



Speech by

Robert Messenger

MEMBER FOR BURNETT

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CIVIL LIABILITY (GOOD SAMARITAN) AMENDMENT BILL

Mr MESSENGER (Burnett—NPA) (8.28 pm): It is with great pleasure that I rise to lend my voice and support of legislation which speaks to the heart of being a Queenslander and an Australian. This legislation is an indication that this conservative opposition under the leadership of the member for Callide is going to chart a political course which will try to repair the enormous social damage caused by this arrogant and out of control Labor Party and help Queenslanders get back to the basics—that is, the basics of common sense and decency.

This country was built on a creed of helping a neighbour if they were in trouble or giving a hand to a mate if they were down and out. The academics call it social capital. The best example of social capital I can think of is that little wave that you get when you drive on some of the small country roads in the Burnett—in fact, most of the roads in the Burnett. It is almost a visual and symbolic contract that you will help each other out if you ever break down or are involved in an accident. The only time I can ever think of getting that sort of wave is when you go for a drive in the middle of the Nullarbor Plain. As you are driving along all the travellers give a little bit of a wave and you know you are there to help each other out. You might even get that in the electorate of the Attorney-General. Certainly you would get it in the electorate of the member for Callide.

Unfortunately, you get a completely different wave when you drive in Brisbane and in the larger capital cities. Normally it is a large middle finger involved in that wave. As our communities have grown our cities have grown. Unfortunately, that willingness to help your neighbour—the really tough, selfless act to help a stranger—has decreased. If you talk to the academics and the psychologists they will come up with a number of social, psychological and environmental factors and reasons to blame. I always remember reading a psychology book which talked about an experiment with a cage of rats. You give them enough food and water for this cage of rats to survive. However, as you increase the rat population in the cage, it would reach a certain level and even if you kept up enough food and water, once it reached that level the rats would start eating each other. I often think that in many ways cities are like that: you crowd people on top of each other so you have to make social policies that counter for that sort of psychological conditioning that goes with living in an anonymous city.

One of the greatest obstacles to people helping each other in the 21st century is that fear of litigation. At present this fear may not be well founded but certainly the perception is growing within our community that, if you stop to help a stranger in need and something goes wrong, you run the risk of being sued. The passage of this bill will not only help address the reality; it will help address the perception, and it is a perception that we have to acknowledge. Currently, there is a reluctance of people in our community who, despite being good Samaritans, are reluctant to get involved and assist others in distress for fear of being accused of causing further injury to a person they were trying to assist in the process which may expose them to legal liability. It is a sad state that the general public are not willing to assist those in emergency situations for fear of litigation.

Quite simply but significantly, the bill, by inserting a new provision, section 27A, into the Civil Liability Act 2003, aims to protect people in our community who, without fear or reward, act in good faith to assist

others in emergency situations. We must act to change this culture that is slowly creeping into Queensland society. We must change it. This bill provides an anecdote towards changing today's attitudes. These amendments will bring Queensland's civil liability laws into line with other Australian states and territories apart from Tasmania.

Existing Queensland laws only extend legal protections to certain people such as doctors and nurses in limited circumstances and we need to extend this to the broader general community. Although there has been no record of successful litigation against someone who has offered assistance, the threat of being left wide open to civil action is enough to deter some would-be good Samaritans from getting involved and assisting those in need. The Queensland coalition believes that there is a need to reassure people that they will not be sued when stepping in assisting someone in distress should their actions accidentally cause further damage to the person in distress.

The amendment introduced by the Queensland coalition leader, Jeff Seeney, was instigated after highly respected Indigenous elder and opera singer Delmae Barton was left for dead at a busy Brisbane bus stop for more than five hours in March last year after suffering a suspected stroke or diabetes attack. It is absolutely heart wrenching to think that she was ignored by hundreds of commuters as buses came and went. The Premier himself was disappointed by this incident and urged the community to assist people who they might come across who needed assistance in line with our traditional Australian values. To ensure that our traditional Australian values are upheld, to ensure that we are encouraged to show mercy on our neighbours, to encourage Queenslanders to become good neighbours, I urge all members of this chamber to send a powerful message to all Queenslanders tonight and support this very practical bill.