



PRESS RELEASE – JUNE 22, 2009

Fernie and District Search and Rescue, (“FADSAR”) supports the decision made by Golden and District Search and Rescue Society (“GADSAR”) to withdraw their services.

The recent lawsuit against GADSAR , has brought to light several areas of grave concern that must be addressed. There are numerous issues regarding liability for search and rescue (“SAR”) societies and volunteers. The Province, through the Provincial Emergency Program (“PEP”) suggest that SAR coverage is provided via the Good Samaritan Act, Section 18 of the Emergency Program Act (“EPA”), Workman’s Compensation and PEP’s liability insurance.

The case against GADSAR has highlighted the fact that PEP will not support SAR societies or their Directors in the event of a claim because they have “no legal relationship” with them. This, despite making regular payments of taxpayers’ dollars every year to these societies to reimburse them for fuel, food and equipment. As such, Directors must look to third-party insurance to cover them. Of course, if the claim exceeds the amount of that insurance, we understand that the Directors could be individually liable for the excess. Legal opinions obtained by FADSAR are unequivocal in stating that provincial civil liability exemptions referred to in the EPA that exist for volunteers also extend to Directors and SAR societies. However, to date, PEP has not been willing to countenance this.

It should be noted that the only reason for creating SAR societies historically is because this is a requirement for SAR groups to benefit from provincial grants to make purchases of essential rescue equipment. The volunteers that accept Director roles assume an additional burden of running a society with all that this entails.

We also understand there are potential deficiencies in the insurance coverage available to volunteers, and the precise detail of this coverage needs to be reviewed with full detail made available to all SAR societies and volunteers.

As a result, the Board of Directors of the Fernie and District Search and Rescue Society has resigned. FADSAR carries third party liability insurance however, until these issues are resolved to our satisfaction, we as Directors are not willing to put our families’ financial security on the line for a volunteer service under a government agency that will not support or provide us with adequate security against lawsuits.

It is time for a comprehensive restructuring so that PEP assumes its full responsibilities for legal liability for the SAR program and makes its volunteers comfortable that it is supporting them. It is not appropriate for the SAR units, and their Directors personally, to carry this burden as they already do so much for the Province out of their own pockets and at great personal sacrifice.

Despite certain inaccurate media reports, FADSAR has not suspended its activities and will continue to provide this important service in its catchment area. However, without major revisions of provincial liability coverage, SAR groups across the province will struggle to recruit and retain the necessary personnel to provide this service. If volunteers are expected, in addition to countless hours of training and call-outs at all hours of the day and night, to take substantial financial risk for providing this service they will simply not make themselves available.

We understand that such reviews take time to complete and we are actively providing both the BC Search and Rescue Association ("BCSARA") and PEP with details of our concerns, and proposed solutions. It is our objective that, if we work together in good faith, a resolution should be found in the next 60 days.

The former Directors of Fernie and District Search and Rescue

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