



Speech by

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

 **Dr ROBINSON** (Cleveland—LNP) (5.04 pm): I rise to address the Safety in Recreational Water Activities Bill 2011 as part of the cognate debate of this bill with the Work Health and Safety Bill 2011. Whilst I acknowledge the importance of the more broader provisions of the latter, the focus of my contribution today will be recreational water activities. I acknowledge the contribution and concerns of the shadow minister about the broader WHS legislation. According to the explanatory notes of the bill, the stated main purpose of the Safety in Recreational Water Activities Bill 2011 is to ensure the safety and health of people for whom recreational water activities are provided by a person conducting a business or undertaking.

The bill sets out the operating requirements and legal duties to be applied in Queensland: to protect people against harm to their health, safety or welfare by minimising or, where possible, eliminating risks in the provision of recreational water activities; to provide information, advice, education and training; and to secure compliance through appropriate and effective enforcement measures among other matters. The highest level of protection from risks and hazards arising from the provision of recreational water activities as is reasonably practicable should be afforded to all people taking part in recreational water activities and people present during those activities.

The provisions of the Work Health and Safety Bill 2011 also apply to a person conducting a business or undertaking that provides recreational water activities to ensure the health and safety of workers at a place where the person is providing recreational water activities. Since the national model WHS Act and regulations will not specifically regulate recreational underwater diving and snorkelling, to continue to regulate this important industry sector in Queensland it has therefore been necessary to prepare new stand-alone legislation, the Safety in Recreational Water Activities Bill. As such, it is the aim of this bill to maintain Queensland's high standards of safety for the recreational water activities industry.

Recreational diving and snorkelling are regulated in Queensland under the Workplace Health and Safety Act 1995. The provisions made under the act are part 14 and part 15 of the Workplace Health and Safety Regulation 2008 and the Recreational Diving, Recreational Technical Diving and Snorkelling Code of Practice 2010. The regulations and code of practice for all recreational diving and snorkelling will be remade under this bill. I further note that the definition of 'recreational water activities' in the bill has been drafted broadly in the event that the government wishes to regulate other similar activities in the future, and a case could be made that other activities should be considered in the near future.

This bill will apply to the provision of recreational water activities by, as I said, a person conducting a business or undertaking. This bill will operate in tandem with the WHS Bill covering the field only in relation to the safety and health of people for whom recreational water activities are provided. As such, Queensland regulations and codes of practice for recreational diving and snorkelling are remade.

I have pleasure in rising to speak to the diving and snorkelling provisions of this bill, which deliver a framework of regulations within its provisions but which also play a role in terms of potentially heading off another undeclared issue further down the track. The essence of that strategic role is understandably not

something covered within the explanatory notes to the bill, nor is it something that I respectfully suggest all members would be necessarily aware of, but it is of vital importance nonetheless and it also is one of a series of reasons why the opposition will not oppose its passage through the House. In saying that, I want to take a few minutes to address this and other pertinent matters, because while members on our side are not opposing this bill, we do not, however, support all of the policy directions of this government when it comes to marine, boating and fishing issues that impact on our coastal lifestyle and marine industries. In fact, the lock-up of the oceans and the 'ban boaties and fishers' attitude of this government under the influence of the green parties is hurting marine industries and those who rely on them for a living and causing pain to everyday mum-and-dad fishers, boaties and others who cherish our coastal lifestyle.

It is unfortunate that those opposite, in other contexts, are driven by a small but influential band of environmental theorists whose only experience with Queensland water is to seek to stop as many Queenslanders as they can from enjoying it. A can-do Queensland government will not apologise for allowing recreational water leisure activities within our environment and will not make Queenslanders feel guilty for enjoying our coastal and bayside lifestyles, as this Labor-Greens alliance seeks to do. Rather, we will encourage Queenslanders to enjoy their coastal lifestyles and, at the same time, to live sustainably and responsibly in terms of our marine environment. A can-do Queensland government will protect both our marine and coastal environments and our right to live within those environments.

I return to the bill specifically. Firstly, I want to be on the record congratulating the Queensland diving industry and its participants for achieving the highest standards in the world in terms of diving safety, for their commitment to appropriate training and for their commitment to the Queensland marine environment. I also want to be on the record congratulating the Queensland diving industry and its participants for having designed the strictest and most professional regime of diving practices in not only Australia but also the world. For more than 20 years the Queensland diving industry, including recreational diving and the training of new scuba divers, has had in place a code of practice. For two decades now Queensland has had an effective code of practice. Other states are only now starting to think what a code of practice might mean for them. Basically, this bill embodies the Queensland diving industry's existing code of practice in a legislative framework.

Therefore, despite the obvious duplications and overlaps with the WHS Bill, which runs in parallel with this legislation, this bill is one that has our support. Why? If you were diving in Japan you would have a one-in-15,000 chance of something going fatally wrong. If you were diving in the United States you would have a one-in-100,000 chance. If you were diving in Australia in a state or territory other than Queensland you would have a one-in-120,000 chance. However, if you were diving in Queensland, where the industry has had a code of practice and the most strict regime and commitment to safety in the world, you would have a one-in-400,000 chance. I say again: you would have a one-in-400,000 chance of something going fatally wrong. Let us keep that one incident in perspective. Apart from a couple of widely publicised exceptions and the controversial circumstances surrounding them, the majority of those cases involved people who suffered from medical calamity that could not have been anticipated in advance. You are more likely to enter the next world while on a golf course than being face to face with a fish and alongside a member of the Queensland diving industry.

However, tragedies do occur and we need to recognise that in some sports risk minimisation is an appropriate course of action to follow. The fact is that, for the most part, we have been very successful in minimising that risk in Queensland. According to industry research undertaken in conjunction with the Great Barrier Reef Marine Park Authority, there are 1.4 million dives per year on the Great Barrier Reef. Each year there are some four million to eight million recreational visits to the Great Barrier Reef and around two million pay the Great Barrier Reef marine tax. Many of them are scuba divers and snorkellers. With such volumes of visitations, it is imperative that we have the highest levels of safety.

Queensland's leading level of dive safety is something that, in the first instance, was driven by the industry through its code of practice. That code has been supported in this place by a series of governments of different persuasions and the bill before us today is one that I understand is supported by organisations such as Dive Queensland. Dive Queensland is a non-profit membership based incorporated association advancing marine related tourism activities in this state. Dive Queensland is a member of the Association of Marine Park Tourism Operators, and I understand that AMPTO also supports this bill. About 50 member organisations are with AMPTO and some of those have hundreds of employees. Pro Dive, which conducts about 1,500 dives a year, and other industry-leading operators will also affirm the direction and code of practice. Why is that? Because it is based on the same code of practice that they have had in place for 20 years.

I also acknowledge that it is my understanding that there has been very good cooperation and liaison between WHS and the operators of dive businesses. Other departments could learn from this. Provided that the downstream inspections and implementations are carried out in a cooperative manner similar to these consultations, no problems exist.

We need to understand that the duplication in parallel legislation comes about because of the desire in Queensland to specifically include diving operators as a category. Why is that? Because they are not

specifically included now in other states. While there is an overarching desire to harmonise WHS legislation throughout Australia via COAG, later it would be possible, but simultaneously totally unacceptable, for Queensland scuba divers, Queensland snorkellers, Queensland's outstanding dive industry, Queensland's thousands of volunteer environmental divers and Queensland's marine tourists to be swept up in new provisions introduced in other states and then subsequently harmonised back with Queensland. Some individuals in other states are now trying to come up with their own code of practice and have it incorporated in legislation. Should that happen, I suggest it would be inappropriate to have unproven codes and rules that are developed interstate being foisted onto Queensland through a reverse harmonisation process. By specifically including the dive industry now in the Queensland legislation, this can be and should be the model that other states adopt. Figuratively speaking, let us have the dog wagging the tail and not the tail wagging the dog.

Already Queensland has the highest standards in the country and amongst the highest in the world. We need to protect that. We do not need Queensland's diving industry possibly being overridden, in a bureaucratic sense, by future legislation introduced in other states and then retrofitted to our diving and snorkelling industry through COAG's well-intentioned harmonisation. Our industry has the record and should be rewarded for that effort by being identified as it is in this bill's provisions. That is our understanding. Let others rise to Queensland's high standards. That is the viewpoint of the industry and the industry's most experienced occupational health and safety officers.

Finally, I make this point: as a marine sciences graduate I have done a considerable amount of diving and snorkelling, including on the Great Barrier Reef, in many parts of the Bass Strait and along the southern coast of New South Wales. From my diving and snorkelling experience in different states I have found that Queensland's industry accreditation, training and safety standards are outstanding.

Diving and snorkelling are key parts of the Queensland lifestyle and must continue to be seen in that way. A coastal lifestyle and a marine interface are vitally important threads in the fabric of this state. The volunteers working on environmental programs related to reef issues in Queensland and the commitment of people like Tony Fontes from Diving Careers and the Order of Underwater Coral Heroes do not go unsighted by our side. When Queensland divers go on overseas diving holidays, they look for people trained in this state and, fortunately, there are many of them. With those reservations highlighted, I support the recreational water activities aspect of the bill.