



GILBERT DIVING PTY LTD

WARNING!

Have you employed a dive company lately? Are you about to employ one in the near future? Do you know of the legal responsibilities associated with employing a dive company and its divers?

Each state and territory has its own legislation relating to the diving industry and the employment of the divers as such. Most of this legislation is based on the overall standard dealing with diving ASNZS 2299/1/2007 Occupational Diving Operations Part 1 Standard Operational Practice.

As an example, Section 8 of the NSW Occupational Health and Safety Act 2000 means that all employers must provide a safe work environment for their employees. Complying with all standards such as the one above is part of complying with this section of the legislation.

Further, the NSW Occupational Health and Safety Regulations 2001, Section 264 sets out specific risk control measures that are related to the qualifications of the divers used. It states quite clearly that the person(s) diving must hold the necessary certificates issued under the Australian Diver Accreditation Scheme (ADAS).

Queensland has the Workplace Health and Safety Act 1995 to govern the health and safety in the workplace. Under this Act, a Code of Practice, which operates in the similar way to a standard, has been incorporated dealing specifically with divers. The Occupational Diving Work Code of Practice 2005 defines the qualifications and other requirements that divers need in order to undertake their occupation.

All other states and territories have similar legislation. There are dive operators and companies in the industry that do not comply with the relevant statutes, standards and codes of practice. The implications for you employing one of these 'cowboy' companies can be significant. There are heavy fines associated with breaches of each of the statutes as well as common law implications for anyone employing a "non-qualified diver" and an accident occurs.

So the message is clear: ensure that the firm or individual divers that you employ comply with all the relevant statutes, standards and codes of practice. It is not worth the risk of employing anyone who isn't!

Contact your local State or Territory Workcover Authority to verify the credentials of the company's details.