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Key Words

Diabetes, safety.

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A STUDY INTO THE NUMBER OF DIVES CONDUCTED ON THE GREAT BARRIER REEF IN 1994

David Windsor

Introduction

There has been an almost total lack of statistical data on the numbers of visiting divers or individual dives conducted on the Great Barrier Reef. It is difficult therefore to establish any meaningful trend or assess the impact or revenue generated by the Dive Tourism Industry.

A study of diver numbers was commissioned by the Great Barrier Reef Marine Park Authority in 1993. This study was found to be statistically inaccurate because of the lack of response from permit holders, particularly those who operate large dive tourism businesses. In addition the questionnaire was felt to be too complicated and sought to obtain too wide a range of data.

As a result of the perceived potential of the initial study, the Association of Marine Park Tourism Operators (AMPTO) and DIVE Queensland approached interested bodies with a view to completing the study. It was felt that with industry support a majority of operators would support the project and that this could be done on a very limited budget with the support of DIVE Queensland and AMPTO.

Support was sought from the Great Barrier Reef Marine Park Authority (GBRMPA), the Queensland Travel & Tourism Corporation (QTTC), the Division of Workplace Health & Safety (WHS) and the Queensland Department of Environment and Heritage (QDEH). Financial assistance was provided by all except QDEH.

In addition to permit holders, operators in SE Queensland were asked to participate in the study

Methodology

The GBRMPA data base of permit holders was accessed. This provided a list of 1,242 individuals or companies with permits in the following categories, general tourism, diving and both.

Examination of the data revealed that there were large numbers of permits issued to the same businesses but in the names of each of the partners or shareholders in the companies. By removing the duplications it was possible to arrive at a list of 532 permit holders of whom 243 indicated some involvement in diving.

A simplified form was drawn up and mailed, together with a supporting letter from DIVE Queensland, to all 532 persons or companies holding the relevant Great Barrier Reef permits, plus an additional 22 operators who do not require GBRMPA permits.

Completed forms were collated and a direct approach was made to those who did not respond by mail. This was conducted by direct contact, or by phone if direct contact was not possible.

Findings

Of the 532 questionnaires mailed 225 were returned completed. Of these, 121 were from the holders of general tourism permits (total permits 289) who indicated no diving took place in their operation. A further 86 permit holders who did not respond were then approached and confirmed that they did not conduct diving activities. With 207 out of a total of 289 (71.6%) permit holders in this group indicating no involvement in diving it was decided that this was indicative of the group and no further contact was made with these permit holders.

Of the 243 permit holders with permits for general tourism and diving 104 responded to the mail-out. The remaining 139 were approached directly and it was possible to obtain data from all but 21 operators. These were all small operators and their figures would have little impact on the overall findings. They have been disregarded for the purposes of the study

TABLE 1

DIVING PERMIT HOLDERS WHO CONDUCT DIVING

Little or no diving (including non-respondents)	86	36%
Some Diving	42	17%
Major Diving	53	22%
Majority Diving	62	25%
Total	243	100%

Areas of operation

Because most operations vary the sites at which they dive dependant upon the weather and other factors such as current, visibility, etc, it was not possible in this study to pinpoint the actual numbers of divers who visited individual reefs with the exception of the following areas, Cod Hole, Yongala and Coral Sea (Holmes/Flinders etc).

It was possible to sectionalise the reef (Table 2) for the purpose of this study.

TABLE 2

AREAS STUDIED

Cairns
Townsville
Whitsundays
Capricorn/Bunker Groups
SE Queensland (non GBRMPA permits)

Resort courses

Table 3 gives the numbers of people taking resort courses.

TABLE 3

RESORT COURSES BY AREA

Cairns	83,000
Townsville	4,500
Whitsundays	34,000
Capricorn/Bunker Groups	5,500
SE Queensland (non GBRMPA permits)	2,500
Total	129,500

Openwater certifications

Table 4 shows the number of certifications.

TABLE 4

CERTIFICATIONS BY AREA

Cairns	22,000
Townsville	3,000
Whitsundays	7,500
Capricorn/Bunker Groups	1,800
SE Queensland (non GBRMPA permits)	2,200
Total	36,500

Recreational dives (including training dives)

Table 5 shows the number of recreational dives in the various areas.

TABLE 5

RECREATIONAL DIVES (INCLUDING ALL TRAINING DIVES)

Coral Sea	42,000
Cod Hole	52,000
Yongala	18,500
Cairns	720,000
Townsville	17,000
Whitsundays	214,000
Capricorn/Bunker Groups	59,000
SE Queensland (non GBRMPA permits)	38,500
Total	1,161,000

Overall total dives

Table 6 shows the total number of dives on the Great Barrier Reef in 1994.

TABLE 6

TOTAL NUMBER OF DIVES ON THE GREAT BARRIER REEF IN 1994.

Coral Sea	42,000	3.3%
Cod Hole	52,000	4.0%
Yongala	18,500	1.4%
Cairns	803,000	62.2%
Townsville	21,500	1.7%
Whitsundays	248,000	19.2%
Capricorn/Bunker Groups	64,500	5.0%
SE Queensland (non GBRMPA permits)	41,000	3.2%
Total	1,290,500	100.0%

Financial implications

Based on the average cost of a resort course being \$65, the average cost of an openwater course being \$375, the average daily rate on a live-aboard diving vessel being \$180 and the average day boat rate being \$120, it can reasonably be estimated that the average cost per dive is \$80.. This indicates that the total value of the Diving Industry to Queensland in direct expenditure is of the order of \$103,240,000.

Summary

From the data presented by operators it appears that

- 1 1,290,500 dives are undertaken in Queensland waters each year.
- 2 943,000 dives are conducted by trained divers.
- 3 150,000 open water training dives are conducted.
- 4 68,000 speciality and ongoing training dives are conducted.
- 5 129,500 resort courses are conducted
- 6 that approximately 60% of all diving that occurs on the Great Barrier Reef takes place in the area from offshore Innisfail to Lizard Island.

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Key Words

Diver numbers, environment, recreational diving, training.

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WAIVERS EFFECTIVE OR NOT?

Michael Gatehouse and Tom Wodak

It is increasingly common for Australian and overseas dive charter operators to require divers to sign a document (frequently called a *waiver*, *release*, or *indemnity*, or some combination containing one or more of those words), which purports to deprive the diver of any rights they may otherwise have to sue the charter operator even if the charter operator's negligence has been the cause of the injury or loss.

In Australia as a general rule, where the charter operator is a sole trader or partnership, a diver can release the charter operator from all liability, including any right to sue for negligence, by signing a properly drafted waiver.

The situation will probably be different if the waiver is subject to the laws of Western Australia as that State has enacted statutory provisions supplanting the common law position which exists in the rest of Australia.

The position overseas is not straightforward and the efficacy of waivers signed in or subject to the laws of non-Australian jurisdictions would usually involve the consideration of complex questions of international law.

An effective waiver is one expressed in language which is clear and unambiguous, and specifically covers claims brought in negligence. If there is any ambiguity or defect in the drafting of a waiver, the courts generally construe the documents strictly and against the party seeking to rely on it (in this instance the charter operator), in order to restrict its operation.

Provided the waiver is written with clarity, Australian courts will generally interpret and give effect to the document according to its ordinary meaning. Courts usually approach this interpretive function by construing the document as a whole, giving due weight to the context in which the clause containing the waiver appears.

Whilst Australian courts have yet to determine specifically the effectiveness of a waiver in respect of diving litigation, some guidance as to the likely approach can be gleaned from recent decisions. Both cases involved sporting and risk inherent adventure activities. The conclusion reached demonstrates that Australian courts may well be prepared to hold that an injured diver had waived the right to sue a charter operator by signing a properly drawn waiver.

In the first of these cases the Defendants owned and operated a gymnasium. The Plaintiff, who was keen to take up competitive body building, purchased a