ambulance Service, Mitchell was unable to be revived and was declared deceased at the scene.

The deceased had all been installing insulation as part of the Home Insulation Program, a component of the Federal Government energy efficient homes package.

The then State Coroner, Michael Barnes, delivered his findings of inquest on 4 July 2013.

The Queensland Government responds to recommendations directed to government agencies at inquests by informing the community if a recommendation will be implemented or the reason why a recommendation is not supported. Further information relating the implementation of recommendations can be obtained from the responsible agency named in the response.

### **Recommendation 1 – Review of response by safety agencies**

While the evidence indicates it was primarily failings in the planning and implementation of the home insulation program by Commonwealth agencies that led to an increased risk of harm, state-based workplace safety agencies failed to proactively respond to that increased risk and no review of why that occurred or how it will be avoided in future has been undertaken. Accordingly, I recommend the Office of Fair and Safe Work Queensland undertakes such a review.

Response and action: the recommendation is implemented.

Responsible agency: Queensland Treasury.

When the Home Insulation Program was implemented, Workplace Health and Safety Queensland and the Electrical Safety Office (ESO) operated as separate agencies within the Office of Fair and Safe Work Queensland.

Both agencies have undergone significant change and while the ESO remains as a separately identifiable inspectorate, the two agencies have merged, creating single compliance and policy units with a flatter management reporting structure. Restructuring of the agencies has eliminated questions of jurisdictional responsibility for incidents such as those encountered during the Home Insulation Program.

The Office of Fair and Safe Work Queensland believes the implementation of the new organisational structure will provide a faster, more coherent response should a similar situation arise and meets the intention of the coronial recommendation.

Moreover, the Royal Commission into the Home Insulation Program found that anticipating potential problems in developing and delivering programs like the Home Insulation Program should be a two-way process. The Prime Minister responded that his government will obtain external expert advice on the lessons learned in this regard from the Home Insulation Program. This may lead to more effective cooperation between governments for similar programs in the future.

### **Recommendation 2 – Public awareness campaign**

In view of the apparent lack of awareness of the risk of electrical shock inherent in entering a residential roof space and the various measures available to manage that risk, I recommend the Office of Fair and Safe Work Queensland undertake a public awareness campaign giving guidance as to how home occupiers and relevant tradespeople can minimise their exposure to that risk.

Response and action: the recommendation is implemented.

Responsible agency: Queensland Treasury.

The Office of Fair and Safe Work Queensland circulated a fact sheet to approximately 32,700 subscribers warning them that power must be turned off before entering ceiling spaces.

The Office of Fair and Safe Work Queensland launched a public awareness campaign on 18 May 2014 to boost community awareness of electrical safety risks in ceiling spaces. The campaign urges homeowners and tradespeople to turn off all the main power switches at the switchboard before heading up into the roof, with the main message, ‘Stay safer up there, switch off down here’.

Television, radio, online and outdoor adverts which ran until the first week in July were complemented by a brochure that contains warning stickers to be placed on ceiling space manholes and switchboards. These brochures have been distributed through all major metropolitan newspapers, and continue to be handed to homeowners by electricians and on display at hardware stores.

### **Recommendation 3 – Extension of requirement for residual-current devices**

The various options for the extension of the requirement for the mandatory fitting of residual current devices involve the balancing of the costs involved against the resulting improvements to electrical safety. The State Government is best placed to assess the competing policy considerations with expert advice from the Electrical Safety Office. I recommend the matter be actioned as a matter of urgency.

Response and action: the recommendation is implemented.

Responsible agency: Queensland Treasury.

On 12 September 2015, the Treasurer, Minister for Employment and Industrial Relations and Minister for Aboriginal and Torres Strait Islander Partnerships responded:

On 1 September 2014, the *Report of the Royal Commission into the Home Insulation Program* was tabled in the Commonwealth Parliament. Moving forward, the Royal Commissioner recommended launching a national media campaign to prevent future fatalities such as those seen under the program that leverages the work undertaken by the Queensland Government in its awareness campaign on electrical safety in ceiling spaces in mid-2014. Further details of this campaign can be found [here](#).

In response to these recommendations, a range of regulatory and non-regulatory options were examined in relation to the extension of mandatory safety switch requirements. The cost benefit analysis conducted indicated that increases in electrical safety achieved by further regulatory requirements for safety switches in homes did not justify the additional cost this would impose on homeowners, and on this basis the then Government opted for a public awareness campaign rather than further regulatory intervention. In addition in March 2014, the Electrical Safety Office sought to determine the current voluntary uptake of safety switches on other final sub-circuits. The statistically significant results show a positive trend in industry to provide safety switch protection above existing legislative requirements. Findings were 58 per cent of stove circuits, 48 per cent of hot water circuits, 47 per cent of air conditioner circuits and 76 per cent of miscellaneous circuits (e.g. pool pumps) had safety switches installed.

The public awareness campaign is scheduled to be launched in mid-2015 and will encourage the uptake of additional safety switches by homeowners. The campaign will raise awareness of the risk of electric shocks in homes and will encourage homeowners to make their homes safer by installing safety switches. The new campaign will involve television, radio, online and outdoor advertisements and will build on the success of a recent campaign about the dangers of working in a ceiling space.

#### **Comment, page 76**

Accordingly I consider I am obliged to refer the information concerning the actions of Mr Ben McKay to the Chief Executive Officer of the Department of Justice and the Attorney-General for consideration of whether a prosecution should occur alleging breaches of the now repealed Workplace Health and Safety Act.

Response and action: the comment is implemented.

Responsible agency: Queensland Treasury.

With respect to the three fatalities, the Office of Fair and Safe Work Queensland commenced proceedings against the three companies involved and an executive officer of one company.

This comment specifically refers to the death of Mr Matthew Fuller. The Office of Fair and Safe Work Queensland successfully prosecuted QHI (the company that employed Mr Fuller) and Mr Christopher McKay, an executive officer of the company. QHI was fined \$100,000 plus costs for failure to discharge electrical safety obligation. In relation to the charges against Mr McKay, the Industrial Magistrate ordered no conviction be recorded and a bond to be entered of \$2,000 to be of good behaviour for two years. At the time these prosecutions were commenced, potential action against the other executive officer was considered and not proceeded with.