



Speech by


Hon. Cameron Dick

MEMBER FOR GREENSLOPES

Hansard Tuesday, 10 May 2011

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 [\[4407\]](#).

Tabled paper: Safety in Recreational Water Activities Bill, explanatory notes [\[4408\]](#).

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.

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.