

19/12/2017

Fair Work Commission  
Level 10, terrace Tower  
80 William Street, East Sydney, NSW, 2011

To Whom it May Concern

**RE: Professional Diving Industry (Industrial) Award 2010 [2017] FWCFB 5749  
Statement**

Fremantle Commercial Diving Pty Ltd (FCD) makes the following submission relating to Statement FWCFB 5749, and the associated Correspondence from the Maritime Union of Australia (MUA) dated 18th December 2017. FCD would like to provide comment on the following points raised in the MUA submission:

**1. Factual inconsistency in point 7 of the MUA submission dated 19<sup>th</sup> December 2017**

The MUA's submission states in relation to points 10.4 (a) and 10.4 (b) of the draft award proposed by the MUA on the 24<sup>th</sup> July 2009 that "The MUA's submission indicated that the proposed clause was sourced from clause 33.1 of the Professional Divers' Maritime Union of Australia Award 2002". This is factually incorrect. The table provided on page 2 of the submission titled "Terms of the modern award and their source" makes no reference to clause 33.1 of the Professional Divers Maritime Union Award 2002 in relation to clause 10 – types of employment.

**2. Factual inconsistency in point 31 of the MUA submission dated 19<sup>th</sup> December 2017**

The MUA state that "*Members of the MUA have posted comments on the **MUA's Facebook Page**, venting their views in relation to the reduction in their hourly rate of pay...*", and then proceed to cite 10 quotes from the **ADAS Divers Facebook Page**, from a single discussion thread regarding pay rates. The ADAS Divers Facebook page describes itself as "...setup by divers for divers to share information and keep in touch with others throughout the industry". This site has **no affiliation with the MUA** and is certainly not "the MUA's Facebook Page". FCD again respectfully request the MUA quantify their position of having been "inundated with messages on social media from professional divers".

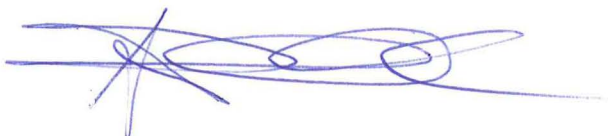
### 3. Inaccurate information in point 32 (a) of the MUA submission dated 19<sup>th</sup> December 2017

The MUA propose that “...in the offshore sector the work is usually performed from dive bells supported by dive support vessels. The divers live in the bells. In contrast diving work performed inshore commences from the surface and the time underwater is regulated by dive tables” The activity of “living inside a diving bell” refers to saturation diving, where divers live for extended periods in pressurised saturation systems. Saturation diving represents only a **very** small portion of offshore diving activities, with the vast majority of diving undertaken being no-decompression or surface decompression diving. These divers return to the surface at the completion of their dives, which are regulated by dive tables, **exactly as the inshore industry is.**

### 4. Reply to point 32 (b) of the MUA submission dated 19<sup>th</sup> December 2017

The MUA propose that “...the limitation of for inshore divers that work should be performed in two periods of three hours with fifteen minutes at surface after each one and a half hours” should remain current. By their own admission (point 30) the MUA are referencing an award created in 1947 with regard to how decompression schedules for work in compressed air should be managed in a modern diving context. The issue of diving safety should be dealt with under the relevant Australian Standard by people with an understanding of the industry, not by the award or by the MUA. The suggestion of being able to dive to 42 feet “...in two periods of three hours with fifteen minutes at surface after each one and a half hours” contravenes acceptable limits allowed for in the Australian Diving Standard **by orders of magnitude.** The proposal by the MUA to rely on outdated and dangerous diving guidance proposed in 1947, a time when very little was known about diving physiology, and use it as an argument for a return to a 33 hour working week demonstrates a lack of understanding of diving safety, the diving industry and undermines the MUA’s argument for a return to a 33 hour week.

Yours Sincerely



Antony Old  
**Managing Director**  
**Fremantle Commercial Diving Pty Ltd**