



Irish Diving Centres Association *Cumann Ionad Tumtha Éireann*

Health & Safety Authority
10 Hogan Place
Dublin 2.

Attn. Ms Aoife Guerin

8 April, 2005

A Chara,

Consultation Documents concerning Diving at Work

Further to your letter of 16 February, 2005, the Association hopes that the comments below will assist the Minister and the HSA in formulating workable regulations for Diving Operations at Work for those divers who need regulation.

The UK have traditionally required all working divers (offshore, inshore, media, scientific/archaeological and recreational) to comply with Diving at Work Regulations. The original regulations dating back to 1981, and subsequent amendments, were intended to regulate commercial operations but were extended to cover professional recreational instruction following a huge growth in the demand for instruction outside the existing club structure that was operating in UK at the time. It was common for each recreational diving grade to take as much as a year to achieve as clubs met only once a week for training and dives were only arranged at weekends during summer months. Instructors in the club system are unpaid and do this for the love of their sport. This may have suited the leisure ethos at the time but as disposable income increased so potential divers and instructors alike realised that professional instruction over a shorter time period could achieve the same results. The majority of these instructors still taught in their clubs. As time progressed these instructors found that demand rose to a point where they could give up their day jobs and offer themselves as full time recreational instructors. In UK these instructors operated under the control of The British Sub-Aqua Club (BSAC) who set up a school system to cope with the huge increase in demand that this initiative generated. HSE took the easy option of classifying them as working divers. With the arrival of the Professional Association of Diving Instructors (PADI) into UK in the late 1980's the numbers of professionally trained recreational divers increased yet again and has continued apace ever since.

Ireland has traditionally had a club based system operated by the Irish Underwater Council (CFT) which closely resembles the BSAC before it set up its school system. It has an approximate membership of 3500 which has been relatively static for the last 10 years. PADI arrived into Ireland in 1990 and provides professional recreational training to an international standard. Within 10 years PADI Dive Centres and independent instructors were running the same number of courses annually as the whole of CFT's membership.

Secretary:
Matt Givens, Pier House
Kilmore Quay, Co. Wexford.
☎ 053-29703

Chairman:
Jerry Smith, The Stone House
Baltimore, Co. Cork
☎ 028-20511

As the UK amended its regulations in 1997, it became inevitable that Ireland would follow suit. I understand that a number of commercial diving companies in Ireland are already using the UK regulations as 'best practise'. However not all of the UK regulations are going to be workable in Ireland and draconian regulation of paid recreational instructors and dive guides are a clear area where this will be the case. The Diving at Work Regulations primary intention is to manage commercial diving operations, both offshore and inshore/inland where divers work for prolonged periods underwater using a variety of equipment, some of which is heavy and complex. These operations may be carried out, by necessity, in conditions that are not optimal and are sometimes dangerous. There is no denying that regulation and guidance of these operations would be beneficial. However the inclusion of professional recreational instructors would not necessarily achieve increased safety which is the supposed intention of the regulations. I understand that other European countries have not legislated for their professional recreational instructors and dive guides, preferring to allow them to operate under their individual training agencies recommendations.

All the recreational training agencies have as a primary goal the provision of safely training people wishing to engage in scuba diving for pleasure purposes. None of the qualifications granted to either instructors or divers are intended to be used in any way other than in the pursuit of a recreational adventure activity. In this context, dives take place in relatively safe sheltered waters where no work is carried out other than imparting knowledge and experience of safe diving practices to the course attendee. Depths are regulated by the training agencies depending on diver training level and dives are of relatively short duration at approximately 30 minutes to a maximum depth of 30 metres during training. PADI and all the teaching agencies have written standards and procedures that govern their instructors, the course content, the ratios on each course, the competency standards to be achieved, safety in relation to equipment and environment and more recently on the risk assessment. Irish diving has a safety record the envy of UK and the rest of Europe. Fatalities in UK recreational diving for the last 3 years are 25, 11 and 14 compared with Irish statistics of 1, 0 and 1.

Many instructors are not employed full time but provide their time and expertise in the evenings and weekends. Regulation of these instructors would effectively drive them out of recreational instruction due to the prohibitive cost in complying with the regulations. Likewise, dive centres would have to invest heavily in manpower and equipment and the additional cost may make it commercial unviable to continue teaching recreational diving. This would result in lost jobs in both instances. It would be possible under the proposed legislation to have more staff involved on a course than students!

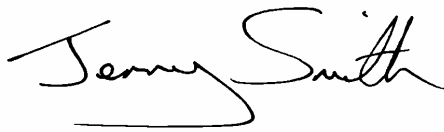
Diving tourism is growing in Ireland especially in the West, North-West and South-West. Groups from Europe are often organised by instructors who will conduct a course as part of the holiday. These regulations would effectively stop this sort of trip as the visiting instructor would not comply. Dive Centres sometimes put divers in the water with a paid dive guide to ensure that visitors stay within the specified site at the recommended depth. It also ensures they see the highlights of the site on which they have been briefed as the dive guide will lead them to all the best locations. Any regulation that doesn't recognise that the dive centres and instructors are involved in tourism and leisure activity will stifle progress and growth. I understand that HSA have no intention to regulate other adventure activities some of which have a lesser safety record. The dive centres have for at least 5 years been waiting for the Adventure Activities Standards Authority to be implemented. It is there that we have always expected to be regulated and to do otherwise would be onerous and poor practice.

The Authority may not be aware of new EN Standards covering Instructors, Divemasters and Service Providers (EN 14153-3, 14413-1 & -2 & 14467). The significant benefit of these standards is that they legislate and standardise the manner in which diver training is conducted across some 30 European countries. Some countries are removing prohibitive legislation in order to fall into line. We include a recent magazine article on the subject for your information.

In summation, additional regulation of professional recreational instructors, dive guides and dive centres would not result in an increase in safety. Such legislation would result in job losses, loss of valuable experience and a reduction in tourism in areas that rely on this activity. There is sufficient existing guidance from the recreational training agencies which has resulted in the current safety based system. All involved in diving are already making a concerted effort to ensure we keep a reputation for excellence and safety that we have earned over the last 15 years. We expect that Schedule 2, part 5 and all references to professional recreational instructors, dive guides and dive centres be removed from the proposed regulations. This would be without prejudice to existing legislation relating to Safety, Health & Welfare at Work. In the mean time we await the implementation of the Adventure Activities Standards Board. Should the Minister or anyone in HSA require any clarification on the points above, please do not hesitate to contact us.

Many thanks.

Mise le mór meas

A handwritten signature in black ink, reading "Jerry Smith". The signature is fluid and cursive, with a long horizontal line extending from the end of the name.

Jerry Smith
Chairman

cc. Minister for the Department of Communications, Marine & Natural Resources.