

Queensland



Workplace Health and Safety Act 1995

**WORKPLACE HEALTH AND
SAFETY (UNDERWATER
DIVING WORK)
COMPLIANCE STANDARD
1996**

**Reprinted as in force on 30 October 1996
(standard not amended up to this date)**

Reprint No. 1

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Information about this reprint

This standard is reprinted as at 30 October 1996.

Minor editorial changes allowed under the provisions of the Reprints Act 1992 have been made to—

- use standard punctuation consistent with current drafting practice (s 27)
- use conjunctives and disjunctives consistent with current drafting practice (s 28)
- reorder definitions consistent with current drafting practice (s 30).

Also see endnotes for information about when provisions commenced.

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**WORKPLACE HEALTH AND SAFETY
(UNDERWATER DIVING WORK)
COMPLIANCE STANDARD 1996**

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Diving Work) Compliance Standard 1996*

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WORKPLACE HEALTH AND SAFETY (UNDERWATER DIVING WORK) COMPLIANCE STANDARD 1996

[reprinted as in force on 30 October 1996]

PART 1—PRELIMINARY

Short title

1. This standard may be cited as the *Workplace Health and Safety (Underwater Diving Work) Compliance Standard 1996*.

Commencement

2.(1) Part 2 commences on 2 July 1997, in so far as it applies to underwater diving work that is—

- (a) conducting recreational diving or training to go recreational diving; or
- (b) taking, for use as souvenirs, photographs, films or videos of persons doing recreational diving.

(2) Part 2, in so far as it applies to other underwater diving work, commences on 2 July 1996.

(3) The remaining provisions of this standard commence on 2 July 1996.

Definitions and other important terms

3.(1) The dictionary in the schedule, part 1 defines particular words used in this standard.

(2) Other important terms have the meanings given to them in the schedule, part 2.

What standard does

4. This standard prescribes ways to prevent or minimise exposure of an employer, the employer's worker or a self-employed person doing underwater diving work at a workplace to certain risks to health and safety from doing the work.

Who standard applies to

5.(1) Part 2 applies to an employer or self-employed person about to engage in, or engaged in, underwater diving work.

(2) Part 3 applies to an employer or self-employed person about to engage in, or engaged in, construction diving work.

PART 2—UNDERWATER DIVING WORK¹

Discharge of obligation—risk from certain medical conditions

6.(1) This section prescribes the way to prevent or minimise a diver's exposure to the risk from doing underwater diving work that arises for a diver—

- (a) who has a medical condition relevant to diving that should have been detected by an appropriate periodic medical examination; or
- (b) who is not subjected to any limitations on diving that should have been imposed as a result of an appropriate periodic medical

¹ Part 2 commences on 2 July 1997, in so far as it applies to underwater diving work that is—

- (a) conducting recreational diving or training to go recreational diving; or
- (b) taking, for use as souvenirs, photographs, films or videos of persons doing recreational diving. (See section 2(1).)

Part 2, in so far as it applies to other underwater diving work, commenced on 2 July 1996. (See section 2(2).)

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examination.²

(2) An employer may allow the employer's worker to do underwater diving work only if—

- (a) the employer, or someone on his or her behalf, has seen the worker's current certificate of medical fitness to dive;³ and
- (b) the work is not contrary to the limitations on diving (if any) stated in the certificate.

(3) It is sufficient compliance with subsection (2)(a) if—

- (a) the employer or someone on his or her behalf has seen a certificate of medical of fitness to dive for the worker that appeared to be current; and
- (b) the work is done within the period for which the certificate appears to be current; and
- (c) the employer only became aware after the work was done that the certificate was not current when the work was done.

Example—

The employer sees the certificate before the diver does any underwater diving work for the employer. The certificate appears to have been issued on 3 March for 9 months. The certificate is no longer current because it has been superseded by another certificate or revoked. However, the employer does not know the original certificate is no longer current. Nevertheless, the employer may rely on having seen the superseded or revoked certificate. The employer must see a fresh certificate or fresh renewal of a certificate before the worker can dive on or after 3 December.

(4) An employer or self-employed person may do underwater diving work only if he or she holds a current certificate of medical fitness to dive and the work is not contrary to the limitations on diving (if any) stated in the certificate.

² This section does not cover everything that an employer must do regarding a worker's medical fitness to dive. For example, the worker may show, or complain of, symptoms that would require that the worker not be allowed to dive, at least until a further medical examination is conducted.

³ See the schedule (Dictionary), part 1, definitions "current" and "certificate of medical fitness to dive" and section 7 (Contents of certificate of medical fitness to dive).

Contents of certificate of medical fitness to dive

7.(1) A certificate of medical fitness to dive must show its date of issue and the certificate holder's name.

(2) If the certificate holder claims to be at least 18, the certificate must also show that—

- (a) the holder is medically fit to dive in accordance with the relevant fitness criteria; or
- (b) subject to a limitation on diving stated in the certificate, the holder is medically fit to dive in accordance with the relevant fitness criteria.

(3) If the certificate holder claims to be under 18, and no limitations on diving are imposed on medical grounds, the certificate must also show—

- (a) apart from being under 18, the holder is medically fit to dive in accordance with the relevant fitness criteria; and
- (b) no limitations on diving are needed even though the holder is under 18.

(4) If the certificate holder claims to be under 18, and limitations on diving are imposed on medical grounds, the certificate must also show—

- (a) subject to the limitations on diving stated in the certificate, the holder is medically fit to dive in accordance with the relevant fitness criteria; and
- (b) the limitations (if any) imposed because the holder is under 18.

(5) In this section—

“relevant fitness criteria” means the fitness criteria specified in AS 2299, appendix A, paragraph A3 as in force on 1 July 1996.⁴

⁴ AS 2299 Occupational Diving

PART 3—CONSTRUCTION DIVING WORK

Discharge of obligation—risk from doing construction diving work without being qualified

8.(1) This section prescribes the way to prevent or minimise a diver’s exposure to the risk from doing construction diving work that arises because the diver is not appropriately qualified to do the work.

(2) An employer may allow the employer’s worker to do construction diving work only if—

- (a) the employer or someone on his or her behalf has, whether recently or not, seen the worker’s ADAS diving certificate appropriate to the work;⁵ and
- (b) the work is not contrary to any restrictions stated in the certificate.

(3) An employer or self-employed person may do construction diving work only if the employer or person—

- (a) holds an ADAS diving certificate appropriate to the work; and
- (b) the work is not contrary to any restrictions stated in the certificate.

Discharge of obligation—risk from doing construction diving work without a qualified dive supervisor

9.(1) This section prescribes the way to prevent or minimise a diver’s exposure to the risk from doing construction diving work that arises because the diving is not being supervised by someone with appropriate qualifications.

(2) An employer may allow the employer’s worker to do construction diving work, and an employer or self-employed person may do construction diving work, only if someone who holds an appropriate ADAS diving certificate (the “**dive supervisor**”)—

⁵ See the schedule, part 2, section 2 (What is an appropriate ADAS diving certificate).

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- (a) has been appointed as the dive supervisor for the work or for the dive site where the work is to be done; and
 - (b) is personally supervising the work from a position out of the water at the dive site.
- (3) A dive supervisor may supervise more than 1 diver at the same time.

Discharge of obligation—risk from doing construction diving work without stand-by diver for dive site or work

10.(1) This section prescribes the way to prevent or minimise a diver’s exposure to the risk from doing construction diving work that arises because the diver is not being supported by someone with appropriate qualifications (the “**stand-by diver**”) available to rescue the diver in the water.

(2) An employer may allow the employer’s worker to do construction diving work, and an employer or self-employed person may do construction diving work, only if subsection (3) or (4) is complied with.

(3) Construction diving work may be done if someone with an appropriate ADAS diving certificate (the “**stand-by diver**”) is available to rescue the diver and the stand-by diver—

- (a) has been appointed as stand-by diver for the work or for the dive site where the work is to be done; and
- (b) is out of the water; and
- (c) is under the supervision of the dive supervisor; and
- (d) is fully equipped and otherwise ready to dive to rescue the diver doing the work; and
- (e) is allowed under this standard to make the dive.

(4) Also, construction diving work may be done if—

- (a) the diver is 1 of only 2 divers who are under the water and under the supervision of the same dive supervisor; and
- (b) each diver—

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- (i) can communicate directly with the dive supervisor; and
- (ii) can clearly see the other diver; and
- (iii) can immediately go to the rescue of the other diver; and
- (iv) is not substantially obstructed from reaching the other diver;
and
- (v) is allowed under this standard to make the dive.

(5) A stand-by diver can not be the dive supervisor.

(6) However, a stand-by diver may be the stand-by diver for some or all of the divers diving under the supervision of the same dive supervisor.

Discharge of obligation—risk from doing construction diving work without availability of recompression chamber and qualified operator

11.(1) This section prescribes the way to prevent or minimise a diver’s exposure to the risk from doing construction diving work that arises because an operational recompression chamber and qualified operator are not available.

(2) An employer may allow the employer’s worker to do construction diving work at a depth of more than 30 m or requiring a decompression stop⁶ (“**restricted work**”), and an employer or self-employed person may do restricted work, only if—

- (a) an operational recompression chamber is at, or near, the dive site where the work is to be done; and
- (b) there is someone at the dive site or chamber to operate the chamber who holds an ADAS diving certificate appropriate to operating a recompression chamber.

(3) For subsection (2), a recompression chamber is near the dive site if a diver could be moved to the chamber in 5 minutes from where the diver doing the work enters the water, if the diver were to be unconscious at the time the diver leaves the water.

⁶ See the schedule (Dictionary), part 1, definition “work requiring a decompression stop”.

(4) For subsection (2), a recompression chamber is operational if—

- (a) the chamber is fully operational and complies with AS 2299 Occupational Diving, sections 4.2.1, 4.2.2, 4.2.3 and 4.2.5 (other than section 4.2.2(h), (u) and recommendations (A) to (E)); and
- (b) the equipment mentioned in sections 4.3.1 and 4.3.2 of the standard is available at the chamber.

(5) For this section, AS 2299 and references in AS 2299 to AS 1210 and AS 3000 are references to the standards as in force on 1 July 1996.

Discharge of obligation—risk from operation of recompression chamber by someone without qualifications

12.(1) This section prescribes the way to prevent or minimise exposure to the risk from doing construction diving work that arises because a recompression chamber is not operated by a qualified operator.

(2) An employer or self-employed person engaged in construction diving work may allow a recompression chamber under the employer or person's control to be operated only by someone who holds an ADAS diving certificate appropriate to operating a recompression chamber.

Discharge of obligation—risk from doing certain construction diving work using open circuit scuba

13.(1) This section prescribes the way to prevent or minimise a diver's exposure to the risk from doing certain construction diving work using open circuit scuba.

(2) An employer must not allow the employer's worker to do construction diving work, and an employer or self-employed person must not do construction diving work, using open circuit scuba in any of the circumstances mentioned in subsection (3).

(3) The circumstances are that the diver will—

- (a) be at a depth of more than 30 m; or
- (b) use a tool powered by anything other than a person; or
- (c) be doing work requiring a decompression stop; or

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- (d) be at any risk of being injured or trapped as a result of anyone's use of mechanical lifting equipment or a buoyancy lifting device; or
- (e) be underneath something that would require the diver to move sideways (other than at an upwards angle) if the diver were to attempt to ascend.

Discharge of obligation—risk from doing construction diving work using SSBA supplying compressed air at more than 50 m

14.(1) This section prescribes the way to prevent or minimise a diver's exposure to the risk from doing construction diving work at a depth of more than 50 m using SSBA supplying compressed air.

(2) An employer must not allow the employer's worker to do construction diving work, and an employer or self-employed person must not do construction diving work, at a depth of more than 50 m using SSBA supplying compressed air.

SCHEDULE

DICTIONARY

section 3

PART 1—DEFINITIONS

“ADAS diving certificate” means an occupational diver certificate of competency or a commercial diver certificate that, on its face, is issued under the Australian Diver Accreditation Scheme associated with the *Petroleum (Submerged Lands) Act 1967* (Cwlth).

“AS” means a Standards Australia standard.

“certificate of medical fitness to dive” means a certificate that—

- (a) on its face is issued by a doctor who has satisfactorily completed training in diving medicine approved by the Board of Censors of the South Pacific Underwater Medicine Society;⁷ and
- (b) contains the information required under section 7.⁸

“current” for a certificate of medical fitness to dive means—

- (a) the certificate is not superseded or revoked and has not expired; and
- (b) in any case, is not more than 12 months old.

“open circuit scuba” means self-contained underwater breathing apparatus that does not recirculate, or partially recirculate, the breathing gas.

“scuba” means self-contained underwater breathing apparatus.

“SSBA” means underwater breathing apparatus supplying the wearer with

⁷ The society’s address is c/- Australian and New Zealand College of Anaesthetists, 630 St Kilda Road, Melbourne 3000.

⁸ Section 7 (Contents of certificate of medical fitness to dive)

SCHEDULE (continued)

compressed breathing gas through a hose from a compressor or storage cylinder at the surface or from a submersible work chamber or habitat.

“underwater diving” does not include snorkelling or breath-hold diving.

“work requiring a decompression stop” means diving, at a depth and for a time, that would require a decompression stop if the Standard Air Decompression Table (Decompression in the Water) Defence and Civil Institute of Environmental Medicine/Canadian Forces Table 1 (Canada) as published in AS 2299, appendix B as at 1 July 1996 were being used for the dive.

PART 2—IMPORTANT TERMS

Meaning of “construction diving work”

1.(1) “Construction diving work” means underwater diving work to assemble, construct, demolish, dismantle, install, photograph, film, video or sound record a thing, or part of a thing, mentioned in subsection (2).

(2) For subsection (1), the things are as follows—

- (a) a building;
- (b) a bridge;
- (c) a pile or a structure supported by piles;
- (d) a jetty, pontoon, wharf, mooring or slipway;
- (e) a navigational aid;
- (f) a pipe, cable or tunnel;
- (g) scaffolding (whether or not for use with a building);
- (h) a drilling rig;
- (i) an oil or gas well platform;

SCHEDULE (continued)

- (j) a weir or the structure or machinery of a dam or other artificial water storage (other than a swimming pool or aquarium);
- (k) a craft or vehicle for use in, on or above water or land.

(3) “**Construction diving work**” also includes underwater diving work—

- (a) to remove or salvage a thing, or part of a thing, if there is any risk of a diver being injured or trapped as a result of anyone’s use of mechanical lifting equipment or a buoyancy lifting device; or
- (b) associated with dredging, reclamation of land or other earthworks; or
- (c) using a tool powered by anything other than a person to repair, maintain or clean a thing mentioned in subsection (2).

(4) However, “**construction diving work**” does not include—

- (a) photographing, filming, videoing or sound recording—
 - (i) for the entertainment or publishing industry; or
 - (ii) for tourism; or
 - (iii) for the print or electronic media; or
 - (iv) for art; or
 - (v) for genuine scientific research; or
 - (vi) for use as souvenirs, persons doing recreational diving; or
- (b) photographing, filming, videoing or making a sound recording of—
 - (i) a protected relic under the *Queensland Heritage Act 1992*; or
 - (ii) an object to decide its cultural heritage significance under the *Queensland Heritage Act 1992*; or
 - (iii) an historic relic or shipwreck under the *Historic Shipwrecks Act 1976* (Cwlth); or
- (c) photographing, filming, videoing or making a sound recording while and for the purpose of conducting recreational diving or

SCHEDULE (continued)

training to go recreational diving.

(5) It is immaterial whether or not a thing mentioned in subsection (2) is floating or wrecked.

What is an appropriate ADAS diving certificate

2.(1) An ADAS diving certificate is appropriate if it is issued for the category—

- (a) if the work is to be done at a depth of not more than 30 m using scuba—Occupational Scuba Diver or Commercial Scuba Diver (AS 2815, part 1) or another category mentioned in paragraph (b), (c) or (d); or
- (b) if the work is to be done at a depth of not more than 30 m using SSBA—Occupational Air Diver or Commercial Air Diver (AS 2815, part 2) or another category mentioned in paragraph (c) or (d); or
- (c) if the work is to be done at a depth of not more than 50 m using SSBA—Occupational Air Diver with Surface Compression Facilities or Commercial Air Diver with Surface Compression Facilities (AS 2815, part 3) or another category mentioned in paragraph (d); or
- (d) if the work is bell diving—Occupational Bell Diver or Commercial Bell Diver (AS 2815, part 4).

(2) An ADAS diving certificate is appropriate to operating a recompression chamber if it is issued for a category mentioned in subsection (1)(c) or (d).

(3) An ADAS diving certificate is appropriate for a dive supervisor or stand-by diver if it would allow the supervisor or stand-by diver to do the diving work being supervised or supported personally.

Example of a certificate appropriate to diving to 30 m using SSBA—

An ADAS diving certificate for any of the following categories—

- Occupational Air Diver or Commercial Air Diver (AS 2815, part 2)

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SCHEDULE (continued)

- Occupational Air Diver with Surface Compression Facilities (AS 2815, part 3)
- Occupational Bell Diver or Commercial Bell Diver (AS 2815, part 4).

ENDNOTES

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2 Date to which amendments incorporated

This is the reprint date mentioned in the Reprints Act 1992, section 5(c). However, no amendments have commenced operation on or before that day. Future amendments of the Workplace Health and Safety (Underwater Diving Work) Compliance Standard 1996 may be made in accordance with this reprint under the Reprints Act 1992, section 49.

3 Key

Key to abbreviations in list of legislation and annotations

AIA	=	Acts Interpretation Act 1954	(prev)	=	previously
amd	=	amended	proc	=	proclamation
ch	=	chapter	prov	=	provision
def	=	definition	pt	=	part
div	=	division	pubd	=	published
exp	=	expires/expired	R[X]	=	Reprint No.[X]
gaz	=	gazette	RA	=	Reprints Act 1992
hdg	=	heading	reloc	=	relocated
ins	=	inserted	renum	=	renumbered
lap	=	lapsed	rep	=	repealed
notfd	=	notified	s	=	section
om	=	omitted	sch	=	schedule
o in c	=	order in council	sdiv	=	subdivision
p	=	page	SIA	=	Statutory Instruments Act 1992
para	=	paragraph	SL	=	subordinate legislation
prec	=	preceding	sub	=	substituted
pres	=	present	unnum	=	unnumbered
prev	=	previous			

4 List of legislation

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notfd gaz 28 June 1996 pp 1164–70

ss 1–2 commenced on date of notification

pt 2 commences 2 July 1997 in so far as it applies to certain underwater diving
work (see s 2(1))

remaining provisions commenced 2 July 1996 (see s 2(2)–(3))