

**EMERGENCY SERVICES REFORM AMENDMENT BILL 2023; STATE EMERGENCY SERVICE BILL 2023;
MARINE RESCUE QUEENSLAND BILL 2023**

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AUSTRALIAN VOLUNTEER COAST GUARD ASSOCIATION

FEEDBACK ON

MARINE RESCUE QUEENSLAND BILL 2023

The Australian Volunteer Coast Guard Association (AVCGA) is a volunteer-run organisation that provides assistance to marine vessels in a number of Australian states. Our services include search and rescue operations under the direction of state authorities, as well as a large number of independent assistance missions for vessels owners who have broken down or are otherwise disabled. In addition to on-water rescue and recovery services, we monitor marine radio frequencies providing a safety net for mariners, and deliver maritime and first aid training. All of these lifesaving and valuable services are provided by our team of over 1200 dedicated volunteers who serve in 21 Flotillas along the Queensland coast.

The Blue Water Review and the subsequent independent review identified a need for an integrated statewide marine rescue service, leading to plans to establish Marine Rescue Queensland as a marine rescue service for the Queensland community. Under these plans, all of the Queensland-based AVCGA Flotillas, vessels, buildings, vehicles and most importantly its volunteers will transition to the MRQ entity.

The National Board of the AVCGA recognises that the plans to integrate marine rescue services in Queensland will deliver benefits to the boating public, and through the funding plans proposed for MRQ will allow volunteers to focus on the delivery of these essential marine services. Our primary focus is ensuring that during the establishment and transition of AVCGA members to the new proposed MRQ organisation, the best interests of the boating public and our volunteer members are uppermost.

The Marine Rescue Queensland Bill 2023 proposes the necessary legislative instruments for the operation of MRQ. **AVCGA generally supports the Marine Rescue Queensland Bill 2023, however we suggest some amendments to ensure that the MRQ organisation is more effective and efficient.** These amendments draw on more than 50 years experience operating marine rescue services in the State.

Recognising volunteers as the essence of MRQ

We are concerned that the Bill does not implement the stated policy of the Marine Rescue Implementation Program to date that MRQ be volunteer-centric. While the Bill provides for legislative instruments of appointment, powers and offences, it misses an opportunity to establish a volunteer-centric framework for the organisation.

This is important because the culture necessary for an effective maritime emergency agency that depends on its volunteers should not be left to chance. Risks inherent in a mixed paid and

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unpaid labour force, and startup risks for MRQ, should be mitigated as far as practically possible.

Best practice implemented in other Australian states in this regard are based on the inclusion of a Volunteer Charter in legislation. These charters are typically a statement of the commitment and principles that apply to the relationship between the Government and volunteers; and require that Government organisations recognise, value, respect and promote the contribution of volunteers officers and members; and commit to consult with volunteers on any matter that might reasonably be expected to affect them. Examples of such Volunteer Charters are the *Fire and Emergency Services (Volunteer Charters) Amendment Act 2019 (South Australia)*, and the *Country Fire Authority Amendment (Volunteer Charter) Act 2011 (Victoria)*.

While these principles may seem self-obvious, embedding such a Volunteer Charter in legislation is a clear signal to volunteers that the Government values their essential ongoing contributions to the operation of MRQ.

Implementation issues in the Bill

We note several implementation issues that should be addressed in the legislation.

Clause 6

We have concerns about the territorial applicability of the MRQ Bill, and its consequences for MRQ powers, volunteer liability and insurance. An Australian Government Solicitor briefing ('Ruling the waves – regulating Australia's offshore waters'¹) summarised the applicability of both State legislation and common law beyond coastal waters, which typically extends to 3 nautical miles. It notes that there is some ambiguity about whether common law applies beyond the low water mark in the absence of legislation.

The AGS briefing suggests, and we concur, that in enacting specific legislation the State specifically rebuts presumptions against extraterritoriality. This could be implemented either in the MRQ Bill or by an amendment to section 12 of the *Acts Interpretation Act 1954 (QLD)*.

Clause 14

We suggest that for clarity, there is an implied clause in (1) that should be broken out as a distinct subclause prior to (1):

"The commissioner may appoint a person to be an MRQ member."

¹ "Ruling the waves – regulating Australia's offshore waters" – 1 Dec 2020, sourced from <https://www.ags.gov.au/sites/default/files/2020-12/br116.pdf> on 12 Jan 2024



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This clearly establishes that the commissioner has power to appoint a person to be an MRQ member, which subsequently confers on them all of the other powers and responsibilities contained in the Bill.

Clause 18

Clause 18 describes the necessary criteria and consultation associated with the establishment of an MRQ unit. It is entirely feasible and reasonable that during the life of MRQ that units could be merged or closed due to geographic overlaps with another unit or any other reason of continued infeasibility. To provide the necessary frameworks and protections to MRQ volunteers and the boating public, we suggest that the legislation needs to also allow, provide for and govern the power to disestablish MRQ units if the formation of the MRQ unit is no longer warranted or sustainable. Similarly, adjustments to the boundaries of the MRQ unit established in 18 (2) require an appropriate legislative framework.

Example wording that might facilitate this is a new 18 (5):

*“(5) In this section, **establish** means an act of creating, amending or closing an MRQ unit in an area.”*

Clause 20

We note that the discharge of the unit commander’s accountabilities is subject to the provision of adequate resources from MRQ itself. This should be accounted for in the legislation; example wording that might address this is a new 20 (1) (f):

“(f) the unit efficiently applies MRQ resources to discharge its functions.”

ENDS