

Statement by the Professional Diving Schools Association
23/11/2022

The recent sentencing in relation to the unfortunate demise of local diver Ms Christine Gauci is one of great concern to our Association, which represents the majority of dive centres on the Maltese islands.

Scuba diving is a specialised outdoor activity. Malta is one of only a handful of countries in the world to have legally binding parameters which we in the diving Industry must follow in order to ensure we provide a high standard of safety, training and service to our clients.

Scuba diving has 2 main branches, Recreational and Technical diving. The training and safety procedures for these 2 branches are very different. In the case of recreational diving, training is based on the buddy system, whereby divers dive in teams of minimum 2 persons. There are set procedures in place and divers are trained to follow those procedures in order to make every dive as safe as possible.

As is the case with all activities, every dive carries some risk, and having a dive buddy helps reduce those risks.

For technical diving, the training and protocols are stricter. Technical divers are taught to be 100% self reliant. They are not taught on the buddy system, but are obliged to plan every dive in detail, try to foresee all eventualities and plan for these without relying on help from anyone else.

Technical divers can dive in teams, however they are trained to be responsible for their own equipment and dive plan. They are also taught never to place themselves in danger in any situations they may be faced with.

A buddy, during any dive, recreational as well as technical, can never be held responsible for the other diver, if all safety procedures and protocols are followed correctly. This is no different to any other outdoor pursuits such as jetski, skiing, rock climbing, bike adventure etc....

This unfortunate sentence, raises a number of unanswered questions.

From the judgement transcript, the important distinction between whether or not this was a recreational or technical dive is never considered.

The type of equipment used and the fact that this was a dive with decompression does suggest this was a technical dive.

Ms Gauci and her buddy both held technical diving qualifications. They would have therefore been trained to be 100% self reliant.

The case evidence states that Ms. Gauci's dry suit malfunctioned at the start of the dive. Self

reliant divers are trained to abort the dive immediately in the eventuality of equipment malfunction.

When any incident results in injury or death, a Magistrate is appointed to start an Magisterial Enquiry. The Magistrate is there to look at all aspects of the case, to determine if the case merits a court hearing.

The magistrate appoints experts to provide specific information that she/he may not be familiar with. In the case of scuba diving incidents, experts are appointed to assist with the inquiries.

From the information provided we note that 2 experts were appointed in this case, a scuba diving equipment specialist and a hyperbaric doctor.

The obvious lack of an expert in diver training and procedures raises serious questions and concerns.

The highly publicised case of Steve Martin, has taught us how important it is for a Magistrate to appoint suitably qualified experts when it comes to scuba diving cases. Mr Martin's case of wrongful conviction was the result of an expert overreaching his field of specialisation by providing misinformation on matters outside his area of expertise.

The PDSA will be following the appeal and is prepared to assist the court, in its capacity, in any way required.