

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

Submission No: 5
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Submitter Comments:

Thank you for the support of the Committee to progress the Marine Rescue Queensland Bill 2023 , and for providing the opportunity for public comment. This submission is to request that the Committee clarifies Section 15 (Insurance) and/or the related Section 29 (Protection from Liability) of the bill, so that MRQ volunteers are appropriately protected from the expense of defending third party civil claims arising out of MRQ operations. As a member of an existing volunteer marine organisation in Queensland my experience is that our assistance to vessels is often rendered at night, in bad weather, with limited information, and it is not uncommon for the vessel being assisted to be uninsured and occasionally unregistered. Despite our best efforts and risk management procedures it's a very real possibility for property damage to vessels, or for occupants to be injured while they are being assisted by the new MRQ organisation – the flow on risk is then that a vessel owner or insurer may attempt to establish a claim of negligence against either or both of MRQ or individual MRQ volunteers (and in particular the volunteer MRQ vessel master). In this type of scenario where future MRQ crews are rendering assistance in good faith, the bill does not seem clear whether individual MRQ volunteers would be adequately protected and insured in particular for the legal costs of defending such a claim. It does not seem reasonable that MRQ volunteers could be subjected to the cost and risk of defending third party civil claims of negligence, as opposed to this risk being borne and insured by MRQ on behalf of volunteers. The real concern is that even if the claim of negligence is unsuccessful, volunteers have limited financial resources to defend themselves. Currently the drafting indicates the Commissioner is obligated to enter into 'a contract' (singular) with Workcover or another insurer. May I suggest that Section 15 of the bill is clarified so that the insurance held by MRQ is expanded to include, as a minimum, an appropriate level of cover for MRQ volunteers in connection with: 1) Workcover (as per current drafting),

2) third party accident, injury or death 3) third party property damage, and 4) claims of negligence during operations (including legal costs of defending such claims). The reason this is an important mechanism to clarify is: • to provide a robust framework for protection of MRQ volunteers into the future, and reasonable protection against the cost and expense of defending any third party claims • to provide greater clarity for the Commissioner in carrying out their responsibilities under the act • to recognise the unique circumstances of a volunteer marine rescue organisation, where the marine environment is unforgiving, vessels being assisted often have a high monetary value, and a small subset of vessel owners and/or insurers may certainly look for avenues to justify their actions and/or recoup their loss if an operation to assist them is imperfect • so that MRQ does not disincentivise volunteers and experienced vessel masters from providing their time and expertise for this extremely important service for our Queensland boating community Thank you again for considering this submission.