

**From:**  
**To:** [Legislation Committee](#)  
**Subject:** Request to change my submission to this one  
**Date:** Saturday, 27 June 2020 7:53:57 PM

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**25 June 2020**

Standing Committee on Legislation  
Parliament House  
4 Harvest Terrace Perth WA 6005

**By email: [lclc@parliament.wa.gov.au](mailto:lclc@parliament.wa.gov.au)**

Ms Tracey Sharpe,

**Submission in relation to *Work Health and Safety Bill 2019***

I am the broken father of Jayden Zappelli. My son 18 years of age was electrocuted on the 8th February 2013 whilst on unpaid work experience. A totally avoidable and preventable death. Jayden was a fine young man, who I loved and was very proud of. Caring, funny, loyal and talented, all now wasted, my question to you is “Why” did this happen ?????

Whilst the Boland Review into Workplace Deaths is important, it is lacking in so many ways. No one can understand the pain for affected families. We are the ones that truly understand the changes required to make positive work health and safety laws in this country.

My son Jayden was doing work experience in 2013 to secure an apprenticeship and was sent into a roof space to pull a cable that had not been isolated correctly. He was only allowed to pass tools and dig trenches, not electrical work. Jayden could not test a circuit to know it was isolated and had to trust those around him, but it had been tested incorrectly. My son was electrocuted.

The electrical company JCW Electrical had no safety procedures in place at the time of Jayden’s death, even though the company had been operating for 6 years. The power should have been totally shutdown as outlined in a WorkSafe guide to working on and in ceiling spaces which had been distributed to all electricians many times and as recent as a month before Jayden’s death. JCW Electrical were aware of this document.

The company was charged with failing to provide and maintain a working environment in which employees were not exposed to hazards. The supervising electrician Dale Mortley was charged with failing to take reasonable care to avoid adversely affecting the safety and health of his colleague, causing death.

We believe the penalty was woefully inadequate. Only \$38,000 of a possible \$200,000 for the company JCW Electrical and \$6,800 of a possible \$20 000 for the supervising electrician Dale Francis Mortley. The company walked into a court house plead guilty and say they are remorseful and as a result the Judge discounted the penalty by over 80%. Their fines were then covered by an insurance company provided by Master Electricians.

We have lost our son. Where is the justice for our family? Or families like ours? There must be a deterrent for employers so as they know there is a consequence if they do not do there Duty of Care and provide a safe workplace for there employees. Clearly the penalties being handed down are not strong enough as a deterrent and the fact employers can indemnify them selves for any legal fees and penalties they may incure is clearly wrong as what it was in Jayden's case.

The whole process of Jayden's' death, up to the current day, has left me broken and struggle to work in our family business, my wife has had to pick up the pieces and is also struggling to maintain the business. I would estimate that as a result of this 7 and a half year journey we are now out of pocket to the tune of about \$900,000, we have had to outlay large amounts of money on: counselling, psychiatrist's appointments, medication, time off work, travel to Perth, work within our business not completed due to mental state, invoices for work completed but not invoiced due to mental state. We sued JCW Electrical and received about 1/4 of our loss, which does not cover future losses and damages. The business owner was more looked after than us.

This is just a small piece of the broken jigsaw puzzle. There is so much more that we have endured and have felt totally abandoned by the system.

I strongly support section 30B of this legislation – Industrial Manslaughter. Though it's not a silver bullet that will resolve all workplace deaths, it is part of a broader strategy needed to make sure workers go home safety.

It is an important first step. And a step that will deliver real consequences to employers in the wrong and true justice to families like ours.

This is not about putting people in jail, but more of a deterrent to employers. To make sure that employers implement their safety to protect their employees and to hold employers accountable if they choose to roll the dice, putting money in their pockets in front of their employees' lives.

It's been more than seven years since Jayden's death and more deaths keep happening, it's time to act and stop these tragedies from happening. People's lives matter before money and big business. Something that the governments who have the power to make change need to make this happen now. I have so much more to share as this is only a snippet but all I am capable of at the moment.

If we don't change past system failures, others will be forced to travel this unbearable journey that we and other families have had to endure **AND THIS WOULD BE WRONG.**

Thank you again for the opportunity to comment on this important Bill, I urge the Standing Committee on Legislation to recommend that the Bill be passed in its current form. Please contact me if you require further information or explanation.

Thank you,

Greg Zappelli

Sent from Greg Zappelli

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On 25 Jun 2020, at 2:09 pm, Robbie Williamson <[robbie@cgmcommunications.com.au](mailto:robbie@cgmcommunications.com.au)> wrote:

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