



Speech by

**Mike Horan**

**MEMBER FOR TOOWOOMBA SOUTH**

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## **CIVIL LIABILITY (GOOD SAMARITAN) AMENDMENT BILL**

**Mr HORAN** (Toowoomba South—NPA) (8.02 pm): The second reading speech to this bill by the Leader of the Opposition I believe is a great speech and well worthy of a read. It talks about Australian traditions, about volunteers, about the provision of care and support by people who do great acts of kindness, and about overcoming the fear of legislation which has pervaded our society. I would ask the Attorney and members on the other side of the House to carefully consider this bill. I do not think every time a private member's bill is introduced it should be just given scant consideration and one by one knocked out with the numbers.

This bill is about some of the very best people in our community who sometimes at great risk to themselves help another human being who is involved in trauma and difficulty. There are probably all sorts of esoteric legal reasons that will be given by those on the other side in opposing this legislation. I think the opposition leader has made it quite clear in his speech—in, I think, the last paragraph of his speech—that to date there has been no successful litigation against good Samaritans in Queensland but the threat nevertheless persists, and it does. That is part of the reasoning for this bill. There is a feeling within our society that sometimes we should replace the culture of care that they want to have with that of forced indifference—whether it is a crime where they feel they cannot interfere because they might get bumped themselves or there could be problems, whether it is rural firefighters in areas outside of the command of their unit or their officer having to do things, or whether it is people in isolated areas who have come across a traffic accident where people are a long way from an ambulance and need care.

I well remember coming across an accident in the middle of the night in the Mary Valley with my wife and two little toddlers. It was a terrible accident miles away from Gympie and an ambulance. There were things that we had to do such as moving people off the road because cars were coming around the corner at 100 kilometres an hour. There was a bend and a bridge, and one car came around so fast that it had a smash when it saw us in the middle of the road. There are certain circumstances where people have to do things.

I have seen instances like trail rides where people are riding and a horse bolts and crashes into another horse. What are they going to do out in the bush on organised trail rides? You have to help people who are down. Sometimes there is the issue of whether they have a spinal injury, but if someone is in a car crash and you can smell petrol and petrol is dripping, do you leave them in there and wait for the time it takes an ambulance to arrive—which might be an hour or 1½ hours depending on where the accident is, if it occurs way out in a rural area—or do you try to get the people out of the car to save their lives? These are the sorts of things that we are talking about.

The opposition leader has given some good examples in his speech of the coverage that applies to particular organisations such as lifesaving. But we are talking about people who are not in those types of organisations, who do not have that sort of coverage and who want to help in what might be a very difficult situation or an emergency situation. There are other examples such as boating accidents. It could be some time before help and care can be provided in those accidents.

This legislation endeavours to reduce this dreadful trawling through the legal system to sue, and changes that will make people fearful of being good Samaritans or caring humanitarians and just become cold and sterile and say, 'No, we will not have anything to do with this, because there is a risk of being sued, of doing something when we were not highly professional medical paramedics or we were not licensed to do this, that or the other,' when the person simply needs humanitarian care. I hope some of the examples I have given show that there are many circumstances where care needs to be provided because the professional or high standard of care that people might need could be anything from half an hour to three hours away, and things just have to be done at that time. Even if care is only 10 or 20 minutes away, sometimes it is an emergency and something needs to be done, as in the example of a car smash where petrol is dripping and the car is about to go up in flames.

I think this bill would be a good thing for our society. I think it is well worth the consideration of the government. This is in place in other states—there is experience, other pieces of legislation and regulations to go by—so it is not as though we are delving into something for the first time. I think this would provide this state with a new culture. Yes, we should do our best in all situations to use a mobile phone or to run and get help for people in a traumatic situation. But if that is just simply not practical, if it is simply not possible, if time is of the essence and there are only two or three minutes or even seconds to save someone or if they just need comfort and care by simply lifting their head out of something that is hurting them or something like that, then people should feel that they are able to do that to help other people.

A number of private members' bills come before this House. This bill is very well intentioned. This bill has no political prickles in it. It is not done to drive any wedge or for any political reasons. The bill is for humanitarian reasons. I commend the member for Mirani, who has pursued this matter for some years in this parliament simply because he genuinely believes in it. He is a person who has given a lot of service in Apex clubs and community organisations in his own area. He has this belief and this philosophy about helping people and that is what has led him to work towards trying to get this type of bill into the parliament on a number of occasions, and the Leader of the Opposition has brought this bill into the parliament.

I think it is done in the spirit of true bipartisanship and in the spirit of looking at what this issue is about. It is about protection for volunteers. It is about protection for good people. It is about developing a culture of kindness and care and assistance to those in need. It is also for the betterment of those who find themselves in traumatic situations or severe accidents. It can only be good for our state. I would like to ask the Attorney-General and members on the other side of the House to give this serious consideration. If this bill were passed, even if the Attorney-General was prepared to take the bill up and there might be some legal issues that he thinks he could massage into it, it would be good for our state. It would be good for those people who have been hurt or injured or who find themselves in dreadful situations, and it would be good for those who out of the goodness of their heart and the kindness of their spirit want to give them a hand.