

Senate Economics Legislation Committee

Trade Practices Amendment (Liability for Recreational Services) Bill 2002

Submission No. 1

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Attachments? No Attachments



Royal Life Saving Society

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31 October 2002

The Secretary
Senate Economics Committee
Suite SG.64
Parliament House
Canberra ACT 2600



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Dear Sir/Madam

RE: INQUIRY INTO THE TRADE PRACTICES AMENDMENT (LIABILITY FOR RECREATIONAL SERVICES) BILL 2002

The Royal Life Saving Society of Queensland has been providing water safety and associated activities in this State since 1905. The Society has had to with-stand many of the tensions that have been created by the post modern era. We have also had to fall into line with many of the most recent Federal Government policies including taxation.

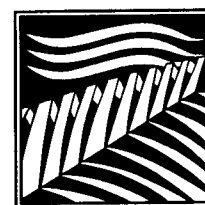
There is currently no greater issue however, which has had a dire affect on our operations, than that of public liability insurance. We provide a range of training programs eg Bronze Medallion, we manage many aquatic facilities, and we assist everyone in the community to live a more safe and enjoyable lifestyle.

The public liability insurance issue has not gone away, and will not go away, until strong Federal Government legislation is enacted, to protect us from continued unnecessary litigious actions. As the Executive Director of our organisation, I am spending a large amount of our time and resources just defending our organisation from sectors of the community who have become over-consumerised, and believe that they are right on every issue.

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PLANTATION

Since commencing our operations in 1905, we have never had a successful claim on our public liability insurance cover. We have however, been presented with many attempts to litigate against us, for a range of reasons. Certain sectors of the public have become totally unreasonable and the over-supply of suitably qualified lawyers has lessened the responsible position of ethical legal practice.

The Insurance Brokers are as much to blame, and since the September 11 disaster and the collapse of HIH, their ethical manner has decreased substantially. They know our position is difficult, and they take advantage of the limited markets available to us, to purchase public liability insurance.

When the public participates in sport and recreation surely they can accept the fact that there is a possibility that they may be injured. They are voluntarily placing themselves in a position, where accidents and subsequent injuries have been observed in the past, so why would they consider that there is no possibility of an accident occurring again in the future.

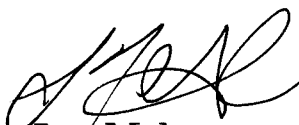
If an organisation follows all of the legislative and industry codes of practice available to them when they deliver recreational activities, then there should be no reasonable case for litigation when a person is injured.

For the definition of recreational services – we would like the following description outlined in the Bill to cover our activities:

“To include all aquatic-based sport and recreation activities”

Thank you for your time and consideration of this submission and please do not hesitate to contact the undersigned for further information.

Yours sincerely



Les Mole
Executive Director

31.10.02