

Snorkelling, SCUBA Diving & Wildlife Swims

Adventure Activity Standards (AAS)

**For
Organisations, Guides and Leaders
Conducting Adventurous Activities for Participants
(Commercial or Non-Commercial)**



- Written by the Outdoor Recreation Centre Inc.
- Endorsed by Victoria's Outdoor Recreation and Adventure Tourism Sectors
- Supported by Victorian State Government



ADVENTURE ACTIVITY STANDARDS

Snorkelling, SCUBA Diving & Wildlife Swims
Edition 2 – April 2005



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- Dive Industry Victoria Association Inc.



- Merricks Camp and Conference Centre (Aqua Camps)



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The AAS will not cover each and every circumstance of an adventure activity. Nor can they, when adhered to, entirely eliminate the risk or possibility of loss or injury. Consequently they should be used as a guide only. Whenever using the information contained in this publication or any AAS, all adventure activity providers should carefully evaluate the specific requirements of the intended adventure activity and the persons participating in it. If necessary advice should be obtained from a suitably experienced and qualified professional person.

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ADVENTURE ACTIVITY STANDARDS - WHY HAVE STANDARDS?

AAS are voluntary guidelines for undertaking potentially risky activities in a manner designed to promote:

1. **Safety** for both participants and providers,
2. **Protection** for providers against legal liability claims and criminal penalties, and
3. **Assistance** in obtaining insurance cover.

These AAS are **NOT** statutory standards imposed by law.

BASIS OF LEGAL LIABILITY

Legal liability for personal injuries or property damage is primarily governed by the law of:

1. **Contract**; and
2. **Negligence**.

Although provisions of statutes such as the *Trade Practices Act* (Cth) and the *Fair Trading Act* (Vic) are also relevant.

CLAIMS IN CONTRACT

For there to be a claim in contract there must be a legally enforceable agreement (i.e. a contract) between the person who has suffered injury or loss and the provider against whom the claim is being made. For example, there is a contract between a provider and a client, where the provider agrees to provide services for payment. The contract can be in writing or oral, or both. The claim in contract can only be made by one party to the contract against the other party, unlike a claim in negligence, which is not so limited.

Apart from the express terms of the contract, the law will usually imply certain terms into a contract that require a service provider to do a number of things when providing that service. Those implied terms might include a requirement to provide competent guides and instruction, safe equipment, and a general requirement to exercise the degree of reasonable skill and care which is to be expected of a competent provider. Some of these terms will be implied by sections of the *Trade Practices Act 1974* (Cth) and the *Fair Trading Act 1999* (Vic).

If injury or damage occurs because the provider did not exercise reasonable care in the provision of the service a court will find there was a breach of the contract entitling a party to claim compensation (damages) for the loss or injury suffered.

CLAIMS IN NEGLIGENCE

Over recent years the Law of Negligence has undergone substantial legislative change in Victoria. These changes are set out in the *Wrongs Act 1958* (Vic) (as amended).

The essential elements of a claim in negligence are:

1. a duty of care being owed by the provider to take reasonable measures for the safety of their clients / participants;
2. a breach of this duty of care, and
3. the breach of the duty of care being a **cause** of the harm suffered by the participant.

A successful claim in negligence against a provider will result in an award of damages against that provider to compensate for the loss or injury thereby suffered.

Although the law does not automatically impose a duty of care, it is likely such a duty will be imposed when one party (the provider) assumes responsibility for another in the provision of adventure activities.

The duty of care is a legal requirement imposed by the courts on a provider to take reasonable care to protect a client or participant from foreseeable harm or loss.

If a claim is made and a court finds that a duty of care is owed, the court must then decide what is the appropriate level or standard of that duty of care, to determine if the provider has acted reasonably or alternatively has breached the duty of care. The standard of care is determined by all the relevant circumstances and the particular facts of each case. A court will have regard to the experience of the providers and the clients, the conditions at the time, and ultimately may seek the guidance from experts in the field. A court will find that the standard of care has not been met, (i.e. there has been a breach of the duty of care) if the evidence, **on the balance of probabilities**, establishes that the provider has not acted reasonably in the circumstances. If that conduct has caused loss and damage the provider will be liable to pay damages to compensate the party who has been injured or has suffered a loss.

For example, in an outdoor recreation activity some participants could find themselves in a situation suited to more advanced participants. There may be persons in the group who have been lead to believe by the provider that a certain skill level was not required and enrolled to join a group mis-described as being for “beginners”.

If, an accident occurred due to their inexperience, and these “novice” participants were injured, it is possible that a legal action to recover damages might be based as follows:

- in the law of contract, against the provider, if it can be demonstrated that the provider incorrectly described the group as being for “beginners”; and
- in the law of negligence, against the leader and guide, as well as the provider because of a failure to adequately instruct, advise and perhaps supervise the group.

The duty of care of the provider is higher than that placed on the ordinary citizen because the provider has agreed to provide services for a reward or assumed a responsibility of care for others e.g. by holding him/herself out as experts or specialists who have agreed to take participants into potentially dangerous or remote situations.

Whilst not an exclusive list the following is a guide to the standards that must be met by an provider, guide, instructor, teacher or staff member:

- ensure the activity is appropriate for the skills and experience of the intended participants;
- ensure the intended activity is appropriate given the known, expected and forecasted conditions;
- provide adequate staff/leader supervision;
- provide competent and appropriately trained staff/leaders;
- provide safe and properly functioning and adjusted equipment;
- provide reasonable food and safe shelter (if relevant to the activity);
- provide reasonable guidance, instruction and direction to participants; and
- depending on the activity, have an adequate knowledge of the area in which it is to take place and be able to provide reasonable first aid, emergency backup and rescue.

The law will require the provider to protect participants from known hazards, but also from those risks that could arise (that is, those that the provider, instructor, teacher or staff member guide should reasonably have foreseen) against which reasonable preventative measures could be taken.

In these circumstances, in order to limit potential for legal liability and to minimize the risk of injury, each organisation needs to implement risk and safety management processes, which have identified foreseeable risks and put in place measures to control such hazards. For the same reasons, all providers, leaders or guides ought, as a minimum, to have completed appropriate first aid and activity specific training.

This is particularly so where the activity is a specialised one. In these circumstances, as a participant will be seen as relying on the expertise of the provider, leader or guide, a high duty of care will be imposed because they will be considered as having a responsibility for the control, guidance and protection of the participant.

All of the elements of any claim must be proved by the claimant **on the balance of probabilities**. (i.e. more probable than not.)

DEFENCES AGAINST CLAIMS BY PARTICIPANTS

Establish No Negligence

The most obvious defence to a claim in negligence is for the operator to establish that he / she acted with all reasonable care in the circumstances – that is, was not negligent.

In attempting to do so the following questions must be considered:

- was the risk of harm foreseeable?
- was the risk not insignificant? and
- would a reasonable operator have taken additional precautions that would have prevented the harm?

In determining whether a reasonable operator would have taken additional precautions a court will consider the following (amongst other relevant things):

- the probability that harm would occur if care were not taken;
- the likely seriousness of the harm;
- the burden of taking precautions to avoid the risk of harm, and
- the social utility of the activity that creates the risk of harm.

Voluntary Assumption of Risk

If it can be proved, on the balance of probabilities, that a participant was fully aware of and freely accepted the risk of suffering injury in an activity then this will be a defence to a claim in negligence. It will not be a defence, however, if the injury was caused by the inexperience or incompetence of the provider, defective equipment, inadequate supervision or instruction as it is highly unlikely that any participant would have consented to accept such risks.

If the risk of harm was an obvious one then there is a rebuttable presumption that the person who suffered the harm was aware of the risk.

Duty to Warn

A person who owes a duty of care to another person to give a warning, or other information in respect of a risk, satisfies that duty if reasonable care is taken to give that warning, or other information. This is potentially very important in the context of an Adventure Activity where it may be prudent for the provider to give all participants printed instructions and warnings (where appropriate) and obtain signed acknowledgements.

Contributory Negligence

If the accident was caused or contributed to by lack of reasonable care on the part of the participant then this will be a partial defence, according to the apportionment of responsibility made by the court between the provider and the participant. In cases of extreme acts of negligence by the participant, contributory negligence can be very high (e.g. 80 / 90%) and sometimes a complete defence.

Inherent Risks

A person is not liable in negligence for harm suffered by another person as a result of an inherent risk. An inherent risk is a risk of something occurring that cannot be avoided by the exercise of reasonable care.

Waiver to Sue / Exclusion of Liability Agreements

Amendments to the *Trade Practices Act 1974* (Cth) and the *Fair Trading Act 1999* (Vic) now enable the suppliers of “recreational services” to limit their legal liability to their customers, who are 18 years of age or over for death or personal injury. This is done by having a written Waiver to Sue signed by each customer prior to the supply of the services. A Waiver to Sue is a legally enforceable contract not to sue the supplier of recreational services should the customer be

injured or killed by the provision of the service. The Waivers must be carefully drafted and, in Victoria, must comply with the wording set out in the *Fair Trading Act*. The use of a signed Waiver to Sue under this Act enables suppliers of recreational services to exclude their liability for negligence and to limit their liability to injury or death suffered by a customer caused by **reckless conduct** described in the *Fair Trading Act* as **“Gross Negligence.”**

To qualify for this legislative protection the service provided must come within the meaning of “recreational services” as defined in the *Trade Practices Act* and the *Fair Trading Act*.

Pursuant to these Acts “recreational services” mean services that consist of participation in: -

- (a) sporting activity or a similar leisure - time pursuit, or
- (b) any other activity that involves a significant degree of physical exertion or physical risk and is undertaken for the purposes of recreation, enjoyment or leisure.

GOOD SAMARITANS, VOLUNTEERS, APOLOGIES

Good Samaritans

Under the *Wrongs Act 1958 (Vic)* (as amended) an individual who provides assistance, advice or care to another person in an emergency or accident, where there is no expectation of payment by money or other means, will not be able to be sued for any injury or harm he / she causes.

Volunteers

Volunteers are also protected by this Act from liability for injury to another when they are providing a community service within the scope of the work provided by their community organisation.

Apologies

This Act also provides that a person by saying that they are “Sorry” or apologising for causing injury or harm to another does not constitute an admission of liability **provided it does not** include a clear acknowledgement of fault. Likewise, a reduction or waiver of fees payable for a service is not an admission of fault or liability.

LIMITATION ON CLAIMS FOR PERSONAL INJURY DAMAGES

The *Wrongs Act* provides that an injured person cannot obtain damages for pain and suffering unless they suffer permanent whole person physical impairment of greater than 5%. If the injury is psychological / psychiatric the impairment must be greater than 10%.



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This Act also imposes a cap on damages for pain and suffering of a maximum of \$371,380-00 (indexed annually) together with other limitations on claims for both past and future economic loss.

APPLYING THE ADVENTURE ACTIVITY STANDARDS

Having suitable risk management programs and strategies in place, and ensuring the AAS are met, will minimise the likelihood of injury or loss. However, evidence of compliance with such programs and the AAS will also assist in the legal defence of claims and in proving that a provider and its leaders have acted reasonably in the circumstances (i.e. were not negligent). It is also likely such programs will assist providers in obtaining more favourable insurance arrangements.

DISCLAIMER

The above comments on legal liability in Contract and Negligence and defences and limitations thereto, including recent legislative changes, do not purport to be a complete and accurate description of the law on these topics. Outdoor Recreation Centre Inc., its servants and agents are not by these comments providing legal advice to any person, company or organisation and make no warranties with respect thereto and to the maximum extent permitted by law disclaim all liability and responsibility for any direct or indirect loss, damage or liability which may be suffered or incurred by any person, company or organisation as a consequence of or in reliance upon anything contained in, implied by, or admitted in this document.



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EXISTING INDUSTRY STANDARDS FOR SCUBA DIVING

Any organisation(s) undertaking the provision of recreational scuba diving at, or as a part of a workplace, must be accountable to, and operate at least to the standards of, the Australian Standard AS 2299.3 and in Victoria, the Dive Industry of Victoria Association (DIVA) Code of Practice available at the DIVA website www.underwatervictoria.com.

Where recreational scuba diving takes place independent of a workplace (such as club or other formally organised groups) all participants are expected to dive only if they hold a current and industry recognised entry level qualification (equivalent to Australian Standard AS4005.1) with the appropriate experience for the dive being undertaken.

For both commercial and non-commercial groups, non-qualified participants may undertake introductory dives but must be accompanied by a suitably qualified instructor.

INDUSTRY STANDARDS FOR WILDLIFE SWIMS (WHALES, DOLPHINS AND SEALS)

In Victoria, there are regulations put in place to provide for the long-term protection of Whales (& Dolphins). These regulations are made under sections 85A and 87 of the Wildlife Act 1975. Under these regulations, there are prescribed distances which different vessels may approach the whales (which includes dolphins) in their natural environment. (among other important details).

For the purposes of sections 83(1) and 83A(1) of the Act, the prescribed minimum distance are;

1. In the case of a whale (dolphin) which is stranded on land or in waters less than one metre deep, 50 metres; or
2. In the case of any other whale (dolphin)--
 - a. If using a motorised vessel (including a personal watercraft), other than one carrying passengers for hire or reward, 100 metres;
 - b. If using a motorised vessel carrying passengers for hire or reward--
 - outside the waters of Ticonderoga Bay Sanctuary Zone, 150 metres; or
 - inside the waters of Ticonderoga Bay Sanctuary Zone, 200 metres;
 - c. If swimming or diving, 30 metres;
 - d. If using a motorised swimming aid, 100 metres;
 - e. If using a surfboard, 30 metres;
 - f. If using any other watercraft, 100 metres.

As well as these approach distances, it is important to understand that:

- It is illegal for anyone to conduct a whale/dolphin swim tour without a permit, and that tour operators that do have a permit operate under a different set of regulations (e.g. licensed operators are permitted to be much closer to the whales and dolphins).
- A maximum speed limit of 5 knots applies to any craft within 300 meters of any whale or dolphin.

Seals are not specifically mentioned under the wildlife act. Swimming with seals around breeding colonies can be dangerous. These seals are often aggressive, and white sharks are known to be present around all Victorian breeding colonies. The white sharks feed on young pups as well as older sick or injured seals. The sharks are mainly attracted during December because of the increased blood/afterbirth in the water.

In places like Port Phillip Bay (non-breeding areas) where there are haul out platforms for seals there has been a long history of people interacting with seals with no recorded injuries but care is essential.

Due to these and other complexities regarding snorkelling/diving with wild seals, the adventure activity standards suggest that such activities should only be undertaken with experienced instructors/guides who have a thorough knowledge of the area.

There is also an industry code, which has been developed by licensed tour operators to protect the seal colonies within Port Phillip Bay; that code can be found in the additional resources section of the ORC website.

ADVENTURE ACTIVITY STANDARDS FOR SNORKELLING - ACTIVITY DESCRIPTION

This AAS has been developed to clearly describe accepted industry practice for all organised groups undertaking snorkelling activities in Victoria (commercial and/or non-commercial and including wildlife swims).

This AAS has been documented to consider two distinct types of snorkelling activities.

- **Snorkel swims** where participants primarily swim on the surface of the water, are positively buoyant at all times and are using snorkelling equipment.
- **Snorkel diving** where the diver is close to neutral buoyancy (with the potential to become negatively buoyant) and are able to engage in breath hold diving and swimming below the surface for relatively sustained periods of time.

These AAS are not intended to apply when these activities are conducted in a swimming pool or enclosed areas such as rock pools provided risk assessments and/or existing standard operating procedures are in place (because the risks associated with supervision are significantly altered). There may also be situations where these AAS do not apply to Instructional snorkelling (where the intention is to facilitate skill transfer or development to participants in order that they may act independently or with minimal supervision).

1 PLANNING

The planning section of the activity standards contains the documented protocol, administration and pre activity aspects of AAS that must be completed before undertaking any activity.

1.1 CONSIDERATIONS FOR A SNORKELLING ACTIVITY PLAN

Organisations must carefully select venues that meet the objectives of the activity. To do this, the following considerations must be included:

- Objectives of the activity (Desired outcomes).
- Supervision to participant ratio and group size (See 2.6).
- Qualifications and experience of available supervision.
- Suitability of the location for the age, skill and experience of participants including fitness (beginner snorkellers should not utilise environments that are potentially sensitive to fin damage, trampling).
- Suitability of access and egress with consideration given to environmental impacts.
- Prevailing conditions and forecast conditions (waves, wind).
- Potential hazards at venue (rips, submerged rocks, currents and tides).

- Suitability of available equipment (wetsuits, rescue).
- Depth, conditions and temperature of water relative to participants experience.
- Proximity to medical expertise.
- Suitability of available emergency communication equipment.
- Access and remoteness of venue.
- Land managers' requirements (Access guidelines, registration, group numbers).

Due to the significant variation in the Victorian coastline, it is essential that the selected venue be appropriately researched. A useful resource is "Beaches of the Victorian Coast and Port Phillip Bay (1996)".

When selecting the instructor/guide(s) for a snorkelling activity it is essential to consider that;

- The instructor/guide(s) have the required competency to conduct the activity, effectively manage incidents and to satisfy the planned objectives (see 2.1).
- The selected instructor/guide must be familiar with the specific venue being visited and be knowledgeable of the foreseeable variables.
- The instructor/guide is knowledgeable about the nature of the environment being used and is able to implement the activity with minimal impact upon the location habitats, animals and plants.

1.2 MINIMUM PRE ACTIVITY DOCUMENTATION

Pre activity documentation is a minimum requirement for adventure activities. There are critical pieces of information that an instructor/guide and/or organisation must be aware of to maximise safety.

- Emergency strategy (including details set out below in 1.4).
- Participant's name, address and emergency contacts.
- Any medical conditions stated by participants which may be relevant to the activity:
 - For example; asthma (details of management plan required), diabetes, epilepsy, fainting/dizziness, specific allergic reactions, blood conditions which may effect bleeding/clotting, recent or longstanding injuries (eg back, knee, ankle), disability, conditions effecting balance, current tetanus and/or other relevant medical conditions (eg heart condition, migraines, pregnancy) and medication.
- After a clear pre activity briefing, signatures acknowledging inherent risks and authorising any relevant emergency treatment by a medical officer must be received from each participant. Where possible, a parent/guardian must provide the signatures if participants are under the age of 18.
- All participants over the age of 18 must sign a legal liability disclaimer/waiver to sue form.

All documentation must be readily accessible to the instructor/guide in the event of an incident/emergency and all individual participants requirements must be appropriately accounted for throughout the activity.

1.3 RISK ASSESSMENT /CHECKLIST

The instructor or guide must conduct a risk assessment of the venue prior to any activity and document hazards, changes to expected conditions and how they should be reasonably dealt with.

As a minimum, a checklist must be completed before initiating any activity to ensure that the following considerations are appropriately accounted for.

- Wave height and direction are appropriate.
- Tide is appropriate for the location.
- Any rips and currents are identified and accounted for.
- Wind direction and strength are appropriate for the planned activity.
- Access and egress are clear in case of an emergency.
- Sand bars are safe and/or appropriately considered to minimise risk.
- Other users are appropriately accounted for (including watercraft).
- Risk of entanglement (fishing lines etc.) is accounted for.
- Risk to the environment can be appropriately minimised.

Where any of the above are not as expected, appropriate strategies must be implemented.

It is recommended that the organisation or activity supervisor keep the checklist as a record of the conditions.

1.4 EMERGENCY STRATEGY

Every emergency strategy must be written to manage incidents and minimise their escalation.

The emergency strategy for a snorkel activity must be specific to each venue and activity session and must contain (as a minimum);

- Evacuation plan/routes.
- Assembly points (where appropriate).
- Contact details for key organisations (for example; police, ambulance, land manager, emergency services) and how they are best contacted (mobile phone, satellite phone, radio.).
- Planned start and finish time of the activity session.
- A strategy for maintaining supervision ratios should any changes to the planned activity eventuate (adverse conditions, injured instructor/guide, participant(s) pull out of activity).

Supervisors of snorkel activities and an appropriate external contact, either within the organisation or otherwise, must be fully aware of the emergency strategy and a summary must be provided as a component of the preliminary group briefing.

A copy of the documented emergency strategy must be kept with other documentation and be readily accessible to the instructor/guide in charge and a non-participating contact in the event of an incident/emergency.

The instructor/guide in charge must communicate with the relevant external contact at designated time/s where appropriate. Upon failure to do so the external contact must then notify the Police.

1.5 RESTRICTIONS TO PARTICIPATION

Operational restrictions to a snorkelling activity session include extreme weather conditions, equipment, land manager/owners requirements, type of venue and restrictions dictated by environmental factors as advised by the land manager or otherwise.

Individual(s) must be restricted from participating in a snorkelling activity session if they are deemed to be under the influence of alcohol or drugs, including prescription drugs which may affect performance and to participants who are unable or unwilling to follow instructions.

2 RESPONSIBILITY OF THE LEADERS

This section includes all aspects of the activity that involve the instructor(s) and guide(s). This section covers the specific competency required to supervise groups at various difficulty levels and covers requirements of the supervising instructor(s) and guide(s) that form the basis of reasonable duty and standard of care.

2.1 COMPETENCY OF INSTRUCTORS AND GUIDES

Providers of training for instructor(s) and guide(s) of snorkelling activities may include; SCUBA diving associations, community organisations, in-house training, TAFE colleges, universities and registered training organisations (RTO's).

A snorkelling instructor/guide must be confident of having satisfied a process of skill acquisition and have experience which must be appropriate for the complexity of the activity and at least equivalent to that described by the following.

A statement of attainment for these units is not compulsory. However the inclusion of this section is intended to provide a suitable benchmark describing the skills that a leader should have as described within the National Outdoor Recreation Industry Training Package.

Snorkelling lookout

Snorkelling activities are generally conducted with the appropriately competent person(s) (as described below) in the water with the participants.

Appropriate supervision also requires a “lookout”. This must be an adult deemed to be responsible by the instructor or guide in charge of the activity.

There are no requirements for specific competencies/skills, nor experience for a person to act as lookout but they may only undertake this role if they have been specifically allocated the role and they have been carefully briefed on their responsibilities by the instructor/guide in charge prior to commencing the activity.

It is recommended that a lookout for a snorkel diving activity holds a current introductory first aid certificate (equivalent to SRXFAD001A “the old level 2”)

| ROLE | DESCRIPTION OF COMPETENCY | CODE |
|---|---|--|
| <p>Snorkel guide Role This is the competent person responsible for conducting a snorkel swimming activity.</p> <p>(This person may also assist a snorkel dive instructor in conducting snorkel diving.)</p> | <p>Respond to emergency situations Provide first aid Facilitate a group Deal with conflict Apply sport and recreation law Follow defined Occupational Health and Safety policy and procedures Undertake risk analysis of activities</p> <p>Plan for minimal environmental impact Apply weather information Plan outdoor recreation activities Guide outdoor recreation sessions</p> <p>Participate in snorkelling activities Guide Snorkelling</p> <p>In addition to the knowledge and skills described by these units of competence. It is expected that any supervisor undertaking a snorkelling activity must have an appropriate rescue certificate (for example, SLSV Community Surf Bronze / pool bronze).</p> | <p>SRXEMR001A SRXFAD001A SRXGRO001A SRXGRO002A SRXINU002A</p> <p>SRXOHS001B SRXRIK001A</p> <p>SROOPS002B SROOPS003B SROODR002A SROODR005A</p> <p>SROSNK001A SROSNK002A</p> |
| <p>Snorkel Instructor These units are in addition to those required for the snorkel guide level.</p> <p>These units describe the ability (skill and experience) expected to conduct a snorkel diving activity.</p> | <p>Coordinate emergency response Provide leadership to groups Implement and monitor the organisation's occupational health and safety policies, procedures and programs</p> <p>Plan outdoor recreation activities advanced Manage risk in an outdoor activity Interpret weather conditions in the field</p> <p>Instruct snorkelling skills</p> <p>In addition to the knowledge and skills described by these units of competence. It is expected that any supervisor undertaking a snorkelling activity must have an appropriate rescue certificate.</p> | <p>SRXEMR002A SRXGRO003A</p> <p>SRXOHS002B</p> <p>SROODR003A SROODR006A SROOPS004B</p> <p>SROSN003A</p> |

As an aid to the guide, AAS recommend that logs should be kept and signed by an appropriate witness after each session.

Details of these units can be accessed free by logging on to the Australian National Training Authority (ANTA), National Training Information Service website at www.ntis.gov.au.

The following will enable you to locate the unit you are interested in viewing.

1. On the opening page select 'Training Packages',
2. On the Training Packages Page: Insert SRO03 (03 as in the year 2003) to the box requesting "Training Package CODE" and search.

3. Select “Outdoor Recreation Industry”
4. On the left of the new page select “Units of Competency”
5. The page which opens will have a complete listing of unit codes and unit titles. Find (easiest by unit code) and select the unit you wish to view. Each unit has key aspects of the unit (elements), details for each aspect (Performance criteria) and other information relevant to the assessment of the unit by a recognised training organization (RTO) such as the “**Range of Variables**” and “**Evidence Guide**”.

(Please note that some units contain pre and co requisite units which are displayed in “2. Interdependent assessment of units” in the **Evidence Guide**. **The contents of these are an essential component of the unit for which they are pre/co-requisites.**)

The above units are components of national training courses that encompass the specification of knowledge areas and skills relevant to the outdoor recreation industry and the application of that knowledge and skill to a standard of performance required in the workplace.

2.2 FIRST AID

Every snorkel instructor/guide must have a current and recognised first aid certificate equivalent to the old Victorian Work Cover level 2, which is now measured by the ANTA unit SRXFAD001A from the sport and recreation training package or HLTF1A1A from the health and fitness training package.

The instructor and guide(s) must also have a recognised rescue award/certificate appropriate for the environment in which the activity is conducted.

2.3 RESPONSIBILITY OF THE INSTRUCTOR/GUIDE IN CHARGE OF THE SNORKELLING SESSION.

It is accepted that specific tasks may be appropriately delegated, but the responsibility remains with the instructor or guide who is in charge of the session.

Whenever conducting a snorkelling activity it is the responsibility of the instructor or guide in charge to ensure that the level of knowledge, ability, skill and equipment of each participant is appropriate for the level of difficulty and complexity of the activity and to receive acknowledgement from all participants that he/she has the role of leading the group. Responsibilities include but are not limited to;

- Conduct pre-activity risk assessment to research and plan for likely hazards/incidents/emergencies.
- Confirm that the activity plan is appropriate for the group’s experience/capabilities and is matched to the activity objectives.
- Structure the activity to allow rest when necessary.
- Ensure a full pre activity briefing is carried out and understood by all lookouts, guides and participants (See 2.5).

- Ensure that environmental values (natural and cultural) of the location are identified and communicated (eg no take in Marine National Parks and Marine Sanctuaries).
- Ensure that participants are appropriately protected from the environment (sun cream, wetsuit, rash vests/ sun cold wind).
- Ensure a practice session is conducted, skills are imparted and ongoing coaching of technical skills occurs where necessary.
- Check first aid kit and communication equipment prior to activity.
- Confirm head count before, regularly during and immediately following the activity.
- Ensure that supervision ratios are maintained so that participants are supervised at all times.
- Appropriately designate responsibility to guide(s)/ lookouts(s).
- Appoint external contacts to notify Police etc if not contacted by designated times.
- Notify external contacts of safe return/completion.
- Check condition of all group equipment on return.
- Ensure that any incidents are documented and reported.

2.4 ASSISTANT(S) TO THE INSTRUCTOR(S)/GUIDE(S)

When activities are conducted with more than one instructor and/or guide, the instructor or guide in charge must be responsible for the entire activity session.

All guides assisting the instructor/guide in charge of the activity session must support and assist according to the activity plan and manage any incident or emergency according to the emergency strategy if the instructor/guide in charge becomes injured or incapacitated (See 1.4).

When a lookout is involved in the supervision of a snorkelling activity, the lookout must be:

- Present for the whole of the snorkelling activity.
- Observing snorkellers as they enter and exit the water.
- Continuously scanning and observing people who are snorkelling in the designated area.
- Keeping people within the designated snorkelling area.
- Able to perform a rescue or direct another person to perform a rescue.
- Sufficiently fit to perform a rescue if allocated that responsibility.
- Able to perform first aid in an emergency, or be able to direct another person to perform first aid, for snorkel diving this must extend to include resuscitation.
- Using aids to enhance vision of the snorkelling area, such as binoculars and sunglasses.
- Continuously monitoring the snorkelling area, looking out for potential hazards, snorkellers, adverse change in conditions and responding appropriately.
- Wearing clothing that are identifiable, and
- Able to communicate with instructor(s), guide(s), participants and appropriate emergency contact personnel at all times.

2.5 COMMUNICATION AND AUTHORITY

Participants and leaders in all outdoor recreation and adventure tourism activities must use an agreed and understood system of communication. It is therefore essential that this system be devised before the trip and agreed as a component of the pre activity briefing.

The most fundamental communication requirement is a clear full pre activity briefing. This may be delivered differently according to organisational preference but must include and is not limited to;

- Introduction of activity coordinator, instructor, guide(s), lookout(s) and objectives (Explaining bright tops or easily identifiable clothing for activity supervisors where applicable).
- Basic information about the venue, location, conditions.
- The nature of the activity, inherent risks, emergency response. (Emergency strategy, emergency communication).
- Explanation of designated areas (Flags, banners).
- Explanation of signals (Calls, hand signals, whistle).
- Explanation / demonstration of the buddy system and related emergency response (where used).
- Expected conduct of participants.
- Equipment and clothing including detailed explanation of correct equipment use and fit.
- Strategies for environmental conservation including flora, fauna and rubbish removal.
- Confirm participants clothing, hair and jewellery are appropriate for the planned activity.
- Confirm participants are free of the effects of alcohol/drugs.
- Confirm that participants have understood the pre activity briefing.
- Verbal health check for participants to voice concerns about their capabilities.
- Explanation of required documentation including completion and signing of waiver. (section 1.2).

2.6 RATIOS

Variables such as weather, venue (remoteness, conditions, difficulty) and the group (experience, competence, fitness and available equipment) will affect the supervision ratios. So there are clearly situations where your judgement will dictate the requirement for smaller numbers of participants per supervisor. Land managers may also suggest ratios that differ from AAS and where these are within AAS they must be regarded as minimum standards.

Regardless of these factors:

- **Ratio for any snorkel swim**
The ratio of supervision (Competent guide and/or instructor: participant(s)) for any snorkel swimming activity must never exceed 1:10.
- **Ratio for a snorkel dive using the buddy system**
The ratio of supervision (Competent guide and/or instructor: participant(s)) for any snorkel

diving activity must never exceed 1:10. Provided that the participants are organised to use a buddy system incorporating 1up/1down.

For larger groups, the remaining ratio may be made up with competent snorkel guides so that one snorkel instructor and 2 snorkel guides may supervise up to 30 participants provided the conditions are appropriate and the buddy system is used.

- **Ratio for a snorkel dive with no buddy system**

If conducting a snorkel dive activity and for any reason it is not practicable to implement the above buddy system, a ratio of 1 instructor to 4 participants must be adhered to.

2.7 GROUP SIZE

Any group of greater than 30 participants must be split and each remaining group must independently adhere to AAS.

AAS also recommend that, as it is far easier for 1 leader to supervise 10 participants than for 3 leaders to supervise 30, each group split into groups of 10 participants where possible. AAS do acknowledge that this is not always practical or possible.

3 EQUIPMENT

Equipment requirements vary with the objectives of the trip plan and the environmental conditions likely to be endured. When planning equipment requirements for a snorkelling activity it is important to consider all possible eventualities.

3.1 EQUIPMENT USED BY THE GROUP FOR THIS ACTIVITY.

- A comprehensive first aid kit.
- A blanket or means for keeping a hypothermic participant warm and sheltered.
- An appropriate communication device (Mobile phone, radio) to immediately seek assistance in the event of an accident/incident.
- Dive Flag (Alpha) where appropriate.
- Where snorkel diving more than 50 metres from a shore, boat or platform a safety float should be available for emergency and this should have a dive flag alpha.
- Consideration should be given to the potential need for oxygen administration. This consideration will involve remoteness and availability of a suitably competent person.

3.2 EQUIPMENT USED BY THE PARTICIPANTS FOR THIS ACTIVITY.

All equipment supplied for recreational snorkelling must be:

- Suitable for the type of recreational snorkelling being undertaken and of sufficient quality to ensure it performs effectively in the water.

- Checked before recreational snorkelling starts to ensure it is in safe working condition.
- Cleaned and kept in good repair.
- All participants must be adequately protected from the exposure to the environment (sun/heat/cold) this may involve the use of sunscreen, wetsuit. If snorkelling in greater than 1.5 meters of water, participants must wear a wetsuit.
- Where weight belts are used by participants (snorkel diving only) they must be fitted with a quick release mechanism and be weighted so that the participant is slightly positively weighted.

Masks must:

- Be made with tempered glass or other scratch/shatter proof material.
- Fit the snorkellers properly.
- Have adjustable straps that are secure during snorkelling.
- Be disinfected prior to use by another person.
- Be clean and in good condition so that they do not leak.
- Have snorkel keepers in place.

Snorkels must:

- Be available in the correct size for the participants.
- Be of such a design so that they can be easily secured in the correct position during use.
- Be disinfected prior to use by other people.
- Be inspected prior to use to ensure that the valves are in working condition.
- Have mouthpiece lugs in place, be clean and free of mould, tears and any sign of perishing.
- Have straps that are not splitting or perishing and are able to be secured.

Fins should be:

- Available in the correct size for the participants.
- Free of tears and not perishing.

Selecting and using snorkelling equipment

The instructor or guide in charge of the activity session must ensure that snorkellers are advised of how to select, fit and test the use of their equipment correctly.

3.3 EQUIPMENT USED BY THE SUPERVISORS FOR THIS ACTIVITY.

All instructors and guides supervising a snorkelling activity session must ensure that as a minimum they have the same equipment listed under section 3.2 above.

All supervisors (including the lookout(s)) must wear easily identifiable clothing and must have a suitable whistle (Pea less so that it can work when wet) on their person to communicate with the group.

3.4 EQUIPMENT CONDITION, MAINTENANCE AND STORAGE.

- All equipment used in snorkelling activities must be used, maintained and stored according to manufacturers specifications where applicable.
- All equipment used must be checked before and after each activity.
- All issued equipment must be provided in a clean and serviceable condition.

4 ENVIRONMENT AND CONDUCT

Marine National Parks and Marine Sanctuaries are areas of the coast and sea areas that are reserved under the National Parks Act for conservation of Victoria's unique and diverse marine and coastal environments. They are designed to protect marine and coastal life in the same way that National Parks protect terrestrial biodiversity.

Parks Victoria manages the Marine National Park system with compliance support from Fisheries Victoria. Activities that involve removing animals (including fish), plants, artefacts, or parts of the environment within that system are prohibited by law.

While recreational activities such as snorkelling and diving are encouraged in these areas it is also important for operators of activities within these areas to

- Minimise the impact that their activity is having on the marine and coastal environment
- Take active steps to inform participants of the natural and cultural values of the Marine National Park or Marine Sanctuary
- Promote strategies to reduce human impacts on the park and the marine and coastal environment
- Obtain a permit from Parks Victoria for the activity if it is commercial in nature
- Report inappropriate or illegal activities within the park to Parks Victoria (13 1963) or if a fishing offence to DPI Fisheries (13 FISH – 13 34 74).

The following strategies for minimising impact of in-water recreational activities are relevant to all marine and coastal environments.

Disturbance to animals, plants, cultural values, and geology - many natural and cultural values can be compromised by activities that are poorly managed. Strategies which effectively minimise disturbance to natural and cultural values include;

- During any introductory briefing sessions participants must be informed about the natural / cultural values of local environment, any conservation overlays that apply (eg. is it a Marine National Park or Marine Sanctuary?), and need for care through the activity.
- Opportunities to provide some environmental learning as a part of the adventure activity should be sought by group leaders.
- If there are any birds in sight, keep well clear and continue past where they are.
- Leaders should actively gain knowledge regarding what species (beach-breeding shorebirds, roosting birds) breed on beaches in the area and respect these animals as, if they have chicks or eggs, their lives are at risk.

- If doing activities near shorebird feeding areas (low-tide – mud-flats etc.), ensure you will not disturb their crucial feeding times.
- Never feed birds on beaches and remove all litter (your own and any you find).

Some equipment can have the potential to impact on environment through incidental damage. Strategies which effectively minimise disturbance to natural and cultural values include;

- Entry and exit points must be relatively free of plants / animals to avoid trampling.
- Beginner snorkellers / divers should practice basic techniques in environments which are not likely to be adversely affected by fins, bodies, equipment etc impacting on marine plants or animals. Sandy areas or areas of bare rock are much more suitable for beginners than reefs with extensive algal / invertebrate cover.
- Snorkellers / divers should be taught to keep fins and equipment (eg cameras, torches, hoses and regulators) well trimmed and away from dragging on benthic (bottom dwelling) animals and plants.
- If using power boats ,find out what types of animals in the water with you. If penguins, be aware that propeller injuries are a possibility and reduce speed and look out for birds.

Individuals seeking isolation experiences are often confronted with large groups this is an important issue for instructors and guides. For this reason Instructors and guides of group activities should be mindful of other coastal users and make efforts to minimise disturbance to other users.

There are significant impacts caused by large numbers of people and frequency of visits on habitats. Strategies which effectively minimise disturbance to natural and cultural values include;

- Take reasonable steps to use a variety of locations for activities (if not location specific) in order to minimise long term change to areas being used for activities.
- Only use formed pathways where provided for access to and from the beach.
- Avoid trampling of plants (including seaweeds and dune plants) and animals while accessing the water for snorkelling / diving.
- Instructors and guides should monitor signs of impact and where appropriate make changes to programs to reduce impacts.
- Ensure that you do not visit feeding areas when birds are in the area because;
- Migratory shore-birds rely on maximum time for feeding per day to ensure good weight for migration.
- Nesting birds with chicks will not let chicks eat when humans present – chicks will starve if people present all day.

Handling will often create unnecessary stress to organisms. Strategies which effectively minimise disturbance to natural and cultural values include;

- All animals and plants that are collected for observation should be handled with care (kept wet if from the water) and returned to the same environment from which they were collected.
- Buckets and tubs should be used to provide good short term holding areas to allow observation of local marine life before releasing it back to the water. Ideally there should be NO handling of organisms to minimise risk of injury to animals (bacteria on human skin etc.)

There is a very real potential for spread of pest plants or animals by transporting equipment to different venues. For this reason, every effort should be made to ensure that all equipment be cleaned after use and dried adequately before transport to other areas. Support vessels used for snorkelling / diving should be inspected after use (especially if left in the water for extended periods) and any attached animals and plants should be removed. Water should be drained from craft and the vessel washed in freshwater and dried thoroughly before transport to a new area.

To minimise the disturbance of breeding areas – particularly for birds;

- Known animal breeding sites should be avoided during the critical times of the year.
- Clients/participants should be informed of the significance of breeding sites.
- Roosting and feeding areas should also be avoided where possible.

To minimise litter and other forms of visual / non visible pollution, instructors and guides should ensure that no materials behind after activities and check areas used for signs of litter after activities and remove any materials left. Anything like string or twine is a huge issue for birds (entanglement). Pick up any fishing line etc too whether it is yours or just there!

Feeding of animals can lead to behavioural changes resulting in less fear of humans than is appropriate, aggressive behaviour in seeking out food (this can be true of fish as much as of emus and kangaroos), lack of care for young animals, and the promotion of mouth infection and disease. For this reason, it is essential that groups never feed animals or encourage others to do so and leaders should explain why it is inappropriate to feed wildlife and actively discourage this activity.

The following are recommended minimal impact approaches for SCUBA divers

Dive Operators and their staff shall take reasonable steps to:

- Ensure that excursion sites are suited to the training and experience of all snorkellers / divers, i.e. that the skills of the participants are appropriate to the sensitivity of the dive location.
- Promote awareness and understanding of the value of highly protected marine environments.
- Deliver key conservation messages in relation to trips to Marine National Parks and Marine Sanctuaries.
- Ensure that all gear is well trimmed to avoid entanglement of objects.
- Promote good buoyancy control to avoid collisions with biota.
- Promote activities that have no impact such as observation and photography.
- Maintain records of animals and plant sightings and contribute to knowledge of local areas where possible.
- Promote opportunities to learn about Victoria's marine life and Marine National Parks and Marine Sanctuaries.



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5 DEFINITION OF TERMS USED

Organisation - A person or group of persons organised for a particular purpose and assuming the role of providing a horse trail ride (Activity provider) being commercial (for profit) or non-commercial (not for profit / community group).

Participant – A person whose welfare is the responsibility of a guide or instructor. (NOLRS “Client”)

Instructor – Imparts knowledge and skills to enable the participants to independently participate in the activity. Can work in a controlled site-specific environment or remote areas.

Guide – Takes you on the experience but only imparts sufficient knowledge for the participant to be able to undertake the activity under direct supervision. Can work in a controlled site-specific environment or remote areas.

Leader – Generic term for someone leading activities in the outdoors; can be a guide or instructor, can be paid or voluntary.

Competency – The minimum industry agreed standard of skill and knowledge necessary for a specific activity being conducted at a specific level.

Emergency medical attention – Definitive medical attention being that of a medically qualified person (paramedic, doctor). This may be getting definitive medical attention to the injured participant/s or by getting the injured participant/s to definitive medical attention.

Summary of abbreviations.

| | | |
|--------------|---|--|
| AAS | – | Adventure Activity Standards |
| ORC | – | Outdoor Recreation Centre Inc. Victoria |
| ANTA | – | Australian National Training Authority |
| NTIS | – | National Training Information Service |
| ITAB | – | Industry Training Advisory Board |
| SRTA | – | Sport and Recreation Training Australia |
| NOLRS | – | National Outdoor Leaders Registration Scheme |
| QORF | – | Queensland Outdoor Recreation Federation |
| Cth | – | Commonwealth |



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6 FURTHER INFORMATION

Further information regarding SCUBA diving can be found via the Dive Industry of Victoria Association (DIVA);

- Dive Industry of Victoria Association Inc. (DIVA)
604 Mountain Hwy,
Bayswater
Victoria 3153
Phone; 9729 5811
Email; rayadu@sub.net.au
Website; www.underwatervictoria.com.au

Further information regarding club/ non-commercial SCUBA diving in Victoria, contact the SCUBA Diving Federation;

- SCUBA Divers Federation of Victoria, Inc
G.P.O. Box 1705P
Melbourne, 3001.
Email: sdfv@vicnet.net.au
website:- www.vicnet.au/~sdfv

Further information regarding swimming with dolphins in Victoria can be found via;

- Polperro
- See All Dolphin Swims
- Moonraker

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