

Safety in Recreational Water Activities (Code of Practice) Amendment Notice 2024

Explanatory Notes for SL 2024 No. 99

made under the

Safety in Recreational Water Activities Act 2011

General outline

Short title

Safety in Recreational Water Activities (Code of Practice) Amendment Notice 2024

Authorising law

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

Policy objectives and the reason for them

The *Safety in Recreational Water Activities (Code of Practice) Amendment Notice 2024* (Amendment Notice) fulfils a requirement under section 43(2) of the *Safety in Recreational Water Activities Act 2011* (SRWA Act) for the Minister to give public notice of approving, varying or revoking of a code of practice.

The Amendment Notice amends the *Safety in Recreational Water Activities (Codes of Practice) Notice 2022* (SRWA Codes Notice) as follows:

- revokes the *Recreational Diving, Recreational Technical Diving and Snorkelling Code of Practice 2018* (2018 Diving Code)
- approves the *Recreational Diving, Recreational Technical Diving and Snorkelling Code of Practice 2024* (2024 Diving Code).

The 2018 Diving Code provides practical guidance for dive operators on how to meet the requirements of the SRWA Act and *Safety in Recreational Water Activities Regulation 2024* (SRWA Regulation 2024) for recreational diving and recreational snorkelling activities.

The 2018 Diving Code provides direction to dive operators on how to fulfil their duty to ensure recreational water activities are provided in a manner that protects the persons participating against harm to their health, safety and welfare. This guidance includes how dive operators should meet their duties regarding counts of all persons on vessels, emergency plans, rescues, first aid, lookouts, risk assessments, supervision of divers and snorkellers and dive logs.

The 2024 Diving Code will continue to provide direction and guidance to dive operators and maintain the high industry and safety standards while responding to coronial recommendations and incorporating consequential changes from the commencement of the SRWA Regulation 2024 following a sunset review of the *Safety in Recreational Water Activities Regulation 2011*.

The 2024 Diving Code will commence on the 1 August 2024.

Achievement of policy objectives

The Amendment Notice achieves the policy objective of making subordinate legislation to enable the Minister to give notice in relation to approving, varying or revoking approved codes of practice under SRWA Act.

Consistency with policy objectives of authorising laws

The Amendment Notice gives notice in relation to the revoking of the 2018 Diving Code and the approving of the 2024 Diving Code. This is consistent with the objects of the SRWA Act.

The purpose of the SRWA Act is to ensure the health and safety of persons to whom recreational water activities are provided by a person conducting a business or undertaking. This can be achieved by:

- the elimination or minimisation of risks arising from the provision of recreational water activities; and
- promoting the provision of advice, information, education and training for health and safety in relation to the provision of the recreational water activities; and
- securing compliance through effective and appropriate compliance and enforcement measures; and
- providing a framework for continuous improvement and progressively higher standards of health and safety in relation to the provision of the recreational water activities.

Inconsistency with policy objectives of other legislation

No inconsistencies with policy objectives of other legislation have been identified.

Benefits and costs on implementation

The 2024 Diving Code continues to provide guidance on existing safety duties and requirements under Queensland's safety legislation. The Amendment Notice does not impose costs on industry, business or the community.

There are minimal costs to government associated with drafting and making the Amendment Notice.

Consistency with fundamental legislative principles

The Amendment Notice does not conflict with fundamental legislative principles.

Consultation

In accordance with *The Queensland Government Better Regulation Policy* (the Policy), the Office of Best Practice Regulation (OBPR) has been notified of the 2024 Diving Code and a summary impact analysis statement will be published on the department's website.

The 2024 Diving Code was developed with consultation through a number of industry roundtables, review by an industry working group and additional out of session drafts circulated to dive operators, industry representatives, worker representatives, medical experts and relevant government departments.

Notes on Provisions

Short title

Clause 1 sets out the short title of the notice, being the *Safety in Recreational Water Activities (Code of Practice) Amendment Notice 2024*.

Commencement

Clause 2 provides that the notice commences on 1 August 2024.

Amendment of the Safety in Recreational Water Activities (Code of Practice) Notice 2022

Clause 3 states that the notice amends the *Safety in Recreational Water Activities (Code of Practice) Notice 2022*.

Clause 4 inserts a new section 4A Revocation of approved code of practice. *Clause 4* states if the entry in schedule 1A for an approved code of practice has been revoked by a ministerial instrument stated in the entry then the code of practice was revoked by the ministerial instrument stated in the entry, and the inclusion of the revocation in Schedule 1A is notices for the purposes of section 43(2) of the SRWA Act that the ministerial instrument stated in the entry revoking the code of practice has been made by the Minister.

Clause 5 amends Schedule 1, to omit reference to the *Recreational Diving, Recreational Technical Diving, Snorkelling Code of Practice 2018* (2018 Diving Code).

Clause 5 amends Schedule 1, to insert reference to the *Recreational Diving, Recreational Technical Diving Code of Practice 2024* (2024 Diving Code).

Clause 5 inserts a new item 1 in Schedule 1A to list the revoked 2018 Diving Code.

Clause 6 omits the ministerial instrument which approved the 2018 Diving Code in Schedule 2 (Dictionary).

Clause 6 inserts new definitions in Schedule 2 (Dictionary) for the ministerial instrument approving the 2024 Diving Code and for the ministerial instrument revoking the 2018 Diving Code.