

# Safety in Recreational Water Activities (Codes of Practice) Amendment Notice 2018

## Explanatory Notes for SL 2018 No. 5

made under the

*Safety in Recreational Water Activities Act 2011*

## General outline

### Short title

*Safety in Recreational Water Activities (Codes of Practice) Amendment Notice 2018*

### Authorising law

Section 43(2) of the *Safety in Recreational Water Activities Act 2011*

### Policy objectives and the reason for them

The Great Barrier Reef Marine Park is the world's largest coral reef ecosystem and is a major driver in the state's tourism sector, contributing significantly to both the state and national economy. Every year around 800,000 international or interstate visitors travel to Queensland to snorkel or dive on the Great Barrier Reef. While snorkelling is generally considered a safe activity, there are still risks involved and tragically, tourist deaths occasionally occur.

Over five years to 2015-16, 38 snorkelling and diving fatalities were notified to Workplace Health and Safety Queensland representing an average of 7.6 fatalities a year for persons participating in these recreational water activities. In the first half of 2016-17, 10 fatalities occurred which was higher than the annual average for the previous five years. The majority of these fatalities involved snorkelling activities.

In February 2017, the Minister for Industrial Relations committed to review and update the *Recreational Diving, Recreational Technical Diving and Snorkelling Code of Practice 2011* (the Code of Practice) to identify changes that could be made to the code to maintain Queensland's high standards of safety for the recreational water activities industry.

Industry stakeholders support updating and remaking the Code of Practice to ensure it is responsive to industry needs, safety concerns and technological advances, and reflects current best industry and international practice in snorkeler and diver safety.

### Achievement of policy objectives

The notice achieves the policy objectives by revoking the *Recreational Diving, Recreational Technical Diving and Snorkelling Code of Practice 2011* and approving the *Recreational Diving, Recreational Technical Diving and Snorkelling Code of Practice 2018*.

## **Consistency with policy objectives of authorising laws**

Making the *Recreational Diving, Recreational Technical Diving and Snorkelling Code of Practice 2018* is consistent with the object of the *Safety in Recreational Water Activities Act 2011* to provide 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.

## **Alternative ways of achieving policy objectives**

The policy objectives can only be achieved by notice.

## **Benefits and costs on implementation**

The majority of the updates to the Code of Practice are considered minor in nature or otherwise reflective of current best practice already being undertaken, and are not expected to increase regulatory burden or go beyond existing regulatory requirements. It is expected that duty holders and their workers will need to familiarise themselves with the updated Code of Practice, however it is anticipated that this will have minimal impact.

The revised Code of Practice makes it mandatory for a person conducting a business or undertaking to provide an automatic external defibrillator (AED) on all vessels or at dive sites. However this is not considered to be a significant cost as many operators already have AEDs.

## **Consistency with fundamental legislative principles**

The notice does not conflict with fundamental legislative principles.

## **Consultation**

A preliminary recreational diving and snorkelling industry roundtable meeting was held in Cairns on 21 December 2016, where the Minister for Industrial Relations met with diving and snorkelling operators to discuss options for enhancing safety requirements for snorkelling. A wider recreational diving and snorkelling industry roundtable meeting was held on 22-23 February 2016, where representatives from the recreational diving and snorkelling industry met with the Minister for Industrial Relations to discuss the legislative framework and identified a number of changes that could be made to the Code of Practice to improve safety outcomes.

A snorkelling working group was established and met on 30 March 2017, comprising operators and other technical experts, to progress the snorkelling related proposed changes to the code for consideration by the roundtable group members. A second recreational diving and snorkelling industry roundtable meeting was held on 3 May 2017, chaired by the Honourable Craig Crawford MP, Member for Barron River, to consider the proposed changes to the snorkelling related content in the current code of practice.

A recreational diving working group met on 15 August 2017 to progress the diving related proposed changes to the code, and these changes were supported by the roundtable group members.

Representatives from the following organisations were consulted through their participation in the industry roundtable and working group meetings:

- North Queensland Coroner
- Association of Marine Park Tourism Operators
- Australian Underwater Federation
- PADI Asia Pacific
- Cairns Local Marine Advisory Committee
- Cairns McLeod Street Medical
- Divers Alert Network
- Queensland Police Service
- Surf Lifesaving Queensland
- Australian Workers' Union
- Department of Tourism, Major Events, Small Business and the Commonwealth Games
- 18 diving or snorkelling tourism operators of varying sizes (Quicksilver Group, Deep Sea Divers Den, Tusa Dive, Passions of Paradise, Big Cat Cruises, Cairns Dive Centre, Reef Magic Cruises, Big Fish Down Under, Great Adventures, Wavelength Reef Cruises, Cruise Whitsunday, Sunlover Cruises, Ocean Freedom, Hostel Reef Trips, Mike Ball Dive Expeditions, Dive, Dive, Dive; Prodiver and Projects Global and GBR Charters)

## 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 (Codes of Practice) to omit entry 1 and insert a new entry (Recreational Diving, Recreational Technical Diving and Snorkelling Code of Practice 2018) which was approved as a code of practice by Ministerial Instrument 2018 (approval) No. 1. The Code of Practice will commence on 8 February 2018.

*Clause 4* amends Schedule 2 (Revoked codes of practice) by inserting the Recreational Diving, Recreational Technical Diving and Snorkelling Code of Practice into the list of revoked codes of practice. The new entry states that the Recreational Diving, Recreational Technical Diving and Snorkelling Code of Practice 2011 is to be revoked as a code of practice on 7 February 2018 by Ministerial Instrument 2018 (revocation) No. 1.

*Clause 5* amends Schedule 3 (Dictionary) to insert a definition of Ministerial Instrument 2018 (approval) No. 1 and Ministerial Instrument 2018 (revocation) No. 1.