



Speech by

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MEMBER FOR SURFERS PARADISE

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### WORK HEALTH AND SAFETY BILL; SAFETY IN RECREATIONAL WATER ACTIVITIES BILL

**Mr LANGBROEK** (Surfers Paradise—LNP) (3.02 pm): It is my pleasure to rise and follow the member for Gaven in speaking to the Work Health and Safety Bill and the Safety in Recreational Water Activities Bill. It has been a great pleasure to be here. I know there is a little bit of Thursday afternoon torpor amongst the audience and the members of parliament, but the member for Gaven did his best to rouse members from their torpor.

**Mr Wettenhall:** You can put it back.

**Mr LANGBROEK:** I will endeavour not to put the honourable member for Barron River back into his! It has been very pleasant. I acknowledge the honourable member for Mirani, the shadow minister, for his contribution to this bill and our shadow minister for marine infrastructure who also made a contribution. I will mainly deal with the Safety in Recreational Water Activities Bill. The shadow minister for marine infrastructure and others made the point that we have a great safety regime within our diving and snorkelling industries. I note from the policy objectives of the explanatory notes, the reasons for the bill—and the member for Gaven referred to this—state that the definition of recreational water activities has been drafted broadly in the event that government wishes to regulate other similar activities in the future. That is the issue that I want to deal with.

Queensland has 7,500 kilometres of great coastline. Before lunch we heard from the honourable member for Barron River and the honourable member for Cairns about the pride they take in their areas. I know all members who have electorates that include part of the coastline are very proud of where they are from. Those areas include the Great Barrier Reef, where we are now—

**Mr Hoolihan:** The Capricorn Coast.

**Mr LANGBROEK:** I take that acknowledgement from the member for Keppel—the Capricorn Coast, Fraser Island and North and South Stradbroke Islands. The member for Mirani is now at the table and I know his electorate also covers a lot of that great coastline. My own electorate of Surfers Paradise is based around one of Australia's premier surfing beaches. It includes portions of the Nerang River Broadwater and the iconic Southport Spit. The member for Gaven referred to the diving activities that occur at the seaway, which is in the electorate of the honourable member for Broadwater, but it borders my electorate at the land portion of the Spit. Also in my electorate is part of the Nerang River Broadwater with its canal systems and the river system.

On the coast, we have tourism and related service industries. Many of us have chosen to live and work there because of the lifestyle, with recreational access to superb waterways and beaches. Spending time on or by the water is an inseparable part of our lifestyle. In my community, a constant message is water safety. I know that in bringing this bill forward, the honourable minister is ensuring that Queensland is part of a national model of work health and safety. However, by having a separate section for safety and recreational water activities for diving and snorkelling, he is also saying that we need to maintain the great

standards that we have in Queensland. Other members have made reference to those issues. The Queensland industry is to be congratulated for having such a great regime.

We have to be reminded and are reminded of our personal obligation to balance enjoying our maritime environment and ensuring our own safety and that of others. I turn to the five surf lifesaving clubs in my electorate. The member for Maryborough and the member for Buderim have asked the minister for clarification on the situation with lifesavers. In my electorate we have the Southport, Surfers Paradise, Northcliffe, Kurrawa and North Beach clubs. They are great clubs and include the champion Australian surf club, announced at the recent lifesaving championships hosted by Kurrawa Surf Lifesaving Club. All year volunteer lifesavers give freely of their time to train. In this place today, I acknowledge their services. The volunteer coast guards monitor recreational boaters. Like the lifesavers, they are often called to rescue boats in distress. The professional life guards employed by the Gold Coast City Council do an invaluable job to make our city safer. The point that I wish to make is that, although we all try to take every advantage of the opportunities that our beaches and waterways offer, they can be very dangerous places. Like the member for Gaven, I ask that consideration be given, as per the definitions in the explanatory notes, to expanding the recreational water activities currently defined in the bill to include some other activities.

The bill we are debating is about providing health and safety legislation that will form part of the system of nationally consistent work health and safety laws, but it does not address the multiple responsibilities that we all have to ensure our own safety when in or on the water. Not all of us enjoy the luxury of owning our own boat, either powered or sail, although in my electorate I doubt there would be many homes that did not have a surfboard or some other piece of recreational water equipment. However, that means that when people choose to spend time in or by the water, they need to access one of the many operators who hire out equipment such as boats, jet skis or diving equipment. Those operators are covered under this bill. There is an inherent risk for people who do not have the necessary skills or, more importantly, training to operate that equipment. On occasions that has had tragic results.

On the Broadwater in April 2008, a British couple, Dr Sridhar Shekar and Dr Divya Patel, hired a jet ski. Neither was an experienced jet ski operator. Dr Shekar was driving the jet ski and his wife was his pillion passenger when the jet ski hit a moored boat. Dr Shekar died from head injuries and his wife was seriously injured. At the time of the accident, jet ski riders did not need a licence if they were accompanied by a licensed operator and they did not need to wear helmets. They still do not. The coroner who investigated the accident recommended jet ski users be licensed and wear helmets. Those recommendations were rejected by the Bligh Labor government. All that will be required is for an individual to pass a competency test before they can hire a jet ski. Speed limits will be reduced from 40 to 30 knots and 30-knot limiters will be phased in for jet skis over two years. I will return to the issue of speed in our waterways.

In July last year a female pillion passenger on a jet ski had her leg severed when she was thrown from the ski into the path of another boat. On 28 February this year, two-time Queensland windsurfing champion Linda Pesschier was severely injured when she was hit by a jet ski whose operator claimed he did not see her. The jet ski rider was not acting stupidly or recklessly, but he had not been properly briefed on how to keep a lookout for others in the water. In a very well publicised case, on Boxing Day last year a hoon on a jet ski deliberately ran down a swan which was so badly injured it later had to be euthanased.

Each of these incidents may have been preventable, and that is the point that this bill fails to address. It is a truism that an ounce of prevention is better than a pound of cure, and that also applies to safety on and in the water. I reiterate my point that we are all responsible for ensuring our own safety and that of others. Where this bill is lacking is that it is more focused on dealing with individuals after an incident has occurred than on attempting to prevent that incident from occurring in the first place.

We also have concerns that the legislation seeks to shift responsibility for dealing with breaches of recreational water safety by industry operators from the Industrial Court to the Magistrates Court, which, under this Bligh Labor government, is already struggling to deal with its case load. Matters involving industrial breaches should more properly remain the preserve of the Industrial Court.

That said, I am not in favour of a nanny state that attempts to regulate and control every facet of our lives, but I am in favour of sensible regulations that seek to create a safe environment for all. Whether it is jet boats, as the member for Gaven mentioned in his contribution, or the increasing use of jet skis in our waterways on the Gold Coast, there is no doubt that this is becoming an issue. The member for Mermaid Beach has also made mention of this in a number of his newsletters and contributions that I have seen on the Gold Coast lately.

To complete my contribution, I would like to raise a point in relation to speed limits on waterways. Operators of jet skis or people who waterski may well be operators who fall under this legislation. Last year a speed restriction of six knots was introduced on many popular multiuse waterways in the Gold Coast region. This includes the Coomera River from Paradise Point to Sanctuary Cove, Browns Inlet, Paradise Point Channel, Hope Island Channel and all the waters of the Logan River and the Nerang River in front of Rivage Royale. However, an area which is specifically excluded and which is in the middle of my electorate

is the Nerang River between the Via Roma to Surfers Paradise, or the Isle of Capri bridge, and the Bermuda Street bridge. This stretch of the Nerang River is popular with waterskiers and jet ski users, and many might remember it from its days as home to the world-famous ski show. Recreational boat owners, speedboats, wake boats, waterskis and other craft regularly traverse it, but it has become a dangerous speedway for some reckless operators. I am concerned, as are many of my constituents who live along this stretch of the river, that a tragic accident is inevitable unless the six-knot speed limit is extended to the stretch of the Nerang River between the Via Roma and Bermuda Street bridges.

Our beaches and waterways are a magnificent asset to this state, and I am privileged to represent an electorate which has some of the best that Queensland has to offer. In closing, we need to send a clear message that safety in our recreational waters is everyone's responsibility, and we need legislation which creates an environment in which all forms of recreational water activities can operate safely together. While we will be supporting this legislation, it does not achieve all of that.