



# **AIMPE**

**Australian Institute of  
Marine and Power Engineers  
HEAD OFFICE**

16 December 2021

AIMPE Submission to the Australian Government's ASBESTOS SAFETY & ERADICATION  
AGENCY re Need for Asbestos Safety Training for Workers entering Trades  
**[closing date for Submission is 17 December 2021]**

Via Email: [engage@asbestossafety.gov.au](mailto:engage@asbestossafety.gov.au)

The Australian Institute of Marine and Power Engineers is the professional and industrial organisation representing Marine Engine Drivers, Marine Engineers and Electricians/Electro-Technical-Officers ('ETOs') employed on Australian registered vessels under the *Marine Safety (Domestic commercial Vessels) National Law Act 2012* and those employed on foreign or Australian registered vessels under the *Navigation Act 2012*.

Whilst Australian Customs/BorderForce seek to enforce regulations prohibiting the importation into Australia of new or secondhand vessels with Asbestos-containing-materials, those constructed in China, or with Chinese components, are certified to be asbestos-free according to the Chinese standard which determines that anything containing less than 10% by volume of Asbestos is DEEMED to be ASBESTOS FREE. This inevitably results in difficulties in enforcing the regulations after importation has legally been granted and far too often maritime crew exposure occurs.

Additionally, there are already in Australia tens of thousands of vessels under the jurisdiction of those two acts, most of them built before there was any regulation in Australia as to the use of Asbestos in vessel construction.

Attached are some materials relating to the problem of asbestos on overseas built tugboats operated in Australia by just one of the tug companies, in this case Svitzer Australia. These incidents commenced with a realisation in 2011 that two Fremantle based tugs, the "Svitzer Falcon" and the "Svitzer Eagle", contained significant quantities of Asbestos. As a result Svitzer conducted an Asbestos Survey of all Svitzer tugs: the findings are attached.

Then in 2015 two tugs came into the Port of Newcastle – the "Svitzer Warrego" and the "Svitzer Warunda". Eventually those tugs were exported as unacceptable and contrary to the prohibition.

However, Svitzer is only one company amongst hundreds that operate vessels under the *Marine Safety (Domestic commercial Vessels) National Law Act 2012* and there is no systemic process to survey their vessels for Asbestos and require remedial action, so our members remain exposed to risk of Asbestos related disease. **In the performance of their job as Marine Engine Drivers, Marine Engineers or Electricians/ETOs our members are required to access/repair/maintain plant and installations that in many cases include Asbestos-containing-materials.**

**Like Trades workers ashore, our members are, often unknowingly, exposed to inhalation of asbestos fibres.**

In the larger vessel (Navigation Act 2012) jurisdiction some 20 or 30 years ago we highlighted many Asbestos exposure incidents but erosion of union rights under workplace relations laws have reduced the ability of unions to require sampling of materials for asbestos content and many newer engineers have little practical awareness of asbestos hazards. The bulk of Australian vessels are in the smaller-vessel Domestic Commercial Vessel sector, and there has been negligible asbestos awareness in that sector to this day.

Whilst we appreciate that the current focus of the Asbestos Safety & Eradication Agency (Commonwealth) ('ASEA') in connection with shore-based tradespersons is to :

“... gain a clearer picture of the effectiveness of current training requirements and options for reform if improvements are necessary...”

as part of your aim to:

“...improve education and training for those at risk of exposure to asbestos fibres or who make decisions about asbestos containing materials.

While work health and safety (WHS) laws in all Australian jurisdictions establish duties to ensure workers are trained, they are not prescriptive about what training needs to be undertaken or who can provide that training, except in the ACT.

WHS codes of practice and compliance codes provide guidance on topics that may be covered in asbestos training, but do not provide any guidance or set a standard of how much information should be provided about each of those topics, the duration of the training, how it should be delivered and who should deliver it.

As a result, persons conducting a business or and undertaking (PCBUs) may face uncertainty about what constitutes adequate training for workers who may be involved in asbestos-related work.

The plethora of available asbestos safety training options is potentially confusing for those trying to meet their WHS obligations. Comparatively little training within the scope of this paper is mandatory and recent efforts to introduce more nationally recognised training in this area have met with mixed success...”

**AIMPE believes that your Agency's observations quoted above are equally true for all maritime workers, in particular that there is a direct parallel between the job roles of Trades ashore and Marine Engine Drivers, Marine Engineers or Electricians/ETOs on vessels around Australia.**

AIMPE therefore requests that the ambit of the Australian Government's ASBESTOS SAFETY & ERADICATION AGENCY should be expanded beyond shore-based trades to include consultation on and Asbestos-Awareness training for all maritime workers as well.

AIMPE would be happy to confer with the Agency in the new year on this matter.



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Australian  
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# AMSA 20 June 2011

## SVITZER Eagle & SVITZER Falcon



SAFETY AND SUPPORT AT SEA

# SVITZER

# CHRONOLOGY 1

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- 2008 - Vessels built at ASL Singapore; Panama flag
- 2008 - Asbestos Free Certificate issue by ASL
- Dec 2008 & Feb 2009 - Vessels in Australia
- 2009 - Surveys to change flag carried out by AMSA and LR
- 2009 - Australian Registry granted to both tugs
- 2009 - Decision made by SVITZER to declare both vessels under section 8AA Nav Act
- Mar 2010 - asbestos audit commissioned by SVITZER to comply with new WA workplace regulations
- June 2010 - audit report received from Bureau Veritas
  - Gasket and jointing material identified containing chrysotile asbestos
  - Management plan implemented and engine room pipe work placarded
  - Crews instructed not to disturb in-situ ACM
  - The BV report indicated the material was non friable and contained
  - Not considered to represent an exposure risk (5.4.2)



# CHRONOLOGY 2

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- Nov 2010 - concern expressed from MUA and AIMPE – handled locally
- Jan 2011 - Fremantle AMSA office becomes involved – phone calls and a meeting with local management only.
- Jan 2011 – concern expressed by AIMPE to Switzer HO
- Jan 2011 – meetings held with all Unions to inform about actions taken by SVITZER
- 15 Feb AMSA Fremantle require contact with SVITZER Regional HO in Sydney
- Feb 2011 - Phone conversation with AMSA and written response to asbestos issue requested
- Feb and Mar 2011 - Further AMSA/SVITZER correspondence by email and letter
- May 2011 - Meeting with Martin Byrne AIMPE and return correspondence
- May 2011 – advised of Flag state/OH&S audit of Eagle & Falcon
- 17 May - AMSA audit of the vessels and Improvement Notices issued (copy attached)
- 30 May - response to AMSA improvement notice (letter attached)
- 3 June - AMSA acknowledges SVITZER's response being compliant but rejects proposal for the timing of removal of the substance; new timing requested (letter attached)
- June 2011 - Following telephone discussion and emails a meeting is agreed for 20 June in Canberra to provide AMSA with in-depth explanation of the issue and SVITZER's plan to rectify. Following the meeting a revised action is required
- A revised action plan is due to be submitted to AMSA by 22 July

# **ACTION PLAN**

In addition to removal of all ACM on the two tugs, AMSA require the following interim actions to be documented in the plan:

**Training and education of the crew**

**Regular inspection regime (six monthly)**

**A thorough description of control measures in place**

**Removal Schedule timeframe & milestones**

**Relief tugs to be identified for Fremantle**

# BUREAU VERITAS REPORT

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- Commissioned by SVITZER in good faith March 2010
- Report received June 2010
- Chrysotile Asbestos identified in gasket and jointing material
- Report identified the material as:

## 5.4.2 In-situ Gasket and Seals

Gaskets and seals of varying composition have been used in mountings associated with the pipes, plant, ducts and hatches throughout the vessel. Asbestos was detected in a number of samples of in-situ and stored gaskets on the MT Svitzer Falcon and MT Svitzer Eagle. In the absence of additional information or comprehensive sampling, it is appropriate to assume all installed pressed fibre type gaskets contain asbestos.

Asbestos based gaskets are not considered to represent an exposure risk to personnel under normal operation of the vessel or its equipment. As such, no specific actions are currently required while installed gaskets remain undisturbed. Further advice related to stored spare parts and consumables is provided in Section 5.4.1.

# **SVITZER Response to BV report**

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- Asbestos Management Plan implemented
- Pipe work and adjacent areas placarded
- Safety committee briefed and crews instructed not to disturb in-situ material
- BV contracted to develop and deliver a presentation to tug crews
- ACM is non-friable and contained



# **PROPOSAL TO REMOVE ASBESTOS**

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SVITZER will advance the next scheduled docking by 18 months and commence removal of the ACM by May 2012 unless the tugs are removed from operation in Australia

If, in the meantime, there is a major break-down that requires the tug to be removed from service we will effect the change at that point in time.



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**SVITZER**