



Speech by

JEFF SEENEY

MEMBER FOR CALLIDE

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VOLUNTARY ASSUMPTION OF RISK BILL

Mr SEENEY (Callide—NPA) (9.21 p.m.): I take much pleasure in rising to support the private member's bill that was introduced by the member for Southern Downs. At the outset, I have to say that only a no win, no pay lawyer could have made the previous speech. Only a member with a self-interest in this issue—such as a no win, no pay lawyer—could stand in this House and suggest that the current law does not need to be changed. Every member of this House knows that this is probably the biggest issue that is affecting their constituents. Yet a no win, no pay lawyer stood up in this House and suggested that the current law does not need to be changed. I think that we have seen self-interest reach a new high tonight.

This is undoubtedly the biggest issue affecting every one of our constituents and it has to be solved. The general public want to see it solved. Every member knows that there is pressure on us to find a solution. The solution that has been put forward by the member for Southern Downs in this private member's bill is a sensible first step towards solving an issue that is destroying the lifestyle of so many people in our communities.

The inherent suggestion in this bill, to lay people at least—to people who have not benefited from the no win, no pay system of litigation—would seem to be a sensible approach. It would seem to be sensible to suggest that if somebody is prepared to accept the inherent risk in an activity, then they should be allowed to proceed with that activity. Under the current circumstances that have developed, mainly because of the activities of certain members of the legal profession, those activities simply will not be able to be enjoyed by many members of the community. It will not be possible unless there is also an acceptance of this principle of being able to accept an inherent risk.

It has been almost amusing to sit here and listen to some of the examples that have been used by members of the government to argue against this legislation. The Attorney-General used the example of the horse and the saddle. The member for Toowoomba North used the example of the bungee jumper. Those examples demonstrated clearly that neither of those honourable gentlemen even bothered to read the legislation that was put forward by the member for Southern Downs. Rather, again in this House we have a government that is going to reject a private member's bill simply because it was introduced by the opposition. In trying to justify the rejection of that private member's bill, which contains what they all know is a good idea and what the Queensland public want to see, the members opposite resort to spurious arguments that they themselves know are nonsense and false.

I will deal with the example that the Attorney-General used about the horse and the saddle. Who on earth would ever seriously suggest that somehow or other the equipping of the horse for the activity was an inherent risk? Of course it is not an inherent risk. Of course there is a responsibility on the operator to make sure that the equipment that goes with the horse is up to a certain standard. But there are certain risks involved in horse riding that are inherent to that activity and can never be mitigated against. There are certain inherent risks involved in some activities, especially those activities that involve animals and risky activities such as adventure tourism. That risk cannot be removed. If it was removed, the activity probably would not be worth doing. For example, the only way to remove completely the inherent risk in horse riding would be to use a wooden horse. Even then it probably would not completely remove all the inherent risk. But it would satisfy the lawyer's definition.

Mr Springborg interjected.

Mr SEENEY: Yes, the no win, no pay lawyers would still find a way to sue. These inherent risks are the very thing that makes the activity desirable to people. If people are prepared to accept those inherent risks and to understand that those risks are part of the activity, then this legislation will allow them to enjoy the activity without the operators of that activity falling prey to the no win, no pay lawyers such as the member for Toowoomba North.

The other example that the member for Toowoomba North used of the case concerning the bungee cord and the bungee jumper, which he tabled, really leaves me in some doubt about his ability as a lawyer. If the advice that he gave the House tonight was of the same quality that he gave his clients, I do not think that I would engage him. The member for Toowoomba North set out clearly that the operator had used equipment that had exceeded its use-by date. Clearly, that is not an inherent risk. Obviously, that is negligence on the part of the operator. That is not an inherent risk of the activity.

Of course, the member for Toowoomba North is clever enough to know that. He is trying to argue against legislation that he knows contains a great idea. He knows that this is a good solution to the problem, but he has been sent in here to try to argue against legislation that he knows he should be supporting.

That is the disappointing part of this debate. Once again, we see government members who like to stand up in this place and talk about bipartisan support but we never see it. Tonight was a great opportunity for the members of the Labor government to display some bipartisan support.

Mr Springborg: It's all one way.

Mr SEENEY: Exactly. As the member for Southern Downs says, bipartisan support is a great idea for the Labor government when it wants our support for its ideas. But when that bipartisan support needs to be given the other way, as it clearly does for this bill, that bipartisan support is not only lacking but also the members opposite come into this place and mount spurious arguments that they know quite clearly are nonsense. The member for Toowoomba North is a great example. He knows that the argument that he mounted is spurious and nonsensical. He has to know that, otherwise he would never have been able to operate in the legal profession. Had he even taken the trouble to read the bill, he would have known how nonsensical his argument was.

In the short space of time that I have left, I would like to reiterate some of the comments that have been made by members about the incredible effect that this whole area of public liability insurance is having on all of our communities. It is a problem that really has to be fixed. If the government will not accept this initiative of the member for Southern Downs, then for heaven's sake provide an alternative or another piece of legislation that will address this issue. This issue desperately needs to be addressed. If members opposite want to play politics and not accept this legislation, fair enough. The harsh reality of this place is that the bill will be defeated. But the elected government of this state has a responsibility to fix what is the biggest problem affecting Queenslanders in every community and in every electorate that we represent. I look forward to seeing that legislation introduced into this House, as it will have to be, simply because of public pressure on every one of us.

We all are under the same pressure from our communities to find a solution. We will have to offer a prize to someone who can find the difference between the suggestion of the member for Southern Downs and the suggestion the government will eventually introduce, because they will not be much different. This is the solution that the people of Queensland need. The only reason the bill will be defeated in this House tonight is because it was introduced by the member for Southern Downs rather than the Attorney-General. If members opposite had any character at all, they would stand up in this place and admit they are using spurious, nonsensical arguments. This is a good piece of legislation. It is the sort of legislation that my constituents want to see. It is the sort of legislation that Queenslanders all over Queensland want to see and it needs to be carried by this House tonight.