



Queensland

Safety in Recreational Water Activities (Codes of Practice) Amendment Notice (No. 1) 2013

Explanatory Notes for SL 2013 No. 130

made under the

Safety in Recreational Water Activities Act 2011

General outline

Short title

Safety in Recreational Water Activities (Codes of Practice) Amendment Notice (No. 1) 2013

Authorising law

Section 43 of the *Safety in Recreational Water Activities Act 2011*

Policy objectives and the reason for them

Queensland's recreational diving and snorkelling sector contributes approximately \$1.4 billion to the Queensland economy each year and is a major driver in the state's tourism sector; one of the Queensland Government's four pillars to rebuild Queensland's economy. There are approximately 1.2 million diving trips and 2.3 million snorkelling trips undertaken in Queensland each year, and approximately half of these are undertaken by overseas visitors. As a result, any recreational dive or snorkelling incident receives intense media scrutiny.

The *Safety in Recreational Water Activities Regulation 2011* (the SRWA Regulation) supports the *Safety in Recreational Water Activities Act 2011* (the SRWA Act) and maintains Queensland's high standards of safety in the recreational water activities industry by ensuring the health and safety of people for whom recreational water activities are provided by a person conducting a business or undertaking.

The *Recreational Diving, Recreational Technical Diving and Snorkelling Code of Practice* (the Diving and Snorkelling Code of Practice) supports the legislation by providing detailed advice and guidance about the control measures that should be followed to ensure recreational diving, recreational technical diving and snorkelling are conducted in a safe way.

In late 2011, a review of the recreational diving and snorkelling industry was undertaken to ensure Queensland continues to have Australia's most comprehensive dive industry safety regime. This included the establishment of a Dive Safety Reference Group to report on the adequacy of the regulatory framework for the industry.

Implementation of three of the recommendations from the review means variations to the Diving and Snorkelling Code of Practice as follows:

1. Improving head count and missing diver location procedures.
 - The dive reference group recommended that at least two crew members be required to conduct independent counts of all persons on board whenever a count is required to be conducted. Where there is only one person representing the operator on the vessel then the count must be conducted using both a passive and an active count.
 - Amendments have been made to the head count procedures in the SRWA Regulation.
 - Variations have been made to the Diving and Snorkelling Code of Practice to reflect the revised head count procedures in the SRWA Regulation.
2. Restricting the requirement for dive medical certificates to 'at risk' entry-level certificated divers.
 - The dive reference group recommended that dive operators obtain a medical declaration from all entry-level dive candidates prior to allowing them to dive and require the dive operator to view a fitness to dive medical certificate if the person identifies that they are in one of the following 'at risk' categories:

- have medical conditions that may put their safety at risk;
 - persons over the age of 45 years, as that age group have an increased risk of cardiac or underlying coronary conditions;
 - persons with a body mass index over 30 and a waist circumference greater than 102cm for males and 88cm for females, as these persons have an increased risk of cardiac or underlying coronary conditions.
- Amendments have been made to the SRWA Regulation to give effect to the new fitness to dive arrangements.
 - Variations have been made to the Diving and Snorkelling Code of Practice to reflect the new fitness to dive arrangements under the SRWA Regulation.
3. Providing further guidance to operators and users of emergency signalling equipment.
- To minimise the risks associated with unguided certified dives, the dive reference group recommended amendments to the Diving and Snorkelling Code of Practice to include information on how to determine the most appropriate emergency signalling equipment relevant for unguided certified dives.
 - Amendments have been made to the Diving and Snorkelling Code of Practice to include information on how to determine the most appropriate emergency signalling equipment relevant for unguided certified dives, information on how to ensure a certificated diver understands how and when to use the emergency signalling equipment and information on maintaining and testing emergency signalling equipment.

Achievement of policy objectives

The amendment notice achieves its objectives by varying the *Recreational Diving, Recreational Technical Diving and Snorkelling Code of Practice* which states ways to manage exposure to risks identified as typical in the recreational diving, recreational technical diving and snorkelling industry.

Alternative ways of achieving policy objectives

The policy objectives can only be achieved by making amendments to the *Recreational Diving, Recreational Technical Diving and Snorkelling Code of Practice*.

Estimated cost of government implementation

The amendments will not impose any additional costs on recreational diving and snorkelling operators or the government.

Consistency with fundamental legislative principles

The notice does not conflict with fundamental legislative principles.

Consultation

There has been extensive consultation on the amendments to the SRWA Regulation and the Diving and Snorkelling Code of Practice over a considerable period since 2011 including:

- On 18 August 2011, the then Minister for Education and Industrial Relations announced the establishment of a Recreational Dive and Snorkelling Industry Reference Group (dive reference group);
- The dive reference group released an information paper for public comment and 15 written submissions were received;
- The dive reference group attended five public forums in Cairns, Townsville, Airlie Beach, Gold Coast and Sunshine Coast between 3 and 20 October 2011. A total of 43 people attended the public forums.
- The dive reference group considered feedback from the information paper and five public forums and prepared a report containing 12 recommendations to improve safety standards in the recreational dive and snorkelling industry. The report was presented to the then Minister on 1 December 2011.
- The then Minister released the report for further public comment on 17 January 2012. The period of public comment closed on 31 March 2012. Workplace Health and Safety Queensland (WHSQ)

received 14 written submissions about the reports recommendations.

- WHSQ reviewed and considered public comment and presented recommendations for approval to the Attorney-General and Minister for Justice.
- The Attorney-General and Minister for Justice consulted further with key industry stakeholders to confirm their support of the recommendations in Cairns on 28 August 2013.
- Consultation with key industry stakeholders in Cairns was undertaken on 7 May 2013 on the proposed amendments.

Notes on Provisions

Clause 1 provides the short title of the notice.

Clause 2 states that this notice amends the *Safety in Recreational Water Activities (Codes of Practice) Notice 2011*.

Clause 3 amends Schedule 1 by inserting an entry that the *Recreational Diving, Recreational Technical Diving and Snorkelling Code of Practice* has been varied by MI 2013 No. 1.

Clause 4 amends Schedule 3 (Dictionary) to insert a definition of MI 2013 No. 1.

ENDNOTES

- 1 Laid before the Legislative Assembly on . . .
- 2 The administering agency is the Department of Justice and Attorney-General.

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