

13<sup>th</sup> December 2019  
Transport and Works Committee  
Queensland Parliamentary Services  
Parliament House  
Cnr. George and Alice Streets  
Brisbane Qld 4000  
[TPWC@parliament.qld.gov.au](mailto:TPWC@parliament.qld.gov.au)

**PUBLIC KART HIRE****PARTY PACKS****GROUP DISCOUNTS****CORPORATE RACE DAYS****TEAM BUILDING EVENTS**

Re: Inquiry into Motor Recreational Activities

Dear Committee

Go karting is very popular recreational activity between locals, Tourists and the Corporate sector and continues to grow in popularity. The raceway was built in 1997 and since then we have created an active data base of 127,000 members with whom we regularly communicate via digital marketing methods. Our business has 23 years of experience in operating Australia's number One Go Karting attraction.

#### Company Snap Shot

The raceway employs a total of 33 Fulltime PPT and Casual staff, has 3 tracks, over 80 karts and sits on a 15 acres of land in Kingston Q 4114. We contribute \$3,300,000 into the Logan region and service the needs of the General public and Motoring enthusiast whom are within a 45-minute drive which includes the Brisbane, Gold Coast and Ipswich regions.

The industry has recently completed a long overdue review of the Australian Standard Go Kart Hire 3353.4 that supports operators and provides clarity on WH&S issues and offers guidelines to which all tracks can be managed.

However there are many issue around Award wages, Insurances and WH&S requirements that are attached to the running of the recreational go kart hire tracks that push the cost of running these business above affordability and consequently it becomes very difficult for some operators to afford to continue to run efficient and safe venues. It is with this in mind that Id like to make the following submission

#### Legislative Concerns drive prices up.

Motor Sport recreational activities include such passions as Circuit Racing, Go Kart Racing, V8 drive days, Drag Racing, Drifting, Speedway and moto-cross. Yet all of these are regulated in completely different ways to the Hire kart Industry.

The issue with Queensland legislation is that the Qld regulators consider Circuit Racing, competitive Go Kart Racing, V8 drive days, Drag Racing, Drifting, Speedway and moto-cross as motor sport activities whilst within WH&S Queensland Go Kart Hire is considered to be an Amusement Ride

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Go Karting is not an amusement ride and I will explain why.

Normally an adrenalin themed amusement ride would be a roller Coaster in which the rider is strapped in and has no real control over the outcomes of the ride. The ride is turned on and follows a set track for 3 minutes and at the end of the ride it will return to a docking station and passengers leave the cars.

However, in a Hire Kart situation we have drivers of all various levels of experience on track accelerating, braking and able to change directions and in effect taking full control of the outcomes whilst in control of the kart. Thus it is not a true amusement ride and it should be considered a motor sport activity.

If you were to look at the activities on QLD race tracks you will see hire operations such as Club days, Driver Training and V8 Ride days which are considered Motor Sport and not amusement rides . Yet all are based on the concept of paying a fee for racing on the track, in particular we draw a direct comparison with the V8 Drive days in which that industry follows untrained persons to enjoy on track experiences.

On arrival at either hire karts or V8 Drive days you will sit through a briefing, receive some coaching and then take control of the car for a few laps. But Qld Government treats these two experiences very differently. The V8 drive day is motor sport and the Hire karts are considered an amusement in Queensland and in both untrained drivers can take full control of the outcomes from the ride.

Ive presented this question previously to WH&S Qld and the answer I've received is that a pay for service eg buy a ticket and receive ride puts the service in the Amusement Industry category and as such we are completely under the rules of the WH&S however we don't operate as an amusement ride, we are motor sport, so the risk to operators for legal action is much higher than it should be.

Due to the amusement legislation in Qld Insurance companies have over the years been inundated with small claims from the drivers after an on track incident which was no worse than a footy accident on the weekend ( eg Sprains or bruising). Under Queensland law the PIPA system allows any disgruntled person to make a claim with minimal cost to the applicant and once the claim is in the hands of a Lawyer the costs will escalate quickly to at least \$30,000 for the insurer to settle the claim. We all know that at least 50% of that money is collected as Lawyers' fees and often cases are drawn out from very minor lose of work for a few days to large amount of money simple to line the pockets of the lawyers.

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The harsh reality of this is that Insurers are imposing extremely large excesses and charging excessive amounts of money to insure Recreational kart tracks because of the cost of litigation in this state.

#### What others have done

All motors sport activities are an adrenaline sport and that is why people go karting as they enjoy the thrill and the excitement of racing on a track, but they also recognise that it comes with some degree of risk.

In NSW Go Kart Hire operators are not governed by WH&S but rather by The Department of Sports and Recreation as it is recognised as a competitive sport with some degree of risk attached. Should a series incident occur the Police investigate the situation and provided the track has meet all of their obligations at law there would be no further action taken.

In New Zealand recreational Go karters sign a waiver that states this is a risky activity in which injury may occur and it limits the amount of any claim thus giving insurers some degree of confidence in covering the activity.

There is no doubt that go karting offers advantages to Tourism as an adrenalin entertainment activity and road safety through driver training and it should be a growth industry but we need to firstly agree on the correct classification of the hire kart industry because despite the best preparation, training and safety designs on track if some one wants to hurt them selves we can not stop it from happening and under current legislation the owner/ operator is responsible for the guests safety regardless whether rules were followed or ignored.

#### Award Loading on wages

I have also heard from many operators that the penalty rates that are applied to the go kart industry (Amusement Award) make it very difficult for operators as there are conflicting opinions on whether the Hire Kart operators located at race tracks eg: Willowbank sit with in the awards of race tracks or Hire kart facilities. Simply put the cost of doing business on Sundays at 1.5 times the award and then 2.5 times on public holidays makes business very expensive on those very popular days for recreational activities. Note the base rate is \$19.76 per hour so on a public holiday that would mean we pay \$49.40 per hour per person and to run this industry safely you need people on the ground monitoring customer behaviour.

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Once again we should be a recreational activity and not classified as an amusement ride and be allowed to work with an approved EBA that averages wage expenses across the whole week using a miscellaneous award.

Go Kart Hire does also provide some real economic benefits

- 1 There is driver training and the chance to lower the cost of emergency services through better training.
- 2 We employ students to work nights and weekends and this supports their studies.
- 3 We offer flexible working hours which is suited to single income families who are looking to subsidise the family income.

I apologise for the lateness of this submission but was encouraged by others to take the time to document my concerns as it appears to be something that has fallen into the two hard baskets and it will have consequential impact on the recreational vehicles industry unless addressed in the coming year ahead.

Kind Regards

Terry Skene

Director

Kingston Park raceway

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Qld. 4114

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- Past Chair of the Australian Standards Go kart Hire committee
- Past Chair of AALARA Go Kart Hire Committee (National)