***Work Health and Safety Regulations 2011***

Regulation 684

**Work Health and Safety Exemptions (Diving by members of the Australian Defence Force)**

**(July 2014)**

Comcare, acting under regulation 684 of the *Work Health and Safety Regulations 2011* (WHS Regulations), having taken into account all relevant matters, grants an exemption from compliance with sub‑regulations 171(a) and 174(a) of the WHS Regulations on the terms prescribed in the attached Exemption Document.

Dated this 16th day of July 2014

Signed

Cathy Skippington

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Deputy Chief Executive Officer, Comcare

**EXEMPTION DOCUMENT**

**1. Name**

This Instrument may be cited as the ***Work Health and Safety Exemptions (Diving by members of the Australian Defence Force) (July 2014).***

**NOTE:** This Instrument is a legislative instrument within the meaning of the *Legislative Instruments Act 2003* (see regulation 692(2) of the *Work Health and Safety Regulations 2011*).

1. **Applicant**

These exemptions have been granted on the written application of the Commonwealth as represented by Department of Defence (Defence).

1. **Persons and class of persons to whom the exemptions apply**

These exemptions apply to:

1. members of the ADF who carry out general diving work (ADF divers); and
2. members of the ADF who supervise general diving work (ADF dive supervisors).
3. **Work to which the exemptions apply**

These exemptions apply to general diving work as defined by regulation 5 of the WHS Regulations.

1. **Circumstances in which the exemptions will apply**

These exemptions apply where members of the ADF carry out, or supervise, general diving work. In these circumstances:

1. ADF divers and ADF dive supervisors are exempt from compliance with sub-regulation 171(a) of the WHS Regulations; and
2. ADF dive supervisors are exempt from compliance with sub‑regulation 174(a) of the WHS Regulations.

The above exemptions are granted subject to the conditions stated at paragraph 7 below.

1. **Regulations to which the exemptions apply**

These exemptions apply in relation to sub‑regulations 171(a) and 174(a) of the WHS Regulations.

1. **Conditions placed on the grant of the exemptions**

These exemptions are granted on condition that:

1. ADF divers and ADF dive supervisors have satisfactorily completed training to a level at least equivalent to that provided by AS 2815.1—2008 (*Training and certification of occupational divers, Part 1: Occupational SCUBA diver — Standard*) with modifications to take into account that:
	1. training in compression chamber diving and the conduct of a therapeutic recompression are not required;
	2. ADF divers and ADF dive supervisors do not train using diving gear or equipment not used by the ADF;
	3. training in effective working relationships is not required as part of diver training (because it is provided through general ADF training); and
	4. ADF divers and ADF dive supervisors who are Special Forces divers and Special Forces dive supervisors (‘ADF SF dive supervisors’) undertake SCUBA training for one (1) week, after which they train in re‑breather diving for a minimum of three (3) weeks.
2. ADF dive supervisors have satisfactorily completed training to a level at least equivalent to that provided by the units of competency in AS/NZS 2815.5:2013 (*Training and certification of occupational divers, Part 5: Dive supervisor*) covering:
	1. management of diving illnesses and medical emergencies;
	2. risk management, planning and conduct of diving operations;
	3. plant, equipment and maintenance procedures;
	4. supervision of the use of tools in a dive operation (this training requirement will not apply to an ADF SF dive supervisor); and
	5. supervision of on‑site chamber operations (this training requirement will not apply to an ADF SF dive supervisor or an ADF dive supervisor who is an Army Work dive supervisor).
3. **Commencement date**

This instrument commences on the day after it is registered on the Federal Register of Legislative Instruments.

1. **Expiration date**

This instrument expires five years after taking effect, unless the expiration date is amended or the exemptions are cancelled under regulation 697 of the WHS Regulations.