

WHS- Model Regulations and Codes of Practice – Submission

From Robyn and Tony Hampton

We are making a submission as individuals keenly interested in the implementation of “Commercial Diving Procedures and Protocols “in the Pearl Diving Industry.

We strongly recommend and urge the abolishment of the “General Diving Category”, in the Pearl Diving Industry.

We believe the “General Diving Category” does not protect the divers to the standards delivered in the “Recreational Diving Category” or the more appropriate and stringent standards implemented in the “Commercial Diving Category”.

Simply it’s a commercial fishing business which, we believe should be under the jurisdiction of the “Commercial Diving” regulations.

We, Robyn and Tony Hampton, are not employers or employees of the Pearl Diving Industry. We are however parents of Jarrod Arthur Hampton, who died on April 14th 2012 while employed by Paspaley Pearls diving for wild oysters at 80 mile beach, south of Broome.

As a family we are very aware of the standards and protocols adopted in the Recreational Diving Industry. There are precautions taken and procedures and trainings that are in place to protect the diver’s safety. However as a result of Jarrod’s death it became alarmingly apparent that the most basic of care, was not in place in the Pearl Diving industry. The classification of “General Diving” is outdated, dangerous and archaic.

The Pearling industry has openly admitted its wild oyster fishing is physically demanding, exhausting, and strenuous and it is also at the mercy of tidal flows, varying degrees of visibility and dangerous marine life. It is also well documented that the human body can react in unusual ways in the marine environment. There are still many mysteries that medicine has not been unable to unravel, one being the combinations of various gases in the human body and how these gases can affect divers.

Knowing this, it is paramount for the safety of the divers to ensure the best and most comprehensive procedures and protocols are in place. Diving brings with it a certain element of surprise. It follows then that the industry must be prepared and ready for any type of emergency. The “General Diving Classification” does not offer protection for such a high risk occupation.

The Pearl Diving Industry operated on its own “self regulated” and “Self written” procedures and protocols. These procedures are formulated by the PPA, Pearl Producers Association. This is an association monitored by those involved in the industry, with a vested interest in the business.

As a result of Jarrod’s death, and the lack of procedures and training in place, it is apparent self regulation does not work.

Many of the PPA’s procedures were outdated, and it appears that perhaps some were simply not implemented, indicating a strong need for outside governance.

Wild oyster fishing is conducted in water. They can have up to 8 divers in the water at one time. Common sense tells that there should be at **least** one person on the deck trained in water rescue and that all divers should hold a current “water rescue card”. The PPA does not require any training in water rescue, drills and under water signals. There is no means for the diver to communicate with the skipper or any crew on the boat. Even the “Recreational Diving” category has these basic precautions in place.

A First Aid Certificate is not a regulation, only recommendation. This is particularly difficult to believe when most workplaces need at least a First Aid Certificate. “Self Regulation”?

The Industry needs supervision. It needs guidelines that offer realistic safety practices and a governing body to oversee the implementation.

Will the implementation of the Commercial Diving Guidelines offer improvements to health and safety in this workplace? Most definitely.

Will the current guidelines under the “General Diving” classification offer improvements to health and safety in this workplace? Absolutely not.

The current practices in place for this industry do not protect the divers and therefore the classification left as it is, definitely puts all divers at risk and is detrimental to their health and safety in this workplace.

Yes there will be costs involved to implement the “Commercial Diving Procedures” and it’s the minimum standard that any employee should expect to be provided and be working under. Everyone has the right to be protected at work, particularly in an industry known for its potential hazards and risks.

The procedures and protocols under the “Commercial Diving Category” have been tried and tested. The procedures are written and have been in place for some time. It simply needs to be made regulation.

The Pearling Industry has proven to be a lucrative one and a financial commitment to improving and implementing procedures to protect its employees should be its number one objective.

We are unable to say what market and competition impacts may be felt, but new requirements in this industry are essential.

We believe the Pearling industry has operated for too long on luck. The existing “General Diving” code simply does not protect the divers and is an outdated code of practice. It’s time it came into present time that is 2012. A lot has been learned from the “Commercial Diving” regulations and it is every employee’s right to have the best protection they possibly can. Change is necessary and the code of practice is available and ready to be implemented.

We, Robyn and Tony Hampton strongly believe it’s time to protect and respect all divers in this industry, and the “Commercial Diving” category will do just that.

We thank you for the invitation to express our views on the Code of Practice in this industry.

Sincerely Yours

Robyn and Tony Hampton

03 9593 2617

98 Glencairn Ave

robynhampton@optusnet.com.au

Brighton East 3187

tony@vicbeach.com.au