



Speech by  
**Glen Elmes**

**MEMBER FOR NOOSA**

Hansard Thursday, 15 March 2007

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## **ASSOCIATIONS INCORPORATION AND OTHER LEGISLATION AMENDMENT BILL**

**Mr ELMES** (Noosa—Lib) (3.16 pm): I rise to speak to the Associations Incorporation and Other Legislation Amendment Bill 2006. I note the comments made by the member for Clayfield in his speech. He outlined the coalition's position and the fact that for the most part the coalition is very happy with the contents of the bill. Community groups and incorporated organisations across Queensland have been waiting for some years now for amendments to this legislation. They will certainly be happy. I hope during my short presentation I can outline a few things I would like to see happen along the way as well.

It seems to me that many people in this House have looked closely at the paper from Professor Myles McGregor-Lowndes, because as I have listened to some of the presentations today I have heard words picked out of this paper that I have studied in some detail. I would also like to commend the good professor for the work he has done in this regard.

**Ms Struthers:** He is the No. 1 authority.

**Mr ELMES:** Absolutely. As members of parliament, we are all here representing our individual communities. As such, I think all of us are very close to them. We go along to these meetings and become either members or chairmen, and we address many of the associations that fall within this legislation. One of the much smaller not-for-profit groups that I am involved in is in an organisation called Protecting Noosa. I remember that when our incorporation came through—and this is only a very small group—we were required to get \$1.1 million worth of public liability insurance. The only accident that was going to happen to you at a Protecting Noosa meeting was scalding coffee being spilt on you. One of the hardest things I ever had to do was try to find an insurance company that would give us public liability insurance, and then when I said that all I wanted was \$1.1 million they suggested, 'It's either \$5 million or \$10 million and you can take it as you wish.' It costs about \$930 or \$950 a year for this group to have public liability insurance. These are the sorts of groups that this legislation will help.

We have many organisations in the Noosa electorate that do great community work, such as the Noosa Beach Classic Car Club, the Coolum Kite Festival, the Noosa Parks Association, the Eumundi Markets, the Carramar Noosa Homes for the Aged and the Coolum Theatre Players. These are just some of the nearly 20,000 incorporated groups in Queensland that are going to benefit from the legislation that we are discussing today. In the old days if we were walking along the road and fell over we would get up, dust ourselves off and move on. Certainly if we did it in our own home we would have had no choice but to accept responsibility for the fact that we should not have left whatever it was lying on the floor. There are some people in our society who if they are at the local show or walking through the supermarket and have some form of accident see it as an opportunity to get something akin to a gold lotto win by going for the particular organisation through their public liability insurance.

As has been outlined today, the changes to public liability insurance for community organisations has changed the make-up of our communities. We had a wonderful event in Noosa called the Noosa Picnic Races, which sadly no longer exists. It was a big event which raised many thousands of dollars for

charity. We had smaller events like the free sessions offered by the Tewanin Reiki Group. There was even an open air art expo at Gympie Terrace which now no longer exists.

The amendments to this legislation are in three parts. Level 1 relates to organisations with revenue and assets greater than \$100,000. The rules and regulations governing these organisations do not change. In the main, some of the largest community groups across Queensland come under this particular category. As someone said before, 70 per cent of the top 50 gaming clubs in the state fall into this category. The Tewanin Noosa RSL is a great example. It is a very well run organisation. Coolum Beach Bowls Club is a similar such example.

The big winners at the other end of the scale are the organisations in level 3 which have assets of less than \$20,000 and do not have any property. As well as now not needing to have public liability insurance they are no longer required to have their books formally audited. What these groups will have to do is look very closely at their needs and the risk management strategies that they need to put in place.

It is the groups in between, the level 2 not-for-profit groups, that I have the most concern about. These are the ones that fall below the groups that meet in someone's home and above the local RSL club. As a member of a regional community and as someone who has lived in many country towns in Queensland, I know that it is these sorts of groups and organisations—the tennis clubs, the festival organisations, the local show societies—that provide much of the entertainment and many of the things that make one feel very good about living in those communities. It is those organisations that perhaps need the most help. It also seems to me that the grey parts of this legislation fall very much on them as well.

The need for public liability insurance is not necessarily there, but then the management committee has to be able to inform its ordinary members about that need. I also wonder whether a situation could arise where there is a trade-off in the minds of some of these management committee people between the fact that they have to pay out this amount of money for public liability insurance and risking it, seeing what happens or hoping nothing happens because they can invest that money in another event or another attraction.

I understand the minister to say that there will be a second tier of legislation to come through. We should at least examine the system that operates in New Zealand. It has a capped payment system. On the surface it looks fine but when one reads through the way they operate in terms of capped payments for various levels of injury it does make one wonder. If someone like me were involved in an accident and lost an arm, I would receive exactly the same payment as a test bowler who lost an arm in an accident. That does not seem quite fair. It is something that would need to be looked at. Certainly some form of capped payment goes a long way to keeping litigation costs down.

I think we have missed an opportunity, at least at the moment, to go further. As I have said, I understand from what the minister has said that there will be a second raft of provisions to come through. I take that point. I look forward to seeing them because they will be great for the almost 20,000 not-for-profit clubs in Queensland. I commend the bill to the House.