

## INQUIRY INTO PERSONAL INJURY COMPENSATION LEGISLATION

**Organisation:** Outdoor Recreation Industry Council NSW Inc  
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**Position:** Member of the Board  
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**Subject:**

**Summary**

**RE: Parliamentary Inquiry  
Personal injury compensation legislation**

I make this comment as a Board Member of the Outdoor Recreation Industry Council, NSW Inc, the State representative body of the Outdoor Council of Australia.

The changes to and implementation of the Civil Liability Bill 2002 and the amendment to Tort Law as an adjunct to that implementation has, in the past 2 years introduced some opportunities for those delivering verdicts in our State Court rooms to dismiss claims that would be considered "non meritorious". In many cases that has been the direction taken and this, in turn, has led to many potential cases failing to move further than an initial "testing of the water".

The current NSW State Government was commended by ORIC and the peak outdoor industry bodies, the Federal Government through the Honorable Joe Hockey MP and providers for it's proactive introduction of legislative change specifically aimed at stemming the culture of litigation that placed our capacity to provide any level of service in the Outdoor Recreation and Education industry in jeopardy.

Since the legislative amendments the spiral of Public Liability Insurance rates has eased (not stopped)

Our courts have demonstrated, in most instances, a consideration for the spirit of the legislation and this outcome is truly welcomed. The notion that people should be responsible for their own actions and that participation in most activities has risk involved is well noted and should be embedded in the culture of our Nation.

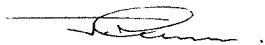
Our recreation and education providers who use the outdoors as a resource and a tool to achieving specific goals both from a commercial and philosophical view point still need support from our Government.

The Insurance Underwriters, those very few still in the market of covering activities with "Adventurous Risk", have not given any ground on the artificially high premiums generated by the collapse of HIH, 9/11 and their poor long term cash projections.

I refer to one organisation in NSW that recently stipulated that an entertainment provider had to obtain an extra \$10 million Insurance (to make a total of \$20 million) to be allowed to participate in a regional NSW Show. The operator paid \$2,300.00 for one days premium.

The professionals in our industry are the ones, who are trained, assessed, developed, inspected and lead their specific activities following national training benchmarks for training (The Outdoor Recreation Industry Training Package – SRO03) and industry standards.

They undertake activity risk analysis, do their planning and arrange logistics to limit as best possible undesirable outcomes. All this effort is not considered by the insurance underwriters with their premiums indicative of their lack of understanding of the processes currently involved in providing opportunities for the people of the State of New South Wales to recreate as individuals or in facilitated groups.



John Norman  
Board Member  
Outdoor Recreation Industry Council of NSW Inc