



SUBMISSION ON BEHALF OF THE AUSTRALIAN FEDERATION OF  
EMPLOYERS AND INDUSTRIES (AFEI)

AM2008/68 DIVING SERVICES – EXPOSURE DRAFT PROFESSIONAL  
DIVING (RECREATIONAL) AWARD 2010

AWARD MODERNISATION

**AFEI**

Australian Federation of  
Employers & Industries

**BEFORE THE AUSTRALIAN INDUSTRIAL RELATIONS COMMISSION**

**AWARD MODERNISATION – AM2008/ 68 – DIVING SERVICES**

**SUBMISSION CONCERNING PROFESSIONAL DIVING INDUSTRY  
(RECREATIONAL) AWARD 2010**

1. The Australian Federation of Employers & Industries (AFEI) has made submissions concerning the above matter and filed a draft Recreational Diving Award in conjunction with the Association of Marine Park Tourism Operators (AMPTO).
2. AFEI makes the following submission concerning the Exposure Draft Professional Diving Industry (Recreational) Award 2010 (the Exposure Draft).
3. AFEI has consulted with the AMPTO concerning the Exposure Draft and a number of concerns have been identified, particularly concerning the hours of work for casual and part time employees.
4. Currently the Recreational Diving Industry Award 2001 (the Federal award) does not provide for part time employment. While AFEI supports the inclusion of part time employment in the modern award we submit that the part time hours of work provisions in the Exposure Draft are not sufficiently flexible to meet the requirements of the recreational diving industry. We understand that these concerns and concerns with the hours of casual employees will be addressed in detail by the AMPTO.
5. Clause 4.1 of the Exposure Draft concerning Coverage appears to contain an error. The clause appears as follows:

*'This industry award covers employees throughout Australia engaged in the provision of underwater services for the purposes of recreational diving and related shipboard services*

*and their employees in the classifications in clause 14 – Minimum wages to the exclusion of any other modern award.’ (emphasis added)*

AFEI submits that the first reference to employees in the above clause should read employers.

6. The Exposure Draft does not contain the current provision in the Federal award concerning employee duties. AFEI submits that the modern award should include the following provision as Clause 10.6:

*‘Employees may be required to carry out the duties of deckhands, cooks or skippers, in addition to instructing and supervising of diving operations, shopwork, interviewing prospective clients and undefined duties.’*

7. The AFEI/AMPTO draft award included provision for junior employees, which has not been adopted in the Exposure Draft. After further consideration of this issue AFEI proposes that it would be more appropriate for the modern award to contain provision for Traineeships, based on a range of relevant qualifications available in the industry. It is proposed the modern award include a schedule concerning the National Training Wage and the following clause:

*14.2 National training wage.*

*See Schedule B.*

8. The modern award is expected to have a significant cost impact on the recreational diving industry and will extend award coverage to substantial parts of the industry which are currently award free. AFEI supports the inclusion of the transitional provisions in the Schedule A of the Exposure Draft.

**16 October 2009**