



Speech by

Ted Malone

MEMBER FOR MIRANI

Hansard Tuesday, 4 September 2007

CIVIL LIABILITY (GOOD SAMARITAN) AMENDMENT BILL

Mr MALONE (Mirani—NPA) (7.56 pm): This Civil Liability (Good Samaritan) Amendment Bill is a very important piece of legislation before the House tonight. This bill supports the people in our community who put themselves out in situations where they are protecting or retrieving people from an emergency. There is no doubt that this law will not be used on a frequent basis, as previous speakers have indicated. It is a law that will cover those people who find themselves in an emergency situation where they have to act quickly, probably in a reflex action, and they put themselves out to protect somebody's life.

In Queensland, these people are not protected. In Victoria and Western Australia, they are protected from common law litigation. There are many situations in Queensland, because of our decentralised and vast areas, where people from time to time will be placed in a situation where they, of their own volition, will actually in a reflex action do things that under normal circumstances they probably would not do. We have to ensure in this parliament that we protect those people when they intervene in difficult circumstances and that they are not vilified, as previous speakers have stated, by litigation which is very prominent in our society nowadays.

Quite frankly, this legislation is very important to Queenslanders. Over a number of years we have talked about trying to protect people who place themselves in a situation where they could be in jeopardy of litigation. I find it hard to believe that we have a situation in the House tonight where not all sides of parliament are in favour of this legislation. It has been talked about for so long. It is important that we embrace the concept of protecting people who put themselves out under very difficult circumstances, in times of almost panic, to try to protect somebody's life and that they are not put in a situation where they find themselves liable under the current legislation.

I know that currently most of our volunteers are supposedly protected under common law, and that is fine. I would suggest to the minister that even our volunteers from time to time expose themselves to situations where they could be sued in certain circumstances. Rural firefighters are quite often in situations where they are not under the direct command of a rural firefighter chief officer or under the command of a higher authority and are doing things which could expose them to some liability. I would think that the legislation put forward by the Leader of the Opposition would cover those people in those circumstances. The bill is wide ranging and tries to protect people who are doing the best they possibly can under very difficult circumstances from time to time.

As I said, I find it difficult to believe that in this House tonight we do not have total support for this legislation. This legislation has been talked about over a long period of time. I can recollect when I was shadow minister previously we talked about this legislation way back in 1998. It pains me to think that we have come so far in looking after independent rights in our legislation that we have not protected those people who put themselves out in times of emergency to protect other people's lives and they could expose themselves to a liability. We often hear of people not intervening in acts of abuse or acts of terror in our community. I wonder sometimes if the reason they do that is that they would expose themselves to the possibility at some stage down the track of incurring some sort of liability.

I support the legislation before the House tonight. It is a very important piece of legislation. As I said, I cannot believe the government in this session of parliament will not support the legislation. It is beyond belief that we are not protecting those people who are trying to do the best in our community. It is beyond belief that the government is not supporting this legislation. With those few words, I commend the bill to the House.