

METROPOLITAN VOLUNTEER SEA RESCUE GROUP — INSURANCE

Grievance

MR A.P. O’GORMAN (Joondalup) [9.37 am]: My grievance this morning is to the Minister for Emergency Services. I raise this grievance at this time because it is now the opening of the boating season across the metropolitan area. My grievance relates to the Metropolitan Volunteer Sea Rescue Group and the issue of insurance that arose about 7 August this year. It was raised with a minister at that time that the Metropolitan Volunteer Sea Rescue Group, the three constituent groups, received a phone call from Fire and Emergency Services Authority chief operations officer, Lloyd Bailey, advising them that the State Solicitor’s Office had advised them that the three groups under the Metropolitan Volunteer Sea Rescue Group agreement were not insured because they are not considered as gazetted agencies and are therefore not covered by RiskCover. On behalf of the Metropolitan Volunteer Sea Rescue Group and a spokesperson for Whitfords Volunteer Sea Rescue Group, I asked why it has taken 10 years to decide they are not covered, when the very same discussion took place in 2003–04 and they had had no response. To date, there has still been no response as to why all of a sudden, after eight years of operation, the Metropolitan Volunteer Sea Rescue Group now does not have insurance cover under FESA, even though under its service level agreement, as stated by the minister in this place, one of FESA’s obligations is to provide insurance for the organisations and their volunteers. That insurance has been traditionally provided by FESA through RiskCover. The question still outstanding for the Metropolitan Volunteer Sea Rescue Group is why this insurance has now dropped over the time it has been operating as a metropolitan rescue sea rescue group that has had a number of claims that were put in and agreed to by RiskCover—the biggest one being the loss of the boat *R100* to Fremantle Sea Rescue Group, which happened in 2004–05 and was fully covered and replaced under the insurance.

In the past 12 months Whitfords had a claim for propellers and an engine cover had to be replaced. In the past 12 to 18 months the Fremantle Volunteer Sea Rescue Group had a boat stolen and trashed and all these claims were covered. Therefore, why is there still no cover? Since 7 August, when it was raised with the minister in this place, there has been no communication and no action has been taken to ensure that the sea rescue groups are properly covered as volunteers through their service-level agreement through FESA to ensure that we have a safe boating environment out there with proper and appropriate services should there be an emergency off our coast. The minister does not need me to tell him that the metropolitan volunteer sea rescue group conducts the greatest number of rescues in this state, ranging from loss of fuel to severe damage to boats that have caught on fire or been lost at sea.

Another issue has been raised about whether the groups have civil liability insurance if a claim for civil liability is made against them. In about 40 years of operation of the Whitfords group there has never been such a claim. However, as the minister raised in this place, the groups are no longer covered with civil liability. The groups have spoken to me and believe that they are covered under the Volunteers and Food and Other Donors (Protection from Liability) Act 2002. Section 4 of the act outlines volunteering —

volunteer means a person who does community work on a voluntary basis but does not include a person who is —

- (a) taken to be performing a function under an emergency services Act within the meaning of section 37(1a) of the Fire and Emergency Services Authority of Western Australia Act 1998;

That section of the Fire and Emergency Services Authority of Western Australia Act covers all the volunteers who are gazetted under FESA. This act covers all other volunteers. The groups are also keen to hear why the metropolitan volunteer sea rescue group is not covered under that section. They are very concerned that the season has now opened and they are still unsure of their insurance obligations or insurance cover. They are losing numbers because of this uncertainty and —

Mr T.R. Buswell: Who is losing numbers?

Mr A.P. O’GORMAN: The Whitfords group has lost numbers because of the insurance issue because people are not prepared to go out and take the risk that they may be sued. Lots of them are more senior —

Mr T.R. Buswell: We have never corresponded with them, have we? You just said there has been no correspondence and no action.

Mr A.P. O’GORMAN: I said that there has been no correspondence about this and there has been no conclusion to this. In correspondence this morning the groups were once again hassled to become gazetted under FESA so that they have insurance cover. It is very clear that these three groups under no circumstances want to be gazetted by FESA. They want to operate under the service-level agreement. It was done in 2004. They have been covered since 2004 until now. What has changed significantly that means they are no longer covered? This government cannot sort out a relatively small problem that has been sorted out before.

Mr T.R. Buswell: It was not sorted out before.

Mr A.P. O’GORMAN: It was sorted out before. Why else would the insurance company cover the claims that these organisations put in? If they were not covered, the insurance company would not have covered those insurance claims. It is the minister’s responsibility to make sure that these volunteer groups have proper insurance cover. They perform a fantastic job. They do a great job out there on our oceans, protecting people who find themselves in difficulties with their small private boats.

Mr A.P. Jacob: Including me.

Mr A.P. O’GORMAN: Member for Ocean Reef, grievances are supposed to be heard in silence. It does not do the member any good with these organisations to be interjecting.

Mr A.P. Jacob interjected.

Mr A.P. O’GORMAN: It is my electorate and always has been!

The SPEAKER: Member for Joondalup, I formally call you to order for the second time today. Member for Ocean Reef, I formally call you to order for the first time today.

MR T.R. BUSWELL (Vasse — Minister for Emergency Services) [9:44 am]: This is an important issue, but the member for Joondalup needs to have his facts before he comes into this place. Some of the statements the member made are false.

Mr A.P. O’Gorman: No, they’re not.

Mr T.R. BUSWELL: Let me start. The member for Joondalup said there has been no correspondence or action following 7 August. On 28 August I had a meeting with Mr Howell and representatives of Whitfords Volunteer Sea Rescue Group, Cockburn Volunteer Sea Search and Rescue Group and Fremantle Volunteer Sea Rescue Group. At that meeting on 28 August we discussed funding, which we have addressed. We also discussed general insurance and civil liability. The member for Joondalup claims there has been no correspondence, but subsequent to the meeting on 28 August I wrote a letter in black and white to each of those groups. That is not “no correspondence”. The member’s facts are completely and absolutely wrong. The member raises the issue about the Volunteers and Food and Other Donors (Protection from Liability) Act 2002. That letter confirms our conversation on 28 August when we said that the groups are covered under that act. It also confirms the extent to which the groups are covered under the Civil Liability Act. It also explores the extent to which the Associations Incorporation Act covers the groups. They are the three issues that we canvassed in the meeting held on 28 August. Those issues are referred to in the letter that was sent to all the groups subsequent to that meeting, yet the member denies that letter exists. Is the member denying that letter exists when he gets up in here and says there has been no correspondence? The member wants to come into this place on a serious issue and scaremonger and make all these sorts of claims that are not true. He is an absolute disgrace!

Mr A.P. O’Gorman: Do not start shouting like that just because you have not fixed the problem.

Mr T.R. BUSWELL: How would the member know? I have fixed the problem! That problem is fixed. That issue has been put to bed. The member is a disgrace. He comes in here and tries to beat up an issue that does not exist.

Let me tell the member what is happening with insurance, because he is clearly either ill-informed or completely ignorant of the facts—probably both if the quality of that grievance is anything to go by!

Mr A.P. O’Gorman: I will not take your bully boy tactics. Is it fixed?

Mr T.R. BUSWELL: If the member comes in here and makes false claims, he will cop it right between the eyes. The member comes in here and tries to stir up a controversy that does not exist. Let us go through what is happening with insurance.

Mr A.P. O’Gorman: Is it fixed?

Mr T.R. BUSWELL: It is.

Mr A.P. O’Gorman: Is it?

Mr T.R. BUSWELL: It is; a temporary fix is in place. Government has corresponded with each of these groups and said that it will provide the cover that we would normally expect to have provided. Each of those organisations, at their request, are now working with a company called, I think, Willis & Co, an international insurance broker, to understand the cost to them of providing insurance through a private provider. I have given an undertaking that we will go down one of two paths. We will go down the path of providing additional funding to cover that private insurance cost or, alternatively, as the minister responsible for the Insurance Commission of Western Australia, I can compel the commission under a certain area of the Insurance Commission of Western Australia Act to provide cover to community organisations. We are working through that process. Everyone

knows about that except the member for Joondalup and whoever he has been talking to, if indeed he is talking to anybody. I will contact Whitfords Volunteer Sea Rescue Group and ask them how many people have left and said it is because they do not have civil liability cover when we all know they do have civil liability cover. I will ring and find out, because I suspect the member might be gilding the lily somewhat as he has in the rest of his disgraceful little presentation in this chamber this morning, clearly designed to stir up an issue that does not exist. I have answered the member’s questions. The members have civil liability cover. Let me go through it again. In the letter that the member for Joondalup claims does not exist because I have not corresponded with them—the letter that was sent to them all—canvasses the Volunteers and Food and Other Donors (Protection from Liability) Act 2002, the Civil Liability Act and the Associations Incorporation Act. As we have discussed with those members, it clearly covers the members. There are some issues for the organisations per se, but not for the members. For the member for Joondalup to come in here and say that the issue has not been fixed and we have not corresponded is quite simply not true. It is not appropriate for the member to come in here and make statements that are not true to try to stir up an issue that does not exist and I would caution him from trying.

Mr A.P. O’Gorman: Don’t point your finger at me.

Mr T.R. BUSWELL: I will point at the member, because he has come in here and tried to perpetrate a lie. That is what he has done and he has been caught out big time.

We will continue to work with these organisations and canvass the insurance issues. As I said, we have given an undertaking to provide the cover. They are working to obtain private cover but we will assess the cost of that private cover, which is a complicated and specialised area of insurance. They will not be out of pocket. I have had that conversation with them—conversations that the member claims did not occur. I had them all in my office on 28 August for a meeting that did not happen! Why does the member not ask the people who were at the meeting before coming in here and bleating and peddling half-truths and misinformation that is designed to stir up trouble when the issue has been resolved? Does the member know why it is important to resolve the issue and deal with the facts? It is because these people do an important job and they deserve the facts to be dealt with and they deserve to be looked after. They do not deserve to be treated like a political pawn and to be tossed around in a sea of misinformation and for the member to peddle lies and rumours like he does; they are better people than that. If the member respected those people —

Withdrawal of Remark

Mr A.P. O’GORMAN: I believe the minister accused me of peddling lies and mistruths.

The SPEAKER: I suggest that the minister withdraw the comment.

Mr T.R. BUSWELL: I withdraw.

Debate Resumed

Mr T.R. BUSWELL: Those people deserve better than that. They deserve a better quality of representation than that which the member has peddled in here. It is a load of tripe. That is all it is. I hope they all read *Hansard* and understand what the member is about. He is about trying to make up an issue and misusing people who give up their time to keep the community safe. That is disgraceful and the member should hang his head in shame.