

## **Inquiry into volunteering in Queensland**

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<b>Submitted by:</b>	HopgoodGanim Lawyers
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26 February 2025

Local Government, Small Business and Customer Service Committee (**Committee**)  
[lgsbcsc@parliament.qld.gov.au](mailto:lgsbcsc@parliament.qld.gov.au)

Our ref: 1686484-005

Dear Chair,

## **Submission to Queensland Parliamentary Inquiry into Volunteering in Queensland (the Inquiry)**

Thank you for opportunity to make this submission. Our submission responds to number 7 of the Terms of Reference of [the Inquiry](#):

*7. Opportunities to increase emergency response volunteering in Queensland, including how to optimise the engagement, support and integration of volunteers assisting with natural disasters and community recovery.*

### **(TOR 7)**

In response to TOR 7 we make three **recommendations**:

1. **Recommendation 1:** The *Civil Liability Act (2003)* (Qld) be amended to include a Good Samaritan<sup>1</sup> protection, consistent with other States and Territories in Australia and to clear up current confusion in Queensland about Good Samaritan protections.
2. **Recommendation 2:** The Queensland disaster legislation (such as the *Disaster Management Act 2003* (Qld) and the *Fire Services Act 1990* (Qld) and *State Emergency Services Act 2024* (Qld)) be reviewed and amended to include protections for Good Samaritans by, for example, including a statutory immunity provision like section 59 of the *State Emergency and Rescue Management Act 1989* (NSW)<sup>2</sup>; and
3. **Recommendation 3:** Queensland Government volunteering policies and planning documents, acknowledge the important role of Good Samaritans and better plan for their assistance in the face of increased environmental disasters and declining formal volunteerism.

### **Submissions in support of our recommendations**

Good Samaritans responding to environmental disasters in Queensland are not afforded statutory protections from risk of liability. Consequently, they risk personal liability for the acts

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<sup>1</sup> The term 'Good Samaritan' has been used to describe a person who assists of their own initiative, and is not a registered volunteer. They may be unknown to the person/persons they are assisting. They may also be known as 'casual volunteers', 'community volunteers' and 'spontaneous volunteers'.

<sup>2</sup> Section 59 *State Emergency and Rescue Management Act 1989* (NSW) includes:

(2) Anything done or omitted to be done by a casual volunteer does not, if done or omitted in good faith in connection with a rescue operation or otherwise in response to an emergency, subject the volunteer personally to any action liability, claim or demand.

(3) In this section ... casual volunteer means a person who assists, on his or her own initiative, in a rescue operation or otherwise in response to an emergency in circumstances in which the assistance was reasonably given.



they do in response to environmental disasters where Authorised Persons<sup>3</sup> and/or Authorised Volunteers<sup>4</sup> are not available to respond.

See **Schedule 1** for an analysis of the current Queensland legislative regime and **Schedule 2** for current policy documents applicable to environmental disaster response.

Queensland Good Samaritans who respond to environmental disasters need statutory immunity from personal liability because:

### 1. Good Samaritans save lives

The 2022 NSW Flood Inquiry found that without community-led rescues, it is likely that more people would have died in the 2022 NSW floods<sup>5</sup>.

Tragically, media reports indicated ten people lost their lives from the 2023 Christmas storms across eastern Australia.<sup>6</sup> More lives could have been lost in both these storms and Cyclone Jasper, had it not been for Good Samaritans undertaking multiple rescues.

See **Schedule 3** for more information.

### 2. Responding to environmental disasters involves risk

Responding to an environmental disaster often involves considerable personal risk and good faith decisions are made in crisis situations.

Despite good faith decisions, things can go wrong and Good Samaritans should not be discouraged from acting in an emergency for fear of liability.

See **Schedule 4** for more information.

### 3. Good Samaritans are protected in other Australian jurisdictions

Other jurisdictions in Australia have enacted statutory provisions providing protection against civil liability for Good Samaritans who act in emergency situations in good faith and without recklessness.

See **0** for more information.

### 4. There is confusion in Queensland about protections for Good Samaritans

There appears to be a misconception among some Queensland organisations that Good Samaritan protections do apply in Queensland.

<sup>3</sup> Authorised Persons are persons authorised under law to undertake an emergency rescue, first aid or provide services during or in the immediate aftermath of an environmental disaster and, by way of example, includes (among others) ambulance officers, the State Emergency Service Queensland (SES), the Queensland Fire Department (QFD) etc.

<sup>4</sup> Authorised Volunteers are persons authorised under law to assist with an emergency response and/or first aid. For example, where legislation permits an Authorised Person to deem another person to have the necessary expertise to assist in a situation or otherwise are directed by an Authorised Person to assist.

<sup>5</sup> State of New South Wales, 'NSW Independent Flood Inquiry', 2022 Flood Inquiry Volume One: Summary Report (Report, 29 July 2022) <[https://www.nsw.gov.au/sites/default/files/noindex/2022-08/VOLUME\\_ONE\\_Summary.pdf](https://www.nsw.gov.au/sites/default/files/noindex/2022-08/VOLUME_ONE_Summary.pdf)>, page 41.

<sup>6</sup> Eliza Spenser, 'A very tragic Christmas': 10 people dead after a spate of severe storms across eastern Australia, The Guardian (27 December 2023), <<https://www.theguardian.com/australia-news/2023/dec/27/a-very-tragic-christmas-ten-people-dead-after-spate-of-severe-storms-across-eastern-australia>>.



See **Schedule 6** for more information.

## 5. Potential for liability is increasing

### a. Environmental disasters are increasing in frequency and severity

Though Australia has always experienced environmental disasters, their frequency, severity and cost is increasing as climate change progresses, and it is now widely acknowledged that climate driven environmental hazards are expected to become more frequent and more intense:

*'The frequency and scale of these kinds of natural disasters is only increasing ... It is not situation normal anymore, these are unprecedented times and unprecedented conditions.'* (The former Minister for Energy Renewables and Hydrogen and Minister for Public Works and Procurement, Michael (Mick) de Brenni, on the damage to infrastructure from the destructive Christmas Day storms through Southeast Queensland.)<sup>7</sup>

See **Schedule 7** for more information.

### b. There is often insufficient government capacity to respond to environmental disasters

As environmental disaster seasons become longer and more intense across Australia, it is acknowledged that governments increasingly lack the capacity and capability to adequately respond to disasters without additional assistance. Good Samaritans often provide much needed surge capacity where Authorised Persons are not available.

Cyclone Jasper in December 2023 provides a recent Queensland example of this where Authorised Persons simply were not able to reach those in need in time and civilians facilitated rescues<sup>8</sup>.

See **Schedule 8** for more information.

### c. Formal Volunteerism is declining, yet Good Samaritans are inevitable

Volunteer workforces are recognised as being integral to sustainably resourcing emergency management services across Australia. However, formal volunteerism is declining and the challenges of maintaining a volunteer workforce are expected to increase in the future because of an aging population, a time-poor society, digital distraction and competing priorities.

Despite this, Good Samaritans are often first on the scene in an emergency or soon thereafter, motivated by a strong desire to assist impacted individuals and communities.

<sup>7</sup> Jacqueline McLaren and Meg Bolton, *Monsoon Trough to bring heavy rain forecast to flood ravaged FNQ*, ABC News (10 January 2024) <<https://www.abc.net.au/news/2024-01-10/qld-cyclone-risk-wet-weather-flooding-bom/103299500>>.

<sup>8</sup> Prime Minister of Australia, *Press conference - Brisbane* (19 December 2024) <<https://www.pm.gov.au/media/press-conference-brisbane-1>> ('Press conference'); Adam Stephen, Owen Jacques and Heidi Sheehan, *18 Lives saved from rising floodwaters in FNQ by a boatie named Gavin and a pilot named Magoo*, ABC News (19 December 2023) <<https://www.abc.net.au/news/2023-12-19/18-lives-saved-far-north-queensland-cairns-flood-chopper-/103244364>> ('Gavin and Magoo'); Tnewsnq, *The Cairns Mud Army*, Instagram (December 2024) <<https://www.instagram.com/p/C1DrjCy0zC/>> ('The Cairns Mud Army').



Again, we saw this with Cyclone Jasper in December 2023 with Good Samaritans undertaking rescues in boats, kayaks and helicopters, and volunteering for the 'Cairns Mud Army'<sup>9</sup>. Ricky and Jarod Mellor, volunteers in the 'Cairns Mud Army', rescued 100 people near Holloways Beach, including a mother and her 7-day old baby. [Ricky Mellor](#) said they were asked to pick people up "because the SES couldn't", and he "was just making sure everybody else was safe"<sup>10</sup>.

The former Queensland Premier, Steven Miles and the Australian Prime Minister, Anthony Albanese, publicly acknowledged and thanked the Good Samaritans. The [former Premier](#) said:

*'we have continued ... to see acts of bravery from frontline workers and local heroes, and local volunteers' and 'we have seen incredible acts of bravery continuing today, with families saved from roof tops and locals lending a hand to look after their neighbours.'*<sup>11</sup>

With reference to the rescue efforts in Far North Queensland, the [Prime Minister](#) said:

*'These are the stories of which every Australian can be proud of the very essence of the Australian character that shine through. The true Australian spirit that we see time and time again.'*<sup>12</sup>

In the North Queensland Floods in January and February 2025, the Premier, David Crisafulli, thanked emergency services personnel, as well as "volunteers and everyday Queenslanders" who were out "lending a hand".<sup>13</sup>

See **Schedule 9** for more information.

We consider our three recommendations, supported by our submissions, to be both uncontroversial and necessary to bring Queensland in line with other Australian jurisdictions and extend statutory protections to Good Samaritans responding to environmental disasters.

### About HopgoodGanim Lawyers

HopgoodGanim is a high performing mid-tier legal practice based in Brisbane and Perth. Founded in 1974, we've grown to a team of more than 300 staff, including 180 specialist practitioners. We deliver exceptional outcomes to our clients in most areas of commercial legal practice while also housing one of Australia's leading and largest private client legal teams.

Our key client markets include:

- Energy, Renewables and Mining
- Government
- Real Estate and Development
- Technology and Digital Economy
- Private Clients

<sup>9</sup> *Gavin and Magoo*, (n 8); Artlife. films, *Cairns Floods – Local Hero Documentary*, Instagram (8 January 2024) <<https://www.instagram.com/p/C11L-rEPFG0/>> ('Local Hero Documentary'); *The Cairns Mud Army* (n 6).

<sup>10</sup> *The Cairns Mud Army* (n 8).

<sup>11</sup> *Press conference* (n 8).

<sup>12</sup> *Gavin and Magoo* (n 8).

<sup>13</sup> LinkedIn, David Crisafulli MP (1 February 2025) <[https://www.linkedin.com/posts/david-crisafulli\\_thank-you-to-all-of-our-emergency-service-activity-7291403645948936192-Gyig?utm\\_source=share&utm\\_medium=member\\_desktop&rcm=ACoAABRMkNUBx68jWfBIHw0BGM2qGD7Jhqil5jU](https://www.linkedin.com/posts/david-crisafulli_thank-you-to-all-of-our-emergency-service-activity-7291403645948936192-Gyig?utm_source=share&utm_medium=member_desktop&rcm=ACoAABRMkNUBx68jWfBIHw0BGM2qGD7Jhqil5jU)>



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We have a dedicated pro bono practice with a focus on delivering impact and outcomes under our [Pro-Bono-Impact-Strategy](#) in three priority areas:

- Working with First Nations communities so that they can achieve the outcomes they want to achieve;
- Mitigating the impact of environmental disasters; and
- Reducing family and domestic violence.

Yours faithfully

*Hopgood Ganim Lawyers*

**HopgoodGanim Lawyers**





## Schedule 1 - Legal Protections afforded to Authorised Persons and Authorised Volunteers in Queensland and the key risks and liability for Good Samaritans in Queensland

### 1. Relevant Queensland legislation for environmental disaster response

- (a) The responsibility for preparing for and responding to disaster events in Australia resides with the States and Territories.<sup>14</sup> The States and Territories can however call on the Commonwealth Government if they are unable to reasonably cope with the needs of the situation.
- (b) There is considerable legislation regulating or applicable (either directly or indirectly) to environmental disaster responses in Queensland and most instruments provide statutory protections for Authorised Persons and Authorised Volunteers responding to environmental disasters. We have included only some examples below:

Instrument	Protections	Persons protected
<i>Disaster Management Act 2003 (Qld) (DMA)</i>	Civil liability does not attach to an official because of anything done or omitted to be done under the Act in good faith without reckless disregard for the possible occurrence of the personal injury or loss or damage to property from which liability would arise, if this section did not apply. <sup>15</sup>	'Official' means a member of the State group, a district group or a local group; a declared disaster officer; a person authorised under this Act to exercise rescue powers; a person required to give reasonable help. <sup>16</sup>
<i>Public Safety Preservation Act 1986 (Qld)</i>	Liability at law does not attach to the State, a Minister or an official because of anything done or omitted to be done under the <i>Public Safety Preservation Act 1986 (Qld)</i> in good faith and without negligence. <sup>17</sup>	Official includes any commanders, ambulance controller, emergency responder, fire controller, medical controller, persons acting under a help direction or resource operation direction and police officers. <sup>18</sup>
<i>Fire Services Act 1990 (Qld) (FSA)</i>	No liability attaches to any person for an act done, or omission made, honestly and without negligence when acting in their capacity as a member of the Queensland Fire Service (QFS). <sup>19</sup>	QF consists of the commissioner and fire service officers <sup>20</sup> Fire Service Officer is defined to mean a person employed under s25, specifically: 'The commissioner may employ the persons the commissioner considers necessary to perform the fire service's functions.'
<i>State Emergency</i>	Civil liability does not attach because of an act done, or omission made,	Protection applies to the State, a local government, the Minister, an SES

<sup>14</sup> Queensland Government, 'South East Queensland Rainfall and Flooding February to March 2022 Review: Report 1' (31 August 2022) page 21 [https://www.igem.qld.gov.au/sites/default/files/2022-10/PROTECTED%20SEQ%20Rainfall%20and%20Flooding%20Reviewreduced\\_0.pdf](https://www.igem.qld.gov.au/sites/default/files/2022-10/PROTECTED%20SEQ%20Rainfall%20and%20Flooding%20Reviewreduced_0.pdf).

<sup>15</sup> *Disaster Management Act 2003 (Qld)*, s144

<sup>16</sup> *Ibid* s144(3)

<sup>17</sup> *Public Safety Preservation Act 1986 (Qld)*, s47

<sup>18</sup> *Ibid* s47

<sup>19</sup> *Fire Services Act 1990 (Qld)*, s 153B

<sup>20</sup> *Ibid* s25



<i>Service Act 2024 (Qld)</i>	honestly and without negligence under Chapter 4. <sup>21</sup>	member, an ESU member, an authorised rescue officer or a person helping an authorised rescue officer under. <sup>22</sup>
<i>Ambulance Service Act 1991 (Qld)</i>	Every service officer <sup>23</sup> and persons who provide assistance are indemnified against all actions, proceedings and claims in relation to his or her assistance in good faith in the exercise of the authorised officer's powers or duties pursuant to the ambulance services legislation.	Service officers and people who assist authorised officers.
<i>Public Service Act 2008 (Qld)</i>	A State employee (i.e. Authorised Person) does not incur civil liability for engaging, or for the result of engaging, in conduct in an official capacity. Protection only applies if the employee is acting in an official work duty, in good faith and without gross negligence. <sup>24</sup>	A State employee includes a public service employee, a ministerial staff member, an associate to a Supreme Court judge, District Court judge or commissioner, a person appointed under an Act (where that appointment involves representing or acting for the State), a person who is not a public service employee but who is a member or employee or a government entity representing the State, a person to whom a function or power mentioned above is delegated to them under an Act, another person described by regulation as a State employee. <sup>25</sup>  There are however limitations to this definition as mentioned in section 26B(3) of the <i>Public Service Act 2008</i> (Qld).
<i>Law Reform Act 1995 (Qld)</i>	Liability at law does not attach for an act done or omitted in the course of rendering medical care, aid or assistance to an injured person in circumstances of emergency at or near the scene of the incident or emergency or while being transported to a hospital if the act is done or omitted in good faith and without gross negligence and not for fee or reward. <sup>26</sup>	A medical practitioner, nurse or other person prescribed under a regulation. <sup>27</sup>

<sup>21</sup> *State Emergency Services Act 2024* (Qld), s 45.

<sup>22</sup> Ibid s149(2)(h).

<sup>23</sup> Ibid s 13(1); Note: Service Officer is defined to mean "ambulance officer, medical officer, other staff members".

<sup>24</sup> *Public Service Act 2008* (Cth), s 26C.

<sup>25</sup> Ibid, s26B.

<sup>26</sup> *Law Reform Act 1995* (Qld); Note: At the date of publication, there are no other persons or groups of persons prescribed as Authorised Persons under regulation.

<sup>27</sup> Ibid ss 15-16.





<p><i>Civil Liability Act 2003 (Qld)</i></p>	<p>Civil liability protection is afforded to persons rendering first aid or other aid to a person in distress if the first aid is given:</p> <ul style="list-style-type: none"> <li>(a) by the person while performing duties to enhance public safety for an entity prescribed under a regulation that provides services to enhance public safety; and</li> <li>(b) in the circumstances of an emergency; and</li> <li>(c) the act is done or omitted in good faith and without reckless disregard for the safety of the person in distress or someone else.<sup>28</sup></li> </ul>	<p>Entities prescribed under the regulation include (among others) Brisbane City Council, CareFlight, department administering the DMA, Queensland Ambulance Service, rural fire brigade and the SES.<sup>29</sup></p>
<p><i>Defence Act 1903 (Cth)</i></p>	<p>At the Commonwealth level, and in circumstances where the defence forces are called upon to assist the Queensland Government, section 123AA of the DA provides immunity from civil or criminal liability for anything a 'protected person' does or omits to do, in good faith, in the performance of their duties if the duties are for the provision of assistance by the ADF and the assistance is provided to prepare for/respond to/recover from a natural disaster<sup>30</sup> or other emergency if provided at the direction of the Minister.</p>	<p>"Protected persons" include members of the Defence Force, an APS employee in the Department or a person authorised, in writing, to perform duties in respect of the provision of assistance.<sup>31</sup></p>

<sup>28</sup> *Civil Liability Act 2003* (Qld), s 26 ('CLA'); Note: "First Aid" and "Emergency" are not defined within the CLA.

<sup>29</sup> *Civil Liability Regulation 2014* (Qld), Schedule 1.

<sup>30</sup> Note: "Natural Disaster" is not defined within the CLA.

<sup>31</sup> *Defence Act 1903* (Cth), s 123AA(3).



## Schedule 2 : Relevant policy for environmental disaster response

### 1. Relevant current Queensland policy for environmental disaster response

- (a) Understanding disaster risk and disaster risk reduction are international priorities as captured within the United Nations Office for Disaster Risk Reduction's Sendai Framework for Disaster Risk Reduction 2015 – 2030.<sup>32</sup> At a national level, these priorities are addressed in the Department of Home Affairs' [Australian Disaster Preparedness Framework](#) and [National Disaster Risk Reduction Framework](#).
- (b) The DMA and the *Disaster Management Regulation 2014* (Qld) form the legislative basis for Queensland's disaster management arrangements,<sup>33</sup> and give authority and accountability to the chief executive to prepare disaster management guidelines.<sup>34</sup> The current policies regulating or applicable to environmental disaster responses in Queensland are identified in the table below.
- (c) Though these documents provide for collaboration, community response and engagement, promotion of public safety and partnerships as well as adaptable and flexible frameworks, the documents do not adequately acknowledge or address the role of Good Samaritans and do not provide any significant guidance to plan for their assistance.

Instrument	Purpose and details
<i>Queensland Disaster Management – 2016 Strategic Policy Statement</i>	<p>To inform the Queensland Government's strategic approach to keeping people safe and making communities more resilient to disaster risks and impacts.<sup>35</sup></p> <p>This has been prepared in accordance with the State's obligations under sections 18(a) and 49(2)(a) of the DMA.</p> <p>The strategies adopted are to:</p> <ol style="list-style-type: none"> <li>(a) ensure disaster operation capabilities are responsive and effective;</li> <li>(b) build capacity, skills and knowledge to enable adaptation to changing environments;</li> <li>(c) effectively collaborate and share responsibilities for disaster management across all levels of government, industry and communities;</li> <li>(d) effectively communicate to engage all stakeholders in disaster management;</li> </ol>

<sup>32</sup> United Nations Office for Disaster Risk Reduction, "The Sendai Framework for Disaster Risk Reduction 2015-2030" (18 March 2015)

[https://www.preventionweb.net/files/43291\\_sendaiframeworkfordrren.pdf?\\_gl=1\\*1ukt46c\\*\\_ga\\*MiUxNjM3OTYuMTY5MzU0MjUwOQ.\\*\\_ga\\_D8G5WXP6YM\\*MTY5MzU0MjU2MC4xLjAuMTY5MzU0MjU2MC4wLjAuMA](https://www.preventionweb.net/files/43291_sendaiframeworkfordrren.pdf?_gl=1*1ukt46c*_ga*MiUxNjM3OTYuMTY5MzU0MjUwOQ.*_ga_D8G5WXP6YM*MTY5MzU0MjU2MC4xLjAuMTY5MzU0MjU2MC4wLjAuMA)

<sup>33</sup> Queensland Police Services, "Interim Queensland Prevention, Preparedness, Response and Recovery Disaster Management Guideline 2024-25", (November 2024), para 1.1.  
[https://www.disaster.qld.gov.au/\\_data/assets/pdf\\_file/0032/359465/Interim-QPPRR-Disaster-Management-Guideline-2024-25.pdf](https://www.disaster.qld.gov.au/_data/assets/pdf_file/0032/359465/Interim-QPPRR-Disaster-Management-Guideline-2024-25.pdf) ('Disaster Management Guideline').

<sup>34</sup> *Disaster Management Act 2003* (Qld) ('DMA'), s 63.

<sup>35</sup> Queensland Government, "Queensland Disaster Management 2016 Strategic Policy Statement" (March 2017).  
[https://www.disaster.qld.gov.au/\\_data/assets/pdf\\_file/0022/337234/2016-Queensland-Disaster-Management-Strategic-Policy-Statement-SPS.pdf](https://www.disaster.qld.gov.au/_data/assets/pdf_file/0022/337234/2016-Queensland-Disaster-Management-Strategic-Policy-Statement-SPS.pdf).





Instrument	Purpose and details
	<p>(e) incorporate risk based planning into disaster management decision making; and</p> <p>(f) continuously improve disaster management through implementation of innovation, research and lessons learned.</p>
<i>Emergency Management Assurance Framework</i>	<p>To provide the basis for delivering the functions of the Office of the Inspector-General of Emergency Management (<b>IGEM</b>) as set out in section 16C of the DMA.<sup>36</sup></p> <p>The key objectives are to:</p> <ul style="list-style-type: none"> <li>• direct, guide and focus the work of IGEM to ensure all entities working in Queensland's disaster management arrangements strive to achieve positive outcomes for the community.</li> <li>• support continuous improvement in disaster management.</li> <li>• provide transparency in relation to how IGEM delivers its functions.<sup>37</sup></li> </ul> <p>In meeting the objectives, the framework includes four principles to underpin the establishment and continuous improvement of effective disaster management in Queensland.<sup>38</sup> These principles include public safety, leadership, partnership and performance. There are also five other good practice attributes that should inform disaster management standards that are developed by IGEM including that they are scalable, comprehensive, interoperable, value driven and adaptable.<sup>39</sup></p>
<i>Standard for Disaster Management in Queensland</i>	<p>To establish the outcomes to be achieved for all entities involved in disaster management, pursuant to section 16N(1) of the DMA.<sup>40</sup></p> <p>To establish the way entities responsible for disaster management in Queensland are to undertake disaster management. It establishes shared responsibilities that all entities in the disaster management sector are responsible for contributing to. These standards include managing risk, planning and plans, community engagement, operations response and collaboration and coordination.<sup>41</sup></p> <p>It also establishes five accountabilities that should be applied in the context of each shared responsibility and outcome, including governance, doctrine, people, enablers and continuous improvement.<sup>42</sup></p>
<i>Interim Queensland State Disaster Management Plan</i>	<p>To outline the principles of disaster management in Queensland.</p> <p>To describe the roles and responsibilities of disaster management stakeholders to support disaster management as legislated in the DMA.</p>

<sup>36</sup> Inspector-General of Emergency Management, "Emergency Management Assurance Framework" (June 2021). (<https://www.igem.qld.gov.au/sites/default/files/2021-07/Emergency%20Management%20Assurance%20Framework%20v2.1.1.pdf> ("EMAF").

<sup>37</sup> Ibid.

<sup>38</sup> Ibid.

<sup>39</sup> Ibid.

<sup>40</sup> Inspector-General of Emergency Management, "Standard for Disaster Management in Queensland" (June 2021). (<https://www.igem.qld.gov.au/sites/default/files/2021-07/Standard%20for%20Disaster%20Management%20in%20Queensland%202.1.1.pdf> ("Standard for Disaster Management").

<sup>41</sup> Ibid.

<sup>42</sup> Ibid.





Instrument	Purpose and details
	<p>The plan must be prepared in accordance with the State's obligations under section 49 of the DMA.</p> <p>To outline the arrangements for prevention, preparedness, response, recovery and resilience.<sup>43</sup></p> <p>The plan recognises that volunteers play a key role in local disaster response, and that during times of disasters, individuals and communities inevitably seek to assist their neighbours through spontaneous or ad hoc volunteering.<sup>44</sup></p> <p>The plan states that <a href="#">Volunteering Queensland</a> is the central point of recruitment and referral for spontaneous and ad hoc volunteers associated with disasters through its Emergency Volunteering - Community Response to Extreme Weather (EV CREW) function.<sup>45</sup> Furthermore, all potential volunteers should be encouraged to pre-register ahead of an event by contacting Volunteering Queensland.<sup>46</sup></p>
<i>Queensland prevention preparedness response and recovery disaster management guideline</i>	<p>To outline a comprehensive end-to-end process of the steps needed for each phase of disaster management, specifically addressing the roles and responsibilities of disaster management stakeholders, prevention and mitigation strategies, preparedness arrangements and considerations for planning, the activation of response arrangements, the recovery process and financial arrangements.<sup>47</sup></p> <p>The Guideline recognises that community members are renowned for becoming first responders in a disaster event,<sup>48</sup> and states that the scenario of "people helping people" who know and trust each other does not require formal coordination processes, and accordingly, the Guideline does not further consider the management of this cohort.<sup>49</sup></p> <p>The Guideline refers to spontaneous volunteers as individuals or groups who are not skilled or trained to perform specific roles in disasters and are often not affiliated with an emergency or community organisation but are motivated to help.<sup>50</sup></p> <p>The Guideline states that planning will greatly assist with the coordination of engaging, recruiting, training, supervising and ensuring that spontaneous volunteers are properly registered, insured, safe and capable of providing the required support to the community.<sup>51</sup></p>
<i>Queensland Strategy for Disaster Resilience 2022-2027</i>	<p>To promote a systems approach to resilience that connects with a range of agencies and sectors to deliver improved outcomes for Queensland.</p> <p>The objectives include to:</p>

<sup>43</sup> Queensland Disaster Management Committee, "Queensland Interim State Disaster Management Plan", (2024), Page 7, [https://www.disaster.qld.gov.au/\\_data/assets/pdf\\_file/0031/528448/Interim-Queensland-State-Disaster-Management-Plan-2024-25.pdf](https://www.disaster.qld.gov.au/_data/assets/pdf_file/0031/528448/Interim-Queensland-State-Disaster-Management-Plan-2024-25.pdf) ("Interim State Disaster Management Plan").

<sup>44</sup> Ibid page 537 section 8 Effective resource management.

<sup>45</sup> Ibid.

<sup>46</sup> Ibid.

<sup>47</sup> Queensland Police Service, "Interim Prevention, Preparedness Response and Recovery Disaster Management Guideline 2024-25" (2024) [https://www.disaster.qld.gov.au/\\_data/assets/pdf\\_file/0032/359465/Interim-QPPRR-Disaster-Management-Guideline-2024-25.pdf](https://www.disaster.qld.gov.au/_data/assets/pdf_file/0032/359465/Interim-QPPRR-Disaster-Management-Guideline-2024-25.pdf).

<sup>48</sup> Disaster Management Guideline (n 33), page 40 section 4.4.8.1.

<sup>49</sup> Ibid.

<sup>50</sup> Ibid.

<sup>51</sup> Ibid.





Instrument	Purpose and details
	<p>(a) understand the potential disaster risks Queensland faces;</p> <p>(b) work together to better manage disaster risks;</p> <p>(c) seek new opportunities to reduce the risk of disaster; and</p> <p>(d) improve how Queensland prepares for, responds to and recovers from disasters.</p>
District Disaster Management Plans	<p>To detail the arrangements that provide a whole-of-government planning and coordination capability to prevent, prepare for, respond to and recovery from disasters within the district groups of Queensland.<sup>52</sup></p> <p>Established under section 22 for each disaster district under section 22 of the DMA<sup>53</sup>. There are currently 23 disaster districts prescribed under <a href="#">Schedule 1</a> of the DMR.<sup>54</sup> Each District Disaster Management Group must prepare a district disaster management plan consistent with Queensland's strategic policy framework for their work in the group's area.<sup>55</sup></p> <p>Examples include the <a href="#">Brisbane District Disaster Management Plan</a>, the <a href="#">Toowoomba District Disaster Management Plan</a> and the <a href="#">Innisfail District Disaster Management Plan</a>. The plans for each of the 23 disaster districts can be found on the <a href="#">Queensland Police Services website</a>.</p>
Local Disaster Management Plans	<p>To effectively manage and mitigate the effects of disasters on the community wherever possible or practical, while preparing to respond when disasters do occur.<sup>56</sup></p> <p>This is to be prepared pursuant to section 57 and 58 of the DMA. These plans are to be consistent with the Queensland's disaster management standards and guidelines.</p> <p>Examples include the local disaster management plans established by the Brisbane City Council, the Toowoomba Regional Council and the <a href="#">Cairns Regional Council</a>.</p> <p>An example of a Local government response to "spontaneous" volunteering and environmental disasters includes <a href="#">Brisbane Mud Army</a>. The Mud Army does not though deal with emergency response, rather clean up, and Council includes the following disclaimer regarding volunteering with the Mud Army:</p> <p><i>Brisbane City Council (Council) makes no representations or warranties as to the nature of any activities that might be undertaken by you. Your participation in any activity (and that of your dependents) is entirely at your discretion and is voluntary.</i></p> <p><i>While you (and your dependents) are undertaking duties as authorised Council volunteers under a Council volunteer program, you will be covered by a limited personal injury insurance cover, a limited public liability cover and a limited motor vehicle insurance, subject to the terms of each of those</i></p>

<sup>52</sup> DMA (n 15) Div 2, Part 3; Queensland Police Services, "Disaster management plans", (2023) <https://www.police.qld.gov.au/gps-corporate-documents/disaster-management-plans>.

<sup>53</sup> DMA (n 15) s 22.

<sup>54</sup> Disaster Management Regulation 2014 (Qld), sch 1.

<sup>55</sup> DMA (n 15) s 53.

<sup>56</sup> DMA (n 15) Div 3, Part 3; Brisbane City Council, "Local Disaster Management Plan", (2023), Page 7 <https://www.brisbane.qld.gov.au/sites/default/files/documents/2023-06/20230608-2022-local-disaster-management-plan.pdf>.





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Instrument	Purpose and details
	<p><i>policies. Details of those policy are available upon request. To the extent permitted by law, and to the extent of coverage provided by the aforementioned insurance policies, Council takes no responsibility or liability for any damage, loss, costs, expenses, claims, demands, actions, proceedings, injury or illness (including without limitation permanent injury, incapacitation or death) due to or arising out of, directly or indirectly, the actions or omissions (whether wilful, negligent or otherwise) of Council (including any officer, employee or volunteer) or a participant (including yourself and your dependents) or any third party provider.</i></p>



### Schedule 3 - Good Samaritans save lives

1. Good Samaritans save lives. Individual members of the Northern Rivers community felt as though they had no other option but to ignore government advice and perform their own rescues in dangerous conditions in order to save lives.<sup>57</sup> Indeed, the Australian Government acknowledges that local reporting on the 2022 floods indicates most rescues in northern NSW were conducted by civilians as the scale of the task overwhelmed official response capabilities.<sup>58</sup> The 2022 NSW Flood Inquiry found that without community-led rescues, it is likely that more people would have died<sup>59</sup>:

*"I think that people that were here felt very much abandoned, and incredibly grateful for those people who had the tinnies and took them out against... because they were told not use them by the SES, and they were saying that they were risking SES operations and being dangerous, and all of that stuff, but if it wasn't for them, and if they didn't go against that official advice, I'd say there'd be hundreds of people who would have died".<sup>60</sup>*

*"At about 11.00 pm, a flood evacuation order was issued. The water was frightening and so too was the amount of rain. I have poor physical visibility and I rang SES straight away. I had just received the evacuation order and I had a place to go to. My friend would come and pick me up and my dog. The SES told me to stay where I was and they would pick me up. They didn't come. It was extremely difficult and traumatising... At about 2.00 am, SES said that they wouldn't come. I told the SES that they have put my life in danger and that a friend could have picked me up. The SES told me to get up as high as I can. They also told me that if I could walk out that I should. Water started to enter the ground floor of my home at about 3.00 am. I was abandoned... I was on the roof for a long time and I could not move. I could only sit tight. I resigned myself to being there for a very long time. No one had adequate time... I became aware of a noise around the back of my house. The back lane was like a river... I saw a guy in a red canoe pulling people out of the water... Red canoe man eventually took me from the roof... Thank you, Red Canoe Man and Tinnie Army." Naomi Worrall – community member".<sup>61</sup>*

*"Unbeknown[sic] to me people were carrying out rescues with whatever floated, and community members responded with boards, jet skis, tinnies etc. The event was difficult given the isolation of very town from transport, communication, fuel, resources in general. So much of the rescue load as picked up by the community."*

Duncan Fowler – community member NSW Flood Inquiry 2022<sup>62</sup>

<sup>57</sup> Select Committee Flood Response (n 91) page 10.

<sup>58</sup> Satherley and May (n 113).

<sup>59</sup> NSW Independent Flood Inquiry Volume 1 (n 5) page 41.

<sup>60</sup> Natural Hazards Research Australia, 'Natural Hazards Research Australia' *Community experiences of the January – July 2022 floods in New South Wales and Queensland – Final report: Policy-relevant themes* (Report, 2 May 2023) [https://www.naturalhazards.com.au/sites/default/files/2023-05/Community%20experiences%20Jan%20July%202022%20floods%20NSW%20QLD\\_final%20report.pdf](https://www.naturalhazards.com.au/sites/default/files/2023-05/Community%20experiences%20Jan%20July%202022%20floods%20NSW%20QLD_final%20report.pdf).

<sup>61</sup> NSW Independent Flood Inquiry Volume 1 (n 5) page 45.

<sup>62</sup> Ibid page 46.



## Schedule 4 - Activities undertaken involve risk

1. Responding to an environmental disaster necessarily involves risk.
2. According to the QFD, emergency events are notoriously unpredictable, and what looks safe can quickly escalate into dangerous conditions. In flood water, for instance, a seemingly calm surface can mask a fast moving powerful body of water below, and individuals cannot predict what is happening beneath. Water can be swift flowing and no one can predict what lies beneath the surface.<sup>63</sup> Depending on the area, large snakes or crocodiles could also be in the water as was seen in the 2025 Townsville floods<sup>64</sup>. Moreover, floodwaters can rise, fall or surge very quickly, and this also presents significant risk to Good Samaritans responding to a flooding event.
3. In cyclone events, the Queensland Government (Get Ready Queensland) note that cyclones are powerful enough to blow away unsecured items, break large trees and cause extensive property damage.<sup>65</sup> The SES note that individuals need to be aware of their surroundings and take care when inspecting property and travelling, as there may be fallen trees and power lines, broken water and sewage lines, loose roof sheeting, and other material.<sup>66</sup> Again, this presents unique risks to individuals responding in environmental disasters, as well as to the person they are rescuing.
4. The Good Samaritan rescues in Far North Queensland in December 2023 involved individuals navigating raging flood waters in kayaks and small fishing boats (tinny). One Good Samaritan tied his kayak to himself while rescuing individuals and taking them to higher ground<sup>67</sup>.
5. In the 2025 Townsville floods a person lost their life while being rescued by SES<sup>68</sup>.
6. Identification of these risks is the very reason why protections exist for Authorised Persons and Authorised Volunteers under the Queensland disaster management and emergency response legislation. And, where Authorised Persons and Authorised Volunteers are not available, and Good Samaritans step in, provided the actions they take are in good faith and without reckless disregard, those actions should be protected from liability.

<sup>63</sup> Queensland Fire Department, 'Know the dangers' (Web page) <https://www.fire.qld.gov.au/prepare/flooding/know-dangers>.

<sup>64</sup> Daily Mail, *North Queensland Floods: Crocodile appears on Aussie's doorstep after regions battered by a METRE of rain*, (4 February 2025) <<https://www.dailymail.co.uk/news/article-14356659/Ingham-Townsville-floods-evacuate.html>>.

<sup>65</sup> Queensland Government, 'Get Ready Queensland' *Cyclone and storm surge* (Web page)

<https://www.getready.qld.gov.au/getting-ready/understand-your-risk/types-disasters/cyclone-and-storm-surge>.

<sup>66</sup> State Emergency Service, *Cyclone* (Web page) <https://www.ses.qld.gov.au/cyclone>

<sup>67</sup> *Local Hero Documentary*(n 9).

<sup>68</sup> ABC News, *North Queensland floods spark mass evacuations and blackouts, more rain forecast* (2 February 2025), <<https://www.abc.net.au/news/2025-02-02/more-rain-forecast-as-north-queensland-floods/104779436>>





## Schedule 5 - Good Samaritans are protected in other Australian jurisdictions

1. Section 59 of the *State Emergency and Rescue Management Act 1989* (NSW) provides statutory immunity for Good Samaritans who assist in emergency situations:
 

*(2) Anything done or omitted to be done by a casual volunteer does not, if done or omitted in good faith in connection with a rescue operation or otherwise in response to an emergency, subject the volunteer personally to any action liability, claim or demand.*

*(3) In this section ... casual volunteer means a person who assists, on his or her own initiative, in a rescue operation or otherwise in response to an emergency in circumstances in which the assistance was reasonably given.*
2. Other jurisdictions in Australia have also enacted provisions providing protection against civil liability for Good Samaritans who act in emergency situations<sup>69</sup> in good faith and without recklessness:

State	Legislation/Section	Protection
SA	Section 74, <i>Civil Liability Act 1936</i> (SA) <sup>70</sup>	<p>A “good samaritan” – that is, a person who, acting without expectation of payment or other consideration, comes to the aid of a person who is apparently in need of emergency assistance – incurs no personal civil liability for an act or omission done or made in good faith and without recklessness in assisting a person in apparent need of emergency assistance.</p> <p>However, the immunity does not:</p> <p>extend to liability that falls within the ambit of a scheme of compulsory third party motor vehicle insurance; or</p> <p>operate if the good samaritan's capacity to exercise due care and skill was, at the relevant time, significantly impaired by alcohol or another recreational drug.</p>
WA	<a href="#">Part 1D</a> , <i>Civil Liability Act 2002</i> (WA) <sup>71</sup>	<p>A “good samaritan” – that is, a natural person who, acting without expectation of payment or other consideration, comes to the aid of a person who is apparently in need of emergency assistance – does not incur any personal civil liability in respect of an act or omission done or made by the good samaritan at the scene of an emergency in good faith and without recklessness in assisting a person in apparent need of emergency assistance.</p> <p>However, the protection from civil liability does not apply if the ability of the good samaritan to exercise</p>

<sup>69</sup> Note: “Emergency Situations” is not defined in the Civil Liability Acts of SA, WA, Vic, NSW, ACT or NT.

<sup>70</sup> Note: Section introduced in 2002.

<sup>71</sup> Note: Section introduced in 2003.





State	Legislation/Section	Protection
		reasonable care and skill, at the relevant time, was significantly impaired by reason of the good samaritan or medically qualified good samaritan being intoxicated by alcohol or a drug or other substance capable of intoxicating a person and the intoxication was self-induced.
Vic	Part VIA (Good samaritan protection) and Part VIB (Food donor protection), <i>Wrongs Act 1958</i> (Vic) <sup>72</sup>	<p>A “good samaritan” – that is, an individual who provides assistance, advice or care to another person in relation to an emergency or accident in circumstances in which:</p> <p>he or she expects no money or other financial reward for providing the assistance, advice or care; and</p> <p>as a result of the emergency or accident the person to whom, or in relation to whom, the assistance, advice or care is provided is at risk of death or injury, is injured, is apparently at risk of death or injury, or is apparently injured,</p> <p>is not liable in any civil proceeding for anything done, or not done, by him or her in good faith in providing assistance, advice or care at the scene of the emergency or accident.</p>
NSW	Part 8 (Good Samaritans) and Part 8A (Food donors), <i>Civil Liability Act 2002</i> (NSW) <sup>73</sup>	<p>A “good samaritan” – that is, a person who, in good faith and without expectation of payment or other reward, comes to the assistance of a person who is apparently injured or at risk of being injured, does not incur any personal civil liability in respect of any act or omission done or made by the good samaritan in an emergency when assisting a person who is apparently injured or at risk of being injured.</p> <p>However, the immunity does not apply:</p> <p>if it is the good samaritan’s intentional or negligent act or omission that caused the injury or risk of injury in respect of which the good samaritan first comes to the assistance of the person;</p> <p>if the ability of the good samaritan to exercise reasonable care and skill was significantly impaired by reason of the good samaritan being under the influence of alcohol or a drug voluntarily consumed (whether or not it was consumed for medication);</p> <p>if the good samaritan failed to exercise reasonable care and skill in connection with the act or omission; or</p> <p>to the kinds of liability already excluded by s 3B of the Act.</p>

<sup>72</sup> Note: Section introduced in 2002.

<sup>73</sup> Note: Section introduced in 2002.





State	Legislation/Section	Protection
ACT	Part 2.1 (Good Samaritans) <sup>74</sup> and Part 2.2A (Food Donors), <sup>75</sup> <i>Civil Law (Wrongs) Act 2002</i> (ACT)	<p>A “good samaritan” – that is, a person who, acting without expectation of payment or other consideration, comes to the aid of a person who is apparently:</p> <p>injured or at risk of being injured; or</p> <p>in need of emergency medical assistance,</p> <p>does not incur personal civil liability for an act done or omission made honestly and without recklessness in assisting, or giving advice about the assistance to be given to a person who is apparently injured or at risk of being injured, or in need of emergency medical assistance.</p> <p>However, the protection does not apply if:</p> <p>the liability falls within the ambit of a scheme of compulsory third party motor vehicle insurance; or</p> <p>the good samaritan's capacity to exercise appropriate care and skill was, at the relevant time, significantly impaired by a recreational drug.</p>
NT	Sections 7A (Donors of food and grocery products) and 8 (Good Samaritans), <i>Personal Injuries (Liabilities and Damages) Act 2003</i> (NT) <sup>76</sup>	<p>A “good samaritan” – that is, a person who, acting without expectation of payment or other consideration, comes to the aid of a person who is apparently in need of emergency assistance does not incur personal civil liability for a personal injury caused by an act done in good faith and without recklessness while giving emergency assistance to a person.</p> <p>However, this protection does not apply if the good Samaritan was intoxicated while giving the assistance or advice.</p>
Tas	Section 35B <i>Civil Liability Act 2002</i> (Tas)	<p>A “good Samaritan” is an individual who provides assistance, advice or care to another person in relation to an emergency or accident in circumstances in which they expect no financial reward and the person subjected to the assistance, advice or care is at risk of death or injury.</p> <p>A good Samaritan is not liable in any civil proceeding for anything done, or not done, by them in good faith and without recklessness.</p>

<sup>74</sup> Note: Section introduced in 2002.

<sup>75</sup> Note: Section introduced in 2008.

<sup>76</sup> Note: Section introduced in 2003.



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## Schedule 6 - Confusion in Queensland about protections for Good Samaritans

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1. Though we have not undertaken a detailed analysis, a quick online search reveals that is a misconception among some Queensland organisations that Community Volunteer or Good Samaritan protections apply in Queensland. See for example, [OCD Training Assessing Consulting](#) and [First Aid Accident and Emergency](#).
2. This may be as a result of the *Civil Liability (Good Samaritan) Amendment Bill 2007* (Qld) (**Bill**), which was introduced into the Queensland Parliament in 2007. A proposed new s 27A was to be inserted into the *Civil Liability Act 2003* (Qld) providing that civil liability does not attach to an ordinary person in relation to an act done or omitted in the course of rendering first aid or other aid or assistance to a person in distress if done or omitted in good faith and without reckless disregard for the safety of the person in distress or someone else.
3. The Bill sought to insert a proposed new s 27A into the *Civil Liability Act 2003*. It intended to provide that civil liability does not attach to a person in relation to an act done or omitted in the course of rendering first aid or other aid or assistance to a person in distress if the assistance is given in circumstances of emergency and in good faith and without reckless disregard for the safety of the person in distress or someone else.<sup>77</sup> Emergency was not defined in the proposed amendment bill.
4. The Bill lapsed however so protection was not extended to ordinary persons.

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<sup>77</sup> *Protection for Good Samaritans under the Civil Liability (Good Samaritan) Amendment Bill 2007* (Qld).




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## Schedule 7 - Environmental disasters are increasing in frequency and severity

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1. Australia has a variable climate, geography and environment, exposing Australian communities to a variety of frequent natural disasters and limiting the effectiveness of nation-wide response plans.<sup>78</sup>
2. Despite Australia already being prone to natural disasters, the Commonwealth Scientific and Industrial Research Organisation (CSIRO), Australia's national science research agency, has stated there is clear scientific evidence of climate change increasing the climate variability and occurrence of natural disasters in Australia.<sup>79</sup> Similarly, the 2020 Royal Commission into National Natural Disaster Arrangements (RCNNDA) found that climate change has increased the frequency and intensity of extreme weather and climate systems that influence natural hazards.<sup>80</sup>
3. Queensland specifically is the most disaster impacted state in Australia. Queensland has endured more than 97 environmental disaster events since 2011 and nearly every town in Queensland has been adversely impacted by one or more disaster events in that time.<sup>81</sup>
4. Looking forward, the RCNNDA further found that global warming over the next two decades is inevitable, and as a result, sea-levels are projected to continue to rise, tropical cyclones are projected to decrease in number but increase in intensity, and floods and bushfires are expected to become more frequent and intense.<sup>82</sup>
5. We can also expect more concurrent and consecutive hazard events which increase the pressure on vulnerable communities.<sup>83</sup> For example, in the 12-month period before RCNNDA released its final report, there was drought, heatwaves, bushfires, severe storms, flooding and a pandemic.<sup>84</sup> Each subsequent hazard event can compound the damage caused by the previous event.<sup>85</sup> Some communities will have to cope with the effects of multiple natural hazard events at once, with the prospects of being affected by further events before the recovery efforts have been completed.<sup>86</sup>
6. For Queensland specifically, the Intergovernmental Panel on Climate Change's (IPCC) Sixth Assessment Report, released in August 2021, includes:
  - (a) Heavy rainfall and river floods are projected to increase in Central Queensland (medium confidence);
  - (b) Cyclone frequency is projected to decrease, although the proportion of severe cyclones in Northern Queensland is expected to increase (medium confidence);

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<sup>78</sup> Commonwealth of Australia, 'Royal Commission into National Natural Disaster Arrangements', *Royal Commission into National Natural Disaster Arrangements* (Report, 28 October 2020) <https://www.royalcommission.gov.au/natural-disasters/report> ("RCNNDA").

<sup>79</sup> Commonwealth Scientific and Industrial Research Organisation, *Climate and Disaster Resilience* (Report, August 2020) <https://www.csiro.au/en/research/disasters/bushfires/report-climate-disaster-resilience>; Queensland Government, 'Queensland Reconstruction Authority', *Queensland Strategy for Disaster Resilience 2022-2027* (Report, September 2022) [https://www.qra.qld.gov.au/sites/default/files/2022-09/queensland\\_strategy\\_for\\_disaster\\_resilience\\_high\\_res.pdf](https://www.qra.qld.gov.au/sites/default/files/2022-09/queensland_strategy_for_disaster_resilience_high_res.pdf) page 44 ("Queensland Strategy for Disaster Resilience 2022-2027").

<sup>80</sup> RCNNDA (n 78) chapter 2.4.

<sup>81</sup> Queensland Strategy for Disaster Resilience 2022-2027 (n 79) page 14.

<sup>82</sup> RCNNDA (n 78) chapter 2.5.

<sup>83</sup> Ibid page 30.

<sup>84</sup> RCNNDA (n 78) chapter 2.7.

<sup>85</sup> Ibid chapter 2.15.

<sup>86</sup> Ibid chapter 2.8.



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- (c) The mean cool season rainfall is projected to decrease, however, more extreme rainfall events in eastern parts of Queensland are expected (medium confidence); and
  - (d) (For Australia) the intensity, frequency and duration of fire weather events are projected to increase throughout Australia (high confidence).<sup>87</sup>

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<sup>87</sup> KPMG Australia, "Independent Review of Queensland Fire and Emergency Services" (Final Report, 2 November 2021) <https://www.fire.qld.gov.au/sites/default/files/2022-10/Independent-Review-of-QFES.pdf> ("KPMG Final Report"), page ii.



## Schedule 8 - Insufficient Government capacity to respond to environmental disasters

1. The RCCNDA noted that the increasing complexity of disaster risks has the potential to overwhelm the capabilities of fire and emergency services.<sup>88</sup> Furthermore, the complex, concurrent and compounding natural disasters discussed above showcase the growing need to consider capabilities nationally.<sup>89</sup>
2. The IPCC's Sixth Assessment Report indicates that climate change is affecting every continent and region, along with every facet of the weather, and that escape from its impacts is no long possible. It is envisaged that the impacts of climate change will exacerbate the demand for fire and emergency services globally.<sup>90</sup>
3. On 9 August 2022, the Select Committee on the Response to Major Flooding across New South Wales in 2022 released their Response to major flooding across New South Wales in 2022.<sup>91</sup> Broadly, the committee found that the NSW Government failed to comprehend the scale of the floods.<sup>92</sup> The Committee found that notwithstanding the hard work of front-line staff and volunteers, many stakeholders were critical of the performance of the government entities leading the February-March 2022 flood response, namely the NSW State Emergency Service (**NSW SES**) and Resilience NSW.<sup>93</sup> Furthermore, the centralisation of government organisations and a shortage of volunteers hindered the ability of those organisations to lead emergency response. In many cases, flood warnings and evacuations information were out of date, inaccurate and confusing, and many calls for assistance to 000 and the NSW SES went unanswered.<sup>94</sup>
4. The NSW Flood Inquiry heard that citizens played a crucial role in flood rescue and recovery, particularly in the Northern Rivers region. It heard countless stories of everyday people supporting friends, assisting neighbours and risking their lives and property to rescue strangers. The acts were often a direct response to the absence of expected assistance from government authorities and emergency services. For example, the Jali Local Aboriginal Land Council told the Inquiry of its role in leading the evacuation of about 200 people off Cabbage Tree Island in only 1.5 hours, using community resources including vans and tinnies.<sup>95</sup>
  - (a) The South East Queensland Rainfall and Flooding February to March 2022 Review heard that many community members had concerns about the way information was communicated in the lead-up to and during the 2022 floods. Community members expresses criticism of the quality of the information provided through official channels and found unofficial information sources such as social media pages to be more

<sup>88</sup> RCNDA (n 78) chapter 6.1.

<sup>89</sup> Ibid chapter 6.2.

<sup>90</sup> KPMG Final Report (n 87) page ii.

<sup>91</sup> Parliament of New South Wales, 'Select Committee on the Response to Major Flooding Across New South Wales in 2022', *Response to major flooding across New South Wales in 2022* (Report, August 2022)

<https://www.parliament.nsw.gov.au/lcdocs/inquiries/2866/Report%20No%201%20-%20Response%20to%20major%20flooding%20across%20New%20South%20Wales%20in%202022.pdf> ("Select Committee Flood Response").

<sup>92</sup> Ibid.

<sup>93</sup> Ibid chapter 2.24.

<sup>94</sup> Ibid page viii.

<sup>95</sup> NSW Independent Flood Inquiry Volume 1 (n 5) page 45.





location-specific and timely.<sup>96</sup> Many relied on the advice from neighbours and friends or social media groups when finding current information.<sup>97</sup>

## Schedule 9 - Decline in formal volunteerism and inevitability of Community Volunteerism

### 1. Decline in formal volunteerism

- (a) The 2022 NSW Flood Inquiry recognised the importance of the community response to flood rescue and recovery, finding that greater expectations and demands are being placed on volunteers as disaster seasons become longer and more intense, and that during disasters, particularly when Government capability is exceeded, community was often more effective at saving community than Government.<sup>98</sup>
- (b) In the 2021 KPMG Report, Queensland Fire Emergency Services (**QFES**) (at the time) identified that its (authorised) volunteer workforce has been integral to sustainably resourcing the State's emergency management service given Queensland's wide geographic spread, variety of ecosystems, dispersed population, and diversity and frequency of disasters and hazards.<sup>99</sup> At the time, QFES had around 3400 permanent full time equivalent staff and an estimated 37,000 volunteers.<sup>100</sup> The report however, acknowledges the challenges to maintaining this staff cohort into the future including an aging population, time-poor society, digital distraction and competing priorities.<sup>101</sup>
- (c) The National Strategy for Volunteering has also reported a decline in formal volunteerism.<sup>102</sup> The figures contained in the 2021 State of Volunteering in Queensland Report records higher figures for volunteers donating their time exclusively informally (30.3% compared with volunteers donating their time exclusively in formal settings (14.1%).<sup>103</sup> The 2022 NSW Flood Inquiry also heard that formal volunteerism is declining, and instead more informal, spontaneous networks are developing prior to, during and after a disaster.<sup>104</sup>
- (d) In response to the decline in formal volunteerism, the NSW Inquiry recommended that, to better coordinate community efforts to save life and property during a disaster, Government create a 'Community First Responders Program', funding appropriate community equipment and training, particularly in high-risk catchments

<sup>96</sup> Queensland Government, 'Inspector-General of Emergency Management', *South East Queensland Rainfall and Flooding February to March 2022 Review Report 1: 2022-2023* (Report, October 2022)

[https://www.igem.qld.gov.au/sites/default/files/2022-10/PROTECTED%20SEQ%20Rainfall%20and%20Flooding%20Reviewreduced\\_0.pdf](https://www.igem.qld.gov.au/sites/default/files/2022-10/PROTECTED%20SEQ%20Rainfall%20and%20Flooding%20Reviewreduced_0.pdf) page 36.

<sup>97</sup> Ibid.

<sup>98</sup> State of New South Wales, 'NSW Independent Flood Inquiry', *2022 Flood Inquiry Volume Two: Full Report* (Report, 29 July 2022) [https://www.nsw.gov.au/sites/default/files/noindex/2022-08/VOLUME\\_TWO\\_Full%20report.pdf](https://www.nsw.gov.au/sites/default/files/noindex/2022-08/VOLUME_TWO_Full%20report.pdf) ("NSW Independent Flood Inquiry Volume 2") [https://www.nsw.gov.au/sites/default/files/noindex/2022-08/VOLUME\\_ONE\\_Summary.pdf](https://www.nsw.gov.au/sites/default/files/noindex/2022-08/VOLUME_ONE_Summary.pdf).

<sup>99</sup> KPMG Final Report (n 87) page 25.

<sup>100</sup> Ibid.

<sup>101</sup> Ibid.

<sup>102</sup> Volunteering Australia, 'Volunteering Australia', *National Strategy for Volunteering 2023-2033* (Policy, 2022) <https://www.volunteeringaustralia.org/wp-content/uploads/National-Strategy-for-Volunteering-2023-2033.pdf> page 21.

<sup>103</sup> Volunteering Queensland, 'Volunteering Queensland', *State of volunteering in Queensland* (Report, July 2022) <https://volunteeringqld.org.au/wp-content/uploads/2022/07/State-of-Volunteering-in-Queensland-2021-Full-Report.pdf>; Note: The report indicates that no trends should be inferred from the data reported in this report given the atypical impact of the COVID pandemic.

<sup>104</sup> NSW Independent Flood Inquiry Volume 2 (n 98).



along the east coast of NSW.<sup>105</sup> This training would be delivered by combat and/or other appropriate government agencies and program could support and empower community led initiatives such as disaster response, evacuation centres and the provision of services such as psychological first aid.<sup>106</sup>

- (e) The response in Queensland is similar where the KPMG report notes that the department identified the need for a more flexible volunteer model, based on emerging trends of volunteerism and greater investment in the systems and resources that support and coordinate volunteer effort.<sup>107</sup> The report identifies the 2018 QFES Volunteerism Strategy which will guide QFES 'to evolve from a traditional to a contemporary model of volunteerism, to better meet the needs of its workforce and communities it serves'.<sup>108</sup>
- (f) Despite this, neither the Qld Volunteerism Strategy, nor the KPMG report, nor Queensland's 2021 [Managing Spontaneous Volunteers: A checklist for Local Governments and Organisations Managing Spontaneous Volunteers in Queensland](#) nor the NSW 'Community First Responders Program' take into consideration Good Samaritans who don't identify before a disaster. And, despite a trend of official agencies viewing them as a nuisance and liability, and undervaluing their emergency response contributions, given the increasing risk, it is recognised that Good Samaritans will likely provide the much needed surge capacity required to respond to more frequent emergencies and disasters in the future.<sup>109</sup>

## 2. Community Volunteerism is inevitable

- (a) Whether motivated by necessity, because they are first on the scene, or motivated by a strong desire to assist impacted individuals and communities, we know that Community Volunteerism is inevitable, particularly in response to environmental disasters.<sup>110</sup>
- (b) Good Samaritans often play critical roles in first response given their proximity to the emergency or disaster.<sup>111</sup>
- (c) Good Samaritans are likely to respond in the immediate aftermath of emergencies and disasters particularly where citizens believe the needs of those affected are not being met by formal response.<sup>112</sup>

<sup>105</sup> Social Recovery Reference Group, 'Australian Institute for Disaster Resilience' *National Principles for Disaster Recovery* (Policy, 2021) <https://knowledge.aidr.org.au/media/4785/national-principles-for-disaster-recovery.pdf>.

<sup>106</sup> Ibid.

<sup>107</sup> KPMG Final Report (n 87) page 25.

<sup>108</sup> Ibid; Queensland Fire and Emergency Services, 'Queensland Fire and Emergency Services' *Volunteerism Strategy* (Policy, March 2021) <https://www.fire.qld.gov.au/sites/default/files/2021-03/Volunteerism-Strategy.PDF>.

<sup>109</sup> Ibid.

<sup>110</sup> Australian Institute Disaster Resilience, 'Australian Government' *Spontaneous Volunteer Strategy – Coordination of volunteer effort in the immediate post disaster stage* (Policy, 2015) <https://knowledge.aidr.org.au/media/2140/national-spontaneous-volunteer-strategy.pdf> page 6; Bruce, D., 'Bushfire and Natural Hazards CRC' *Out of uniform-building community resilience through non-traditional emergency volunteering* (Article, 2014) <https://knowledge.aidr.org.au/resources/ajem-apr-2014-out-of-uniform-building-community-resilience-through-non-traditional-emergency-volunteering/>.

<sup>111</sup> Whittaker, J., McLennan, B. and Handmer, J. 'A review of informal volunteerism in emergencies and disasters: Definition, opportunities and challenges (2015) 13 *International Journal of Disaster Risk Reduction* 358-368, page 362 <https://www.sciencedirect.com/science/article/pii/S2212420915300388?via%3Dihub> ("Whittaker et al.")..

<sup>112</sup> Ibid page 362.



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- (d) This was the case in the 2022 flood in NSW where residents and media reported [triple zero calls going unanswered](#) and [civilians chartering their own helicopters](#) to meet the unmet need for aerial rescues and food drops.<sup>113</sup>
  - (e) This was considered in a collaborative 2015 article between RMIT University's School of Mathematical and Geospatial Sciences and the Bushfire and Natural Hazards Cooperative Research Centre, published in the International Journal of Disaster Risk Reduction. The article recognised that citizen convergence on emergency and disaster sites is inevitable, so emergency services and other organisations must plan for and manage the participation of these volunteers.<sup>114</sup> This is necessary to not only reduce the risks that untrained and uncoordinated volunteers will disrupt organised response and reduce the resources available to those affected, but also to maximise the effectiveness of emergency and disaster response by drawing on the immense knowledge, skills, resources networks and enthusiasm of ordinary citizens.<sup>115</sup>
  - (f) Ultimately, ordinary citizens who volunteer their time, knowledge and skill to help in crisis represent an immense resource for emergency and disaster management.<sup>116</sup> Unsolicited volunteers will be active in times of crisis, so it is vital that emergency services and other organisations are prepared to cooperate with them and coordinate their activities. This would ensure effective response with no duplicate effort and also prevent volunteers from being in situations where they may harm themselves or others.<sup>117</sup>

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<sup>113</sup> Satherley, T. and Dr. May, D., 'Parliament of Australia' *Natural disasters and climate risk* (Briefing, 2022) [https://www.aph.gov.au/About\\_Parliament/Parliamentary\\_departments/Parliamentary\\_Library/Research?searchTerms=natural%20disasters%20and%20climate%20risk](https://www.aph.gov.au/About_Parliament/Parliamentary_departments/Parliamentary_Library/Research?searchTerms=natural%20disasters%20and%20climate%20risk) ("Satherley and May").

<sup>114</sup> Whittaker et al. (n 111) page 364.

<sup>115</sup> Ibid.

<sup>116</sup> Whittaker et al. (n 111) page 366.

<sup>117</sup> Ibid.