

~~committees, are retained unamended. Importantly, the broad coverage afforded by the Electrical Safety Act in relation to networks, workplaces and domestic dwellings will be maintained.~~

~~Model laws effectively cover existing requirements in the dangerous goods legislation and, as a result, regulation of dangerous goods and major hazards facilities will be under the Work Health and Safety Bill and the Dangerous Goods Safety Management Act 2001 will be repealed. While hazardous chemicals and major hazards facilities will no longer be regulated under the Dangerous Goods Safety Management Act 2001, there will be no reduction in standards as the national model Work Health and Safety Regulation and Code of Practice give effect to the existing national standards which are currently legislated for in Queensland.~~

~~The regulation of general work health and safety matters, hazardous chemicals and major hazards facilities under a single Work Health and Safety Act will align Queensland with other jurisdictions and will reduce confusion for employers and workers on the required standards that need to be met.~~

~~The bill also makes a technical amendment to the definition of asbestos. Like other Australian jurisdictions, Queensland gave effect to the definition of asbestos contained in the National Code of Practice for the control and management of asbestos in the workplace. The current definition inadvertently picks up non asbestos containing materials. This has created problems for the Australian Customs Service, which is required to enforce the prohibition on the import of asbestos containing materials. The proposed amendment has been agreed for implementation by all Australian jurisdictions.~~

~~I turn to another feature of the bill, that in relation to the building and construction fee that operates in this state. The model Work Health and Safety Act does not contain provisions that impose a building and construction work fee as per the requirements under part 9 of the Workplace Health and Safety Regulation 2008. The building and construction work fee contributes to compliance and awareness activities including increasing the number of dedicated construction inspectors in Queensland. As a result, the bill provides for the transfer of the building and construction fee from the Workplace Health and Safety Regulation 2008 to the Building and Construction Industry (Portable Long Service Leave) Act 1991 to maintain this important component of the overall funding for Workplace Health and Safety Queensland activities.~~

~~In addition, the bill amends the Workers' Compensation and Rehabilitation Act 2003 to implement a recommendation of the *Report of the Structural Review of Institutional and Working Arrangements in Queensland's Workers' Compensation Scheme* to mandate a review of the workers' compensation scheme every five years. Further miscellaneous amendments include preserving the entitlement of private sector employees to accrue sick, annual and long service leave while on workers' compensation benefits and strengthening insurance and data collection arrangements in the construction industry.~~


~~Overall, the provisions in this bill will lead to enhanced safety protections for Australian employees and greater certainty for employers in relation to the application of work health and safety laws throughout Australia. The bill before us is part of a quantum shift in workplace health and safety in this country.~~

~~I commend the bill to the House.~~

~~Debate, on motion of Mr McArdle, adjourned.~~

SAFETY IN RECREATIONAL WATER ACTIVITIES BILL

First Reading

 **Hon. CR DICK** (Greenslopes—ALP) (Minister for Education and Industrial Relations) (7.38 pm): I present a bill for an act about health and safety in recreational water activities provided in the conduct of a business or undertaking. I present the explanatory notes, and I move—

That the bill be now read a first time.

Question put—That the bill be now read a first time.


Motion agreed to.

Bill read a first time.

Tabled paper: Safety in Recreational Water Activities Bill.

Tabled paper: Safety in Recreational Water Activities Bill, explanatory notes.

Second Reading

 **Hon. CR DICK** (Greenslopes—ALP) (Minister for Education and Industrial Relations) (7.38 pm): I move—

That the bill be now read a second time.

047 The introduction of the Safety in Recreational Water Activities Bill indicates the importance of recreational diving and snorkelling to Queensland's tourism industry. The Australian recreational diving market has been estimated to contribute \$1.4 billion into the economy each year. For overseas and interstate visitors, recreational water activities, especially recreational diving and snorkelling, are a major feature of holidays in Queensland.

Queensland is a stopover for 93 per cent of international divers coming to Australia and an estimated 40 per cent of domestic dive holidays. Of the estimated two million scuba dives conducted in Australia in 2005, about 1.2 million occurred in Queensland. This is in addition to an estimated 2.3 million Queensland snorkel dives. However, these activities are not without risk. Between 2002 and 2006, there was an average of 10 scuba related and 12.4 snorkel related fatalities per year in Australia.

Queensland is the only Australian state or territory that comprehensively regulates the recreational diving and snorkelling industry under occupational health and safety laws. Currently, recreational diving and snorkelling are regulated under the Workplace Health and Safety Act 1995. The recreational diving and snorkelling industry recognises the importance of retaining current Queensland regulations to prevent fatalities in recreational diving and snorkelling. So, too, does the Queensland government.

The Queensland regulations and code of practice were developed collaboratively with the industry and establish a 'level playing field' for dive operators. Importantly, they reassure the community and tourists that Queensland has appropriate standards that are enforced.

It is important to refer at this point to the Work Health and Safety Bill, which I introduced into this parliament today. That bill marks a new era in work health and safety legislation, both in Queensland and in Australia. The WHS Bill will repeal the Workplace Health and Safety Act 1995, under which recreational water activities are regulated, as part of the process of national reform of work health and safety legislation.

During the harmonisation of occupational health and safety laws across Australia, states and territories, coordinated by Safe Work Australia, decided by a majority of jurisdictions that the national model Work Health and Safety Act would not regulate recreational diving and snorkelling.

While recognising the benefits of introducing the national Work Health and Safety laws, the Bligh Labor government was not prepared for this vital part of our tourism sector to be left unregulated. With the industry's support, the government decided to prepare stand-alone legislation, the Safety in Recreational Water Activities Bill, so Queensland can maintain its high standards of safety in recreational diving and snorkelling.

The Safety in Recreational Water Activities Bill safeguards the health and safety of people participating in recreational water activities. It imposes a duty on a person conducting a business or undertaking providing recreational water activities to ensure, so far as is reasonably practicable, that the health and safety of persons taking part in these activities is not affected by the way in which the person conducts their business or undertaking.

In addition, the Safety in Recreational Water Activities Bill will be supported by regulations and a code of practice for recreational diving and snorkelling. They replicate the existing Queensland regulations and code of practice for recreational diving and snorkelling without imposing any further requirements on the industry.

The Safety in Recreational Water Activities Bill mirrors key provisions of the Work Health and Safety Bill applying to safety duties, penalties, compliance, enforcement and legal proceedings. Importantly, the two pieces of legislation will operate in tandem, with the Safety in Recreational Water Activities Bill imposing duties on business operators to persons for whom they provide organised recreational water activities.

In short, the water activities bill will maintain the status quo, enabling the dive industry to uphold its world-class safety record and enhancing Queensland's reputation for safe water activities. It is proposed that the Safety in Recreational Water Activities Bill commence at the same time as the Work Health and Safety Bill to ensure the continuity of standards for the industry.

Now I turn to some of the specifics. The Safety in Recreational Water Activities Bill includes the following key elements:

- a primary duty of care requiring persons conducting a business or undertaking to, so far as is reasonably practicable, ensure the health and safety of the people for whom the activities are provided;
- a requirement for officers of companies conducting a business or undertaking to exercise 'due diligence' to ensure compliance with the Safety in Recreational Water Activities Bill in providing recreational water activities;
- a requirement for workers of the person conducting a business or undertaking to ensure the health and safety of people for whom recreational water activities are provided; and

- reporting requirements for 'notifiable incidents' such as the serious illness, injury or death of persons and dangerous incidents arising out of the business or undertaking.

Other relevant parts of the Work Health and Safety Bill are included by reference. For example, the workplace health and safety inspectors who currently monitor and enforce compliance with dive standards will continue to do so by reference in section 33 of the bill.

With in excess of a million people undertaking organised recreational diving and snorkelling activities each year, it makes sense to have laws that reduce the risks faced by divers and snorkellers. It is important to ensure that we retain our standards for safety in recreational diving and snorkelling in Queensland which would otherwise cease on the proclamation of the new Work Health and Safety Bill. I commend the bill to the House.

Debate, on motion of Mr McArdle, adjourned.

~~PARLIAMENT OF QUEENSLAND (REFORM AND MODERNISATION)~~ ~~AMENDMENT BILL~~

~~Resumed from p. 1280, on motion of Ms Bligh~~

~~That the bill be now read a second time.~~

~~**Hon. RE SCHWARTEN** (Rockhampton ALP) (7.44 pm): I first want to respond to a couple of comments made by the Independents here this afternoon regarding my response to an attack upon my character in this place this morning by the member for Burnett. The member for Burnett did not suggest but he stated, on the basis of information given to him by a convicted criminal, that I was corrupt. Yet I have been labelled now as being 'disgraceful' for responding to that in kind. I find that quite unusual, especially coming from the member for Nanango, who had to be brought before this parliament for tipping milk all over the front of the place and who dares to stand up here and lecture me about the standards of this parliament.~~

~~I am not corrupt and I do not take kindly to someone using coward's castle in an attempt to besmirch me. I was 13 years a minister of this government and I would challenge anybody at any stage to ever point a finger of scorn my way for any form of dishonesty. If the member for Burnett wants to come into this place and misuse the privilege of this place~~

~~**Mr DEPUTY SPEAKER** (Mr Wendt): Order! Member for Rockhampton, I would ask you to come to the contents of the bill.~~

~~**Mr SCHWARTEN:** I am responding to the latitude that was allowed to Independent members here to criticise me for my behaviour today.~~

~~**Mr DEPUTY SPEAKER:** I was not in the chamber previously, but I would ask you to tie it up quickly.~~

~~**Mr SCHWARTEN:** That was allowed in here today. Under parliamentary privilege I was attacked here this afternoon by two Independents—the member for Maryborough and the member for Nanango—who described my conduct as 'disgraceful'. If anybody wants to call me corrupt then so be it. Step out of the chamber and say it and we will deal with it in the courts. However, I will now move on to the bill.~~

~~**Mr DEPUTY SPEAKER:** Thank you.~~

~~**Mr SCHWARTEN:** I rise to support the bill and the all party committee report—a motion passed by this parliament and supported by the Labor caucus. I note that the Leader of the House has tabled advice from crown law which refutes the position taken by the Speaker, a former High Court judge, a couple of disgraced former Speakers, some misguided academics, a former Premier who tried to obliterate the CJC and entered into an improper MOU with elements of the Police Union, and a gaggle of tory luvvies who would not recognise separation of powers as it floated past them in their brandy.~~

~~**Mr Seeney:** Oh, come on! I was a help to you.~~

~~**Mr SCHWARTEN:** No, I am not talking about you. I am going to say nice things about you. I think you are a good bloke.~~

~~**Mr DEPUTY SPEAKER:** Order! The member for Rockhampton will direct his comments through the chair.~~

~~**Mr SCHWARTEN:** Yes. I take the interjection because I think the honourable member's contribution this morning was of quality, and that cannot be said about most people who followed him from that side of the parliament. He is somebody who actually did apply himself to the business of reform of this parliament and, for the most part, has stuck to that conviction. So I have no beef with the member for Callide on this issue at all.~~

~~I was, however, surprised to see the names of two Liberals—David Watson and Terry White—who I thought were a bit more progressive and not the forelock tuggers pining for the past that the others~~