

# **Safety in Recreational Water Activities (Code of Practice) Notice 2022**

Explanatory Notes for SL 2022 No. 97

made under the

*Safety in Recreational Water Activities Act 2011*

## **General outline**

### **Short title**

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

### **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 (Codes of Practice) Notice 2011 (the existing notice) automatically expires on 1 September 2022 under section 54 of the *Statutory Instruments Act 1992*. The existing notice is being repealed and replaced to retain notification of approved codes of practice under the *Safety in Recreational Water Activities Act 2011* (the Act). Repealing the existing notice prior to its expiry on 1 September 2022 enables the Safety in Recreational Water Activities (Code of Practice) Notice 2022 (SRWA Notice) to commence on 1 August 2022.

The SRWA Notice includes past notifications given by the Minister for the approval or variation of codes under section 43(2) of the Act.

### **Achievement of policy objectives**

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

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

Making the SRWA Notice is consistent with the policy objectives to provide a framework for continuous improvement and progressively higher work health and safety standards.

### **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 making the SRWA Notice.

## **Benefits and costs on implementation**

The making of the SRWA Notice fulfils a requirement under section 43 of the Act for the Minister to give notice of approving, varying or revoking a code of practice. The SRWA Notice serves as a public record of decisions the Minister is authorised to make in relation to codes of practice and does not directly impose any requirements or regulatory burden.

The SRWA Notice does not impose costs on industry or the community. There are minimal costs to government associated with drafting and making the new SRWA Notice.

## **Consistency with fundamental legislative principles**

The SRWA Notice does not conflict with fundamental legislative principles.

## **Consultation**

The Office of Best Practice Regulation (OBPR) was consulted about the SRWA Notice. Given the administrative nature of the SRWA Notice and its purpose under section 43 of the Act, OBPR agreed no further regulatory impact analysis under the *Queensland Government Guide to Better Regulation* was required.

## Notes on Provisions

### **Short title**

Clause 1 sets out the short title of the notice.

### **Commencement**

Clause 2 states that the notice commences on 1 August 2022.

### **Dictionary**

Clause 3 states that the dictionary in schedule 2 defines particular words used in the notice.

### **Approved code of practice**

Clause 4 explains that an entry in schedule 1 is an approved code of practice.

Further, the clause notes if the entry for the code of practice in schedule 1 states it has been approved as a code of practice by a ministerial instrument stated in the entry, the code of practice was approved by the ministerial instrument stated in the entry.

Finally, the clause provides that a code of practice mentioned in schedule 1 commenced on the date stated in schedule 1 for the code of practice.

### **Repeal**

Clause 5 repeals the Safety in Recreational Water Activities (Codes of Practice) Notice 2011, SL No. 261.

### **Schedule 1 Approved code of practice**

Schedule 1 provides details about the code of practice that has been approved by the Minister under section 43(2) of the Act.

### **Schedule 2**

Schedule 2 defines particular words used in the notice.