Speech by

Miss FIONA SIMPSON

MEMBER FOR MAROOCHYDORE

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VOLUNTARY ASSUMPTION OF RISK BILL

Miss SIMPSON (Maroochydore—NPA) (8.40 p.m.): I rise to support the Voluntary Assumption of Risk Bill 2002, which has been brought forward by my colleague the member for Southern Downs. This bill is about seeking a balance which is not currently in the law. I will particularly address horse riding as an example. I inform the Honourable the Attorney-General that somebody not correctly fitting a saddle to a horse would be captured by this bill in terms of reckless disregard for someone's safety. Perhaps he would not be aware that correctly fitting a saddle to a horse would be a basic matter in terms of considering someone's continued liability under the law.

I have a particular interest in the area of ecotourism, not only as the shadow minister for tourism but also as somebody who loves getting into the outdoors and loves horse riding. As shadow tourism minister I donned my Akubra for the Harry Redford cattle drive earlier this year. That was a wonderful celebration for the Year of the Outback, yet I wonder if those types of events will ever take place again unless bills such as this seek to redress the current imbalance in the law. Horse trek providers for the tourism industry are finding that they cannot get any insurance—

Mr Copeland: Pony clubs cannot even get it.

Miss SIMPSON: Pony clubs cannot get any insurance. This is craziness. All we are asking for is a balanced approach to the law. We have not seen a balanced approach to the law from this state government. There is potential for New Zealand to eat up our ecotourism market because it has sought to enshrine balance in the law. New Zealand is not seeing the same blowout in insurance premiums because it has tackled some tough issues to try to get the balance right.

In Queensland, people who have run good operations—they have not incorrectly fitted saddles to horses, as the minister so simplistically put it—are still finding that they cannot get insurance to run those events. Now we have a whole generation of children who may never learn to enjoy that wonderful pleasure of horse riding. There might be the fortunate few who have their own horses—I was fortunate to grow up with horses—but a lot of people rely upon commercial providers. Those children may never have the pleasure of learning to ride.

Even if providers are applying good quality principles in terms of putting saddles on horses correctly and trying to match children to appropriate horses, they may still find that they are unable to get insurance to run a commercial operation because nobody will insure for this line of business. That is a tragedy. That is the law gone so mad that the simple pleasures of taking a child to learn to ride at a commercial provider or even at a pony club are being stripped away. That is craziness. The bill my colleague has brought forward represents an attempt to address this. People would still be required to list the risks associated with certain activities. It aims to have people informed of the associated risks of those activities.

Let us look at other activities. The fact is that one can never pre-empt all events, yet people will seek some redress at law for acts of nature, uneven footpaths or tree roots across pathways. These are things about which one would say it is reasonable for people to assume some risk. The way the law is now, ecotourism providers who are seeking to get people out into the great outdoors are finding that they are unable to get any insurance or that the insurance premiums are totally out of their reach.

I refer to surfing. Some operators on the Gold Coast—they run a surfing business as well as rock climbing events—have excellent records in terms of management of quality issues. Where they were facing only a few thousand dollars a year in insurance premiums, they are now facing an insurance premium of something like $30,000 a year. That equates to a wage. There are bigger operators who may be able to carry that cost by putting off workers, but there are many other smaller operators, who are the lifeblood of our tourism and ecotourism business, who will not be able to sustain that. I already know of others that have closed their doors.

Where is the fun in life if people cannot acknowledge that there are some inherent risks in undertaking some activities? This bill is not seeking to absolve operators who have reckless disregard for people's health. That is quite clear in this legislation. It is seeking to redress the fact that the balance is totally out of whack currently.

In this day and age, when people are considering the risks of travelling at all, with security concerns worldwide and domestically with the current order in regard to terrorism, there is actually an opportunity for Queensland to provide alternative, safe activities in the way of ecotourism—maximising the benefit of the wonderful natural attributes of this state. Operators are coming to me and saying, 'Why bother?', because they cannot get insurance. Operators still have not seen a substantial change in the tort law of this state to give them the confidence that their insurance providers will give them an insurance product with reasonable notice that is sustainable in a commercial sense.

I will explain another aspect of the tourism industry. Many operators have to book groups more than a year ahead. They may not be able to find what their insurance liability is going to be sometimes within 24 hours of the time they will be uninsured. We get a clear picture that, despite all the sounds of this state government, nothing substantial has changed in regard to the problems we are seeing in the whole area of public liability.

In regard to the community sector, we have already seen the state government make much of what it was going to offer in the new pooled arrangement. People are quickly finding that the pooled arrangement for the community sector is a total sham. There are very few people—

Mr Springborg interjected.

Miss SIMPSON: That is right. It is just not happening. Some are finding that the insurance premiums they are offered are far greater even than those of the commercial insurance providers.

We are now 18 months down the track since this issue started to bite and there has been no substantial change from this government. Yes, there have to be prudential regulatory changes at the federal level, but there also needs to be balanced tort law reform at the state level. I have mainly dealt with the tourism aspects in this legislation, because I have spoken extensively about the problems in the health area previously. When the government reviewed this problem of public liability and then announced the community pooled sector arrangement, which has failed, it also acknowledged in that review document the problems that the tourism industry has faced, yet to date there has been nothing in legislation or in terms of practical aid to assist this vital industry for this state. The fun is being stripped out of our tourism experiences and away from a lot of reasonable community activities that we as children grew up with and which we would reasonably expect the current generation of children to have the right to enjoy. But that choice has been robbed from them because there is no balance in the law. That is why I support the intention and thrust of this bill from the member for Southern Downs.

The Labor lawyers have allowed a lot of good businesses to die in the ditches while we have waited to see some real changes to the laws. A lot of good businesses have already gone under and many others have stripped away jobs because they cannot sustain what has become an unreasonable burden. While the insurance companies, which also need to be regulated, have not seen a substantial change in the tort law, the premiums have continued to rise unabated.