



Speech by

HOWARD HOBBS

MEMBER FOR WARREGO

Hansard 27 November 2002

VOLUNTARY ASSUMPTION OF RISK BILL

Mr HOBBS (Warrego—NPA) (9.32 p.m.): I will bet pounds to peanuts that the government bill in this respect, as the member for Callide said, will virtually mirror what is before us tonight.

Mr Shine interjected.

Mr HOBBS: Well, I think we ought to have a bit of an auction, because it will be very similar. The very honourable gentleman will have an inferiority complex soon because he has introduced three bills into this House and the government has knocked them back but then introduced its own bills that mirror them. Those bills concerned fine defaulters and the confiscation of criminal assets, the drug courts and, of course, this bill tonight.

Mr Springborg: They don't like me.

Mr HOBBS: I am sure they do like the member for Southern Downs, but the point is that they do not quite have the mental capacity to understand the issue. All they have to do is talk to their constituents. The second reading speech states that the majority in the community hold a strong view that people who engage in risky or dangerous activities should not be able to turn around and sue if they are injured. Similarly, many people also hold a view that if these people sign a waiver of their right to sue it should have absolute legal standing in the courts. That is exactly what it is.

Mr Shine: Do you require a waiver for a passenger in your plane?

Mr HOBBS: The issue is that society is changing quite dramatically. If in some way there is reckless disregard for a person's safety, the consequences must be faced. This bill retains that. We live in a very litigious society today. This attitude has gone too far. The general community still does not accept this attitude, even though people still sue. Something must be done. It is not as if we in Queensland are so unique that we cannot change legislation. Around the world this type of legislation has been changed. This type of legislation does at least provide people with some security.

In his second reading speech the minister said that the bill is understandable. Of course it is understandable. The minister said that the bill was simplistic and harsh and referred to horse operators. Members referred to a saddle being put on the wrong way and there being reckless disregard for a person's safety, but such a situation is covered by this bill. Even the minister has not read the bill properly. The interesting thing is that pony clubs, gymkhanas and even light horse associations cannot get insurance. All they are doing is riding around on display, generally speaking. The situation is totally ridiculous. Even if they are tent pegging, it does not make any difference as they are miles away from anywhere. They are not going to hurt anybody. They are doing it themselves. They want to participate themselves. There is no reason why they cannot sign the same waiver. They can sign a document to say that they do not wish to sue if an accident occurs. They know the risks. It is the same as when we drive on the road. If we cause an accident or fall over on the footpath, it is our own fault.

Mr Shine: You don't get compensated.

Mr HOBBS: But people are trying all the time. This is the problem. The courts are being tied up all the time by people trying to get compensation. That is the attitude and that is the issue. Why do members opposite not want to help the people out there? All members have been approached by constituents asking, 'When will you fix this?' How many members have encountered community groups, be it a school, hostel, pony club or whatever, with the same problems? So many of those groups have

not been able to continue to operate. They provide a valuable service to their community. Without these organisations out there, there will be a lot of social change. People will stay in their houses and not go out. Society will change. We need to communicate with people to get them to go out. Otherwise, people will be stuck in their houses too frightened to go anywhere or will not have any community organisations to join, unless they go to the pub.

Mr Lawlor interjected.

Mr HOBBS: That's probably not a bad idea. They might as well go to the pub rather than debate something of a sensible nature with members opposite. The reality is that insurance companies, as the member for Toowoomba North said, have a lot to answer for. I do not doubt that that is the case. As everybody knows, the cost to insure for public liability has increased for many years. Insurance companies have been covering for such losses from what they make with general insurance. It was only since the collapse of HIH and FAI that premiums increased. The insurance companies are not in the market to put some pressure on other companies to reduce the premiums. The premiums have been increasing for years and we have not addressed the problem. We were the first political party in this state to raise the issue that we faced—

Mr Springborg: And put up a plan.

Mr HOBBS: We actually put a plan to the government to address the problem quickly. To the government's credit, it did eventually put together that public not-for-profit insurance scheme. To a certain degree, it has not worked as well as we all hoped, but there was genuine effort and commitment by both sides to make it work. Unfortunately, that scheme has not been as successful as we would have liked because the quoted premiums were pretty high. In many instances, even though this scheme has the rails run at insurance premiums for a lot of clubs and multiple organisations, it still has not been able to meet or match, quite frankly, some of the prices offered by other companies. The interesting thing is that there are still some companies prepared to insure for such events.

This bill is a great opportunity for the government to show some sincerity in trying to address the issue. The minister said that a national panel has been meeting and will meet again and when it finalises a position the government will bring forward some legislation. From the information we have, the reality is that that panel will be recommending the same thing we are putting on the table for the House to vote on tonight. I do not see why the government cannot at least recognise that.

The member for Toowoomba North spoke in this debate. In typical lawyer fashion, he basically talked all around the issue but did not get down to it. He did not actually say how to fix it. The member for Toowoomba North asked why we need to change the law. Quite clearly we do need to change the law. It is not working at present. All we have to do to understand that is go out and talk to people in the community.

Mr Shine: My speech was in respect of waivers. That is what I was talking about.

Mr HOBBS: I think there is a need to change those. We can argue about the finer details of that, but we have to do something. There has to be a way to resolve it. I understand that other states have a better system than we do. Certainly America has quite reasonable legislation that does allow groups to have some security that they will not be taken to the cleaners by somebody whose claim is over and above what they are entitled to.

My view is that the legislation before the House is a genuine attempt to resolve the issue. We are not here to try to score a political point. We are genuinely trying to fix the problem of public liability faced by our clubs and organisations. Unless we are prepared to genuinely address this issue—

Time expired.